

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, SEPTEMBER 17, 2012 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Hornung; Council Members: Camp, Carroll, Cook, Emery, Eskridge, Schimek; City Clerk, Joan E. Ross.

Council Chair Hornung 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**

EMERY Having been appointed to read the minutes of the City Council proceedings of September 10, 2012 reported having done so, found same correct.

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

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Chris Beutler came forward to present the Mayor's Award of Excellence for the month of August 2012 to Capt. Bret Davis of Lincoln Fire & Rescue in the categories of Customer Relations and Productivity for his work as the CPR program manager for LFR. Nominated by Fire Apparatus Operator William Hershberger, Capt. Davis has volunteered as CPR program manager for the last 20 years, has been an instructor for the American Heart Association for more than 25 years and a Regional Instructor Facilitator Trainer for the past 20 years. He keeps all LFR employees as well as 24 CPR instructors current on their CPR certifications. Capt. Davis trains instructors for Lincoln Police Department, 911 Dispatchers, Southeast Fire & Rescue and Pfizer.

Fire Chief John Huff came forward to thank Capt. Davis for all his efforts.

Captain Bret Davis came forward to humbly express his appreciation. He stated that he accepted the award on behalf of all hard-working and dedicated CPR instructors. Capt. Davis thanked Chief Danny Wright for his support, guidance and dedication to the excellence in achieving the CPR program's high standards.

**PUBLIC HEARING**

APPLICATION OF TACK ROOM INC./TACK ROOM PROPERTIES, LLC FOR A SPECIAL DESIGNATED LIQUOR LICENSE IN AN OUTDOOR AREA MEASURING APPROXIMATELY 60 FEET BY 90 FEET TO THE SOUTH OF ITS LICENSED PREMISES AT 1445 CORNHUSKER HIGHWAY ON OCTOBER 13, 2012 FROM 5:30 P.M. TO 2:00 A.M. - Jeff "Shorty" Brauer, 14343 Yankee Hill Road, Bennet, came forward to answer questions about their outdoor event to help the Wounded Warrior Project.

In response to Council Member Schimek's question about delaying approval, Clerk Ross explained that a related Change of Zone 12023 will have 3<sup>rd</sup> reading with action on September 24 so the applicant's SDL and the change of zone ordinance can coincide next week.

Gary Burow, owner of Tack Room, was on hand for questioning.

This matter was taken under advisement.

APPLICATION OF WMJD, LLC DBA SINGLE BARREL FOR A SPECIAL DESIGNATED LIQUOR LICENSE IN AN OUTDOOR AREA MEASURING APPROXIMATELY 18 FEET BY 120 FEET TO THE EAST OF ITS LICENSED PREMISES AT 130 NORTH 10TH STREET ON SEPTEMBER 29, 2012 FROM 8:00 A.M. TO 12:00 A.M. - Heath MaComber, 7200 Silverthorn Dr., came forward to answer questions. In response to Council questions he clarified exits to the beer garden and explained the reason for requesting only one event. Mr. MaComber has spoken to his residential neighbor, has addressed some concerns and plans to keep the communication lines open.

This matter was taken under advisement.

APPLICATION OF LAMI ENTERPRISES, LLC DBA GUESTHOUSE INN FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING 31 FEET BY 130 FEET AT 815 O STREET ON SEPTEMBER 22, 2012 FROM 10:00 A.M. TO 2:00 A.M. - Clerk Ross explained to Council that she has been contacted by the applicant and Ms. Wardyn wishes to withdraw her application.

This matter was taken under advisement.

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AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF HOLDREGE/IDYLVILD REDEVELOPMENT PROJECT TAX ALLOCATION BONDS OF THE CITY OF LINCOLN, NEBRASKA - Lauren Wismer, Gilmore & Bell, came forward to answer questions about the tax increment ordinance. The proceeds of the financing will be used to improve the medians on Idylwild Drive and also a park at the intersection of Idylwild and Apple Street.

David Landis, Director of Urban Development, came forward to provide a breakdown of the \$1.26 million developer-purchase bonds.

This matter was taken under advisement.

AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO LOAN AGREEMENT AMONG THE CITY OF LINCOLN, NEBRASKA, THE DAIRY HOUSE, LLC, AND PINNACLE BANK, AND RELATED DOCUMENTS;

APPROVING AMENDMENT NO. 2 TO THE REDEVELOPMENT AGREEMENT (TELESIS/DAIRY HOUSE PROJECT) BETWEEN THE DAIRY HOUSE LLC AND THE CITY OF LINCOLN FOR A CHANGE OF THE BUILDING CONDOMINIUM UNITS IN PHASE ONE AND THE CORRESPONDING CHANGE TO THE LEGAL DESCRIPTION FOR THE REDEVELOPMENT PROJECT SITE - David Landis, Director of Urban Development, came forward to explain that the boundaries of Phase I must be changed because the geothermal design is not complete. He said none of the amounts or uses have changed.

Hallie Salem, Urban Development, came forward to answer questions. She identified attached exhibits.

Mr. Landis asked Council to accept Exhibit "A".

Lauren Wismer, Gilmore & Bell, came forward to answer questions. He stated there was a small adjustment in the principal amortization schedule. He said the City of Lincoln is a party to the agreement between the borrower and lender. He explained that the bond is not a "TIF". It is a recovery-zoned facility bond issued by the City in December 2010.

This matter was taken under advisement.

APPROVING AMENDMENT NO. 1 TO THE HIGHWAY 77 & WARLICK BOULEVARD CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN AND DIAL-HWY 77, LLC, GREAT WESTERN BANK, SOUTHPORT VENTURES COMPANY, LLC, SPANGLES, LLC, AUSTIN REALTY COMPANY, LEGRANDE EXCAVATING, INC., AND NORMAN H. LEGRANDE, TO AMEND THE SOUTHWEST VILLAGE PUD SITE PLAN ON PROPERTY GENERALLY LOCATED AT HIGHWAY 77 AND WARLICK BOULEVARD AND TO CLARIFY THE REQUIREMENTS FOR CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS TO SERVE THE PUD;

CHANGE OF ZONE 05061A - APPLICATION OF HORSEMANS BENEVOLENT & PROTECTION ASSOCIATION TO AMEND THE SOUTHWEST VILLAGE PLANNED UNIT DEVELOPMENT TO SHOW A HORSE RACE COURSE, SIMULCAST FACILITY, BARN AND ACCESSORY BUILDINGS TO THE SOUTHWEST OF 1ST STREET AND WEST DENTON ROAD; TO ALLOW ALL B-2 ZONING DISTRICT CONDITIONAL AND SPECIAL PERMITTED USES AS PERMITTED USES; AND TO WAIVE THE REQUIREMENT FOR 1ST STREET TO BE PAVED PRIOR TO THE RACE COURSE CONSTRUCTION, ON PROPERTY GENERALLY LOCATED AT HIGHWAY 77 AND WEST DENTON ROAD - Rick Kiolbasa, Greenleaf Properties, 300 N. 44th St., came forward representing seven groups. He said a change to the annexation agreement is necessary for clean up of items over the past six years and for a change in the operation of roads. He said the change of zone allows 270 residential apartment units to go north of West Denton Road. Mr. Kiolbasa mapped out the one-mile race track, the 25,000 sq. ft. simulcast facility, grandstand and horse barns. He provided timelines for the completion of phases. He said motorized racing is not allowed under the zoning ordinance.

Lynne Schuller, 5335 Troon Dr., came forward as Executive Director of Horseman's Benevolent & Protection Association (HBPA) to answer questions. She said they are breaking ground on the simulcast facility as soon as possible. Breaking ground on the race track surface will occur immediately after that. The horse barns will be constructed in three to five years.

In response to Council questions, Mr. Kiolbasa said, initially, most of the infrastructure was put in by the property developers. They were reimbursed by the City for a major portion of the water line to the development. Mr. Kiolbasa said as with any development that is being done in a "green" undeveloped area, a large attraction piece is needed. They were banking on a Super Walmart to draw in those other users but now believe that the race track will certainly help. He said neighbors who attended an open house at the library expressed interest in a convenience store, farm supply or home improvement store. He pointed out an area zoned for a hotel.

Mark Palmer, Olsson Associates, was on hand for questioning.

Alan Wood, attorney for the applicant, was on hand for questioning.

JoAnne Kissel, Clark Enersen Partners, was on hand for questioning.

This matter was taken under advisement.

CHANGE OF ZONE 12023 - APPLICATION OF TACKROOM PROPERTIES, LLC FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND CORNHUSKER HIGHWAY - Jeff "Shorty" Brauer, 14343 Yankee Hill Road, came forward to explain his event to be held directly behind the Tackroom and will have access to electricity.

Gary Burow, President of Tackroom Properties, LLC, was on hand for questions.

Marvin Krout, Planning Director, came forward to answer questions. He stated that the property is partially zoned H-3, Highway Commercial and partially zoned I-1, Industrial. He said only the Industrial District allows for outdoor entertainment.

This matter was taken under advisement.

CHANGE OF ZONE 12024 - APPLICATION OF THE LINCOLN COMMUNITY PLAYHOUSE FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT AND R-3 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT PUD FOR THE LINCOLN COMMUNITY PLAYHOUSE PLANNED UNIT DEVELOPMENT AND FOR APPROVAL OF A DEVELOPMENT PLAN FOR MODIFICATIONS TO THE ZONING ORDINANCE AND SUBDIVISION ORDINANCE TO ALLOW THE EXISTING COMMUNITY PLAYHOUSE AND FUTURE COMMERCIAL DEVELOPMENT ON THE UNDERLYING O-3 ZONING DISTRICT, ON PROPERTY GENERALLY LOCATED AT SOUTH 56TH STREET AND LILLIBRIDGE STREET - Morrie Enders, Executive Director of the Lincoln Community Playhouse, 3010 S. 72nd St. #51, came forward to provide history of the theater and its involvement in the community.

Bob Everitt, President of LCP Board of Directors, 7521 S. 36<sup>th</sup> St., came forward to explain the reason for the change of zone. Mr. Everitt said the property to the south was purchased by donors for the Playhouse in the late 1990's with a plan for expansion. Since that time, it was discovered that LCP did not need to go that direction. Furthermore, an underground fiber optic line adjacent to the building makes it prohibitive to build over it. Mr. Everitt said an interested party approached LCP and inquired about selling the property. He said to sell the land, it required a zone change request. They had a neighborhood meeting on August 21 with about twenty neighbors attending. Mr. Everitt said the zone change will strengthen the block, put the land on the tax rolls and funds from the sale will help further the growth of the Lincoln Community Playhouse.

This matter was taken under advisement.

APPROVING THE 2012-2013 CITY TAX RATE OF .31580 PER \$100.00 OF ASSESSED VALUATION - Steve Hubka, Finance Department, came forward to answer questions. He explained that state law requires the City to separately adopt a tax rate.

Council Member camp requested an estimation of what will go into the Police & Fire Pension Plan. Mr. Hubka said there will be an additional \$600,000 of revenue generated by the amount of valuation above and beyond the estimated budget figure. Next year will be a smaller increase.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 16 - 31, 2012 - Dennis R. Telecky, 5540 Briar Rosa Dr., came forward as President of the Briarhurst Homeowners Association to discuss a denied claim involving a sidewalk issue. He said their HOA had expressed concerns about safety regarding a four and a half inch drop-off sidewalk connection. Mr. Telecky said that after visiting with the Mayor personally one day, a contractor was sent out the next morning. While making repairs, the contractor damaged the sprinkler system incurring a cost of \$431.40 to the Association.

Rod Confer, City Attorney, came forward to clarify that the contractor was hired by the neighborhood association, not by the City; therefore, the City will reimburse for the cost of putting in the sidewalk but the claim for damage to the sprinkler system should be made against the contractor. Mr. Confer advised Council of various options should they take action on the claims report today.

This matter was taken under advisement.

APPROVING FOUR CONTRACT AGREEMENTS BETWEEN THE CITY AND HUSKER CAR WASH, INC., JETSPASH FULL SERVICE CAR WASH, WEST "O" SUPER WASH, AND RANDOLPH CARWASH, INC. FOR THE ANNUAL REQUIREMENTS FOR VEHICLE WASHES AND RELATED SERVICES, PURSUANT TO QUOTE NO. 4083, FOR FOUR-YEAR TERMS - Vince Mejer, Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

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APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE POLICE UNION TO BE EFFECTIVE AUGUST 16, 2012 THROUGH AUGUST 31, 2014 - Doug McDaniel, Personnel Director, came forward to answer questions about negotiated changes for the two-year agreement.

This matter was taken under advisement.

COMP. PLAN CONFORMANCE 12011 - APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE "3 LANDMARK CENTRE REDEVELOPMENT PROJECT" FOR A NEW OFFICE BUILDING AND PARKING GARAGE ON BLOCK 120, ORIGINAL PLAT OF LINCOLN, AND ADJACENT RIGHT-OF-WAY AND TO REVISE THE LINCOLN MALL CAPITOL ENVIRONS REDEVELOPMENT PROJECT BOUNDARY TO REMOVE THE SOUTH HALF OF BLOCK 120, GENERALLY LOCATED BETWEEN LINCOLN MALL, K STREET, SOUTH 11TH STREET AND SOUTH 12TH STREET - David Landis, Director of Urban Development, came forward to discuss the office building/parking garage project. He said the private sector is investing \$15 million and the use of TIF will be somewhere between \$1.5 and \$2.5 million. The Planning Commission reacted unanimously to the project and found it to be consistent with the Downtown Master Plan. Mr. Landis said the height requirement around the Capitol is 57 feet and this three-story building will comport with that. Mr. Landis said the Capitol Environs Commission will have a chance to see and respond to the ultimate design of the building. He said there has been a real attempt to make sure this project harmonizes with the Everett Neighborhood.

This matter was taken under advisement.

WAIVER 12013 - APPEAL OF ANNE CECH FROM THE PLANNING COMMISSION DENIAL OF HER REQUEST TO WAIVE THE REQUIREMENT OF § 26.23.095 OF THE LAND SUBDIVISION ORDINANCE TO INSTALL A SIDEWALK ALONG THE EAST SIDE OF CLIFFORD DRIVE ABUTTING 4010 CLIFFORD DRIVE, GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 40TH STREET AND PIONEERS BOULEVARD - Anne Cech, 3500 Falkner Drive #D106, came forward requesting that denial of the waiver be overturned. She described a short stretch of sidewalk in the neighborhood as being useless. She directed pedestrians to use the street or walk on the completed sidewalk across the street.

Paul Douglas, 6510 Holdrege, came forward as attorney for Ms. Cech. He stated that there is no need for a sidewalk in front of Ms. Cech's home.

This matter was taken under advisement.

COMBINED SPECIAL PERMIT/USE PERMIT 13A - APPLICATION OF BRYANLGH MEDICAL CENTER TO MODIFY THE SIGN PACKAGE APPROVED AS PART OF THE COMBINED PERMIT FOR THE HEALTH CARE FACILITY TO ALLOW AN ADDITIONAL CENTER IDENTIFICATION SIGN AT THE CORNER OF SOUTH 40TH STREET AND PINE LAKE ROAD - David Reese, 1600 S. 48<sup>th</sup> St., Vice President of Clinical & Facility Services at BryanLGH Medical Center, came forward to answer questions about the modification of signage. In response to Council Member Cook's comments about the change of plan, Mr. Reese said the goal is to direct their patients better.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR A COMMUNICATIONS CENTER TO CONTINUE TO SERVE THE COMMUNICATIONS NEEDS OF THE LINCOLN POLICE DEPARTMENT, LINCOLN FIRE & RESCUE, LANCASTER COUNTY SHERIFF'S OFFICE, AND THOSE RURAL FIRE/EMS AGENCIES WITH MEMBERSHIP IN THE LANCASTER COUNTY MUTUAL AID ASSOCIATION - Rod Confer, City Attorney, came forward to request that Council delay action for one week because negotiations are still continuing between the County and the City.

This matter was taken under advisement.

**COUNCIL ACTION**

**REPORTS OF CITY OFFICERS - NONE**

**PETITIONS & COMMUNICATIONS**

Setting the hearing date of Monday, October 1, 2012 at 3:00 p.m. for the manager application of Michael L. Starkey for Whitehead Oil Company dba U-Stop #3 located at 610 S. 10th Street - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86993 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 1, 2012, 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 manager application of Michael L. Starkey for Whitehead Oil Company dba U-Stop #3 located at 610 S. 10th Street.  
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

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

**MISCELLANEOUS REFERRALS - NONE**

**LIQUOR RESOLUTIONS**

APPLICATION OF TACK ROOM INC./TACK ROOM PROPERTIES, LLC FOR A SPECIAL DESIGNATED LIQUOR LICENSE IN AN OUTDOOR AREA MEASURING APPROXIMATELY 60 FEET BY 90 FEET TO THE SOUTH OF ITS LICENSED PREMISES AT 1445 CORNHUSKER HIGHWAY ON OCTOBER 13, 2012 FROM 5:30 P.M. TO 2:00 A.M. (REQUEST TO DELAY ACTION TO 9/24/12) (SEE 12-116) - PRIOR to reading:

CARROLL Moved to delay application of the Tack Room for a special designated license one week to September 24, 2012, for action only.

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

APPLICATION OF WMJD, LLC DBA SINGLE BARREL FOR A SPECIAL DESIGNATED LIQUOR LICENSE IN AN OUTDOOR AREA MEASURING APPROXIMATELY 18 FEET BY 120 FEET TO THE EAST OF ITS LICENSED PREMISES AT 130 NORTH 10TH STREET ON SEPTEMBER 29, 2012 FROM 8:00 A.M. TO 12:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86994 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 WMJD, LLC dba Single Barrel for a Special Designated License to cover an outdoor area measuring approximately 18 feet by 120 feet to the east of its licensed premises at 130 North 10th Street, Lincoln, Nebraska, on September 29, 2012, between the hours of 8:00 a.m. and 12:00 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 Jon Camp  
Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPLICATION OF LAMI ENTERPRISES, LLC DBA GUESTHOUSE INN FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING 31 FEET BY 130 FEET AT 815 O STREET ON SEPTEMBER 22, 2012 FROM 10:00 A.M. TO 2:00 A.M. - PRIOR to reading:

ESKRIDGE Moved to withdraw application of Guesthouse Inn for a special designated license.

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

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4624 & was placed on file in the Office of the City Clerk.

**ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF HOLDREGE/IDYLVILD REDEVELOPMENT PROJECT TAX ALLOCATION BONDS OF THE CITY OF LINCOLN, NEBRASKA - CLERK read the following ordinance, introduced by Jonathan Cook, authorizing and providing for the issuance of City of Lincoln, Nebraska tax allocation bonds, notes or other

obligations, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$1,260,000 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 Holdrege/Idylwild project area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bonds, notes or other obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bonds, notes or other obligations as the same become due; limiting payment of the bonds, notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the finance director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO LOAN AGREEMENT AMONG THE CITY OF LINCOLN, NEBRASKA, THE DAIRY HOUSE, LLC, AND PINNACLE BANK, AND RELATED DOCUMENTS (RELATED: 12-114, 12R-221) (ACTION DATE: 9/24/12) - CLERK read the following ordinance, introduced by Jonathan Cook, approving and authorizing the execution and delivery of a Lease Agreement Amendment Number One in connection with the issuance of \$2,800,000 principal amount industrial development recovery zone facility revenue bond, series 2010 (Telesis, Inc. Project); delegating, authorizing and directing the Mayor, Finance Director and Clerk to exercise their own independent discretion and judgment in determining and finalizing the terms, provisions, form and contents of such document; providing for the publication of this ordinance and the time when this ordinance shall take effect; and related matters, the second time.

APPROVING AMENDMENT NO. 2 TO THE REDEVELOPMENT AGREEMENT (TELESIS/DAIRY HOUSE PROJECT) BETWEEN THE DAIRY HOUSE LLC AND THE CITY OF LINCOLN FOR A CHANGE OF THE BUILDING CONDOMINIUM UNITS IN PHASE ONE AND THE CORRESPONDING CHANGE TO THE LEGAL DESCRIPTION FOR THE REDEVELOPMENT PROJECT SITE (RELATED: 12-114, 12R-221) (ACTION DATE: 9/24/12).

APPROVING AMENDMENT NO. 1 TO THE HIGHWAY 77 & WARLICK BOULEVARD CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN AND DIAL-HWY 77, LLC, GREAT WESTERN BANK, SOUTHPORT VENTURES COMPANY, LLC, SPANGLES, LLC, AUSTIN REALTY COMPANY, LEGRANDE EXCAVATING, INC., AND NORMAN H. LEGRANDE, TO AMEND THE SOUTHWEST VILLAGE PUD SITE PLAN ON PROPERTY GENERALLY LOCATED AT HIGHWAY 77 AND WARLICK BOULEVARD AND TO CLARIFY THE REQUIREMENTS FOR CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS TO SERVE THE PUD (RELATED ITEMS: 12R-219, 12-115) (ACTION DATE: 9/24/12).

CHANGE OF ZONE 05061A - APPLICATION OF HORSEMANS BENEVOLENT & PROTECTION ASSOCIATION TO AMEND THE SOUTHWEST VILLAGE PLANNED UNIT DEVELOPMENT TO SHOW A HORSE RACE COURSE, SIMULCAST FACILITY, BARN AND ACCESSORY BUILDINGS TO THE SOUTHWEST OF 1ST STREET AND WEST DENTON ROAD; TO ALLOW ALL B-2 ZONING DISTRICT CONDITIONAL AND SPECIAL PERMITTED USES AS PERMITTED USES; AND TO WAIVE THE REQUIREMENT FOR 1ST STREET TO BE PAVED PRIOR TO THE RACE COURSE CONSTRUCTION, ON PROPERTY GENERALLY LOCATED AT HIGHWAY 77 AND WEST DENTON ROAD (RELATED ITEMS: 12R-219, 12-115) (ACTION DATE: 9/24/12) - CLERK read the following ordinance, introduced by Jonathan Cook, amending the Southwest Village Planned Unit Development to show a horse race course, simulcast facility, barns and accessory buildings to the southwest of 1<sup>st</sup> Street and West Denton Road; to allow all B-2 zoning district conditional and special permitted uses as permitted uses; and to waive the requirement for 1<sup>st</sup> Street to be paved prior to the race course construction, on property generally located at Highway 77 and West Denton Road, the second time.

CHANGE OF ZONE 12023 - APPLICATION OF TACKROOM PROPERTIES, LLC FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND CORNHUSKER HIGHWAY - CLERK read the following ordinance, introduced by Jonathan Cook, 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.

CHANGE OF ZONE 12024 - APPLICATION OF THE LINCOLN COMMUNITY PLAYHOUSE FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT AND R-3 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT PUD FOR THE LINCOLN COMMUNITY PLAYHOUSE PLANNED UNIT DEVELOPMENT AND FOR APPROVAL OF A DEVELOPMENT PLAN FOR MODIFICATIONS TO THE ZONING ORDINANCE AND SUBDIVISION ORDINANCE TO ALLOW THE EXISTING COMMUNITY PLAYHOUSE AND FUTURE COMMERCIAL DEVELOPMENT ON THE UNDERLYING O-3 ZONING DISTRICT, ON PROPERTY GENERALLY LOCATED AT SOUTH 56TH STREET AND LILLIBRIDGE STREET - CLERK read the following 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 second time.

**A SPECIAL PUBLIC HEARING SHALL BE HELD ON  
MONDAY, SEPTEMBER 17, 2012, AT 3:00 P.M. OR AS SOON THEREAFTER  
AS POSSIBLE ON THE FOLLOWING RESOLUTION**

APPROVING THE 2012-2013 CITY TAX RATE OF .31580 PER \$100.00 OF ASSESSED VALUATION - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86995 A RESOLUTION establishing a final property tax levy for the City's 2012-2013 fiscal year and adjusting the City tax rate to that adopted in the City budget resolution.

RECITALS

I.

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

II.

Pursuant to Neb. Rev. Stat. § 77-1601.02, notice was published in a newspaper of general circulation on September 7, 2012, which date was at least five days prior to September 17, 2012 being the date upon which the City Council held a special public hearing called for the purpose of considering and acting upon this resolution.

III.

When the budget was adopted on August 20, 2012 the tax rate was anticipated to be .31580 per \$100 of assessed valuation. Final certified valuations from the County Assessor's office have not changed the tax rate necessary to fund the adopted budget.

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

That after notice and public hearing as required by law, the City Council does hereby set the following final levy for the City of Lincoln 2012-2013 fiscal year for a property tax request of \$52,663,430.00: \$.31580 per \$100 of assessed valuation which total rate is comprised of the following:

Bond Interest & Redemption	.03419
General	.18543
Library	.04229
Social Security	.01565
Police and Fire Pension	<u>.03824</u>
Total	.31580

Introduced by Jonathan Cook

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

**PUBLIC HEARING - RESOLUTIONS**

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 16 - 31, 2012 - PRIOR to reading:

CAMP Moved to amend Bill No. 12R-220 to place the Briarhurst Homeowners Association claim on delay for one week. Hornung seconded.

COOK Moved a friendly amendment to add the words: "with continued public hearing".

CAMP Accepted.

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CAMP Moved to withdraw his motion.  
CAMP Moved to split the question and vote on the claims separately. Hornung seconded.  
All claims adopted except the Briarhurst Homeowners Association claim -  
AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.  
Briarhurst Homeowners Association claim adopted as denied by Law  
Department - AYES: Carroll, Cook, Emery, Eskridge, Schimek; NAYS: Camp, Hornung.  
CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86996 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 August 16, 2012, 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>	
Briarhurst Homeowners Association	\$431.40	Roger A. Berner	\$1,222.57
Titus DeBoer	509.80	James Wood	1,000.00
		Christopher Creveling	2,466.67
		Bill and Judy Dutton	421.35
		Ronald Goering	100.00
		Michael Pratt	720.43
		Lacy Koch	952.47

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 Jonathan Cook

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

APPROVING FOUR CONTRACT AGREEMENTS BETWEEN THE CITY AND HUSKER CAR WASH, INC., JETSPLASH FULL SERVICE CAR WASH, WEST "O" SUPER WASH, AND RANDOLPH CARWASH, INC. FOR THE ANNUAL REQUIREMENTS FOR VEHICLE WASHES AND RELATED SERVICES, PURSUANT TO QUOTE NO. 4083, FOR FOUR-YEAR TERMS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86997 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the four attached Contact Agreements between Lancaster County and the City of Lincoln and Husker Car Wash, Inc., JetSplash Full Service Car Wash, West "O" Super Wash, and Randolph Carwash, Inc., pursuant to Quote No. 4083, for the annual requirements for Vehicle Washes and Related Services, for four-year terms, upon the terms as set forth in said Contract Agreements, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jonathan Cook

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

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE POLICE UNION TO BE EFFECTIVE AUGUST 16, 2012 THROUGH AUGUST 31, 2014 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86998 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the attached labor contract between the City of Lincoln and the Lincoln Police Union, for the period of August 16, 2012 through August 31, 2014, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Jonathan Cook

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

COMP. PLAN CONFORMANCE 12011 - APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE "3 LANDMARK CENTRE REDEVELOPMENT PROJECT" FOR A NEW OFFICE BUILDING AND PARKING GARAGE ON BLOCK 120, ORIGINAL PLAT OF LINCOLN, AND ADJACENT RIGHT-OF-WAY AND TO REVISE THE LINCOLN MALL CAPITOL ENVIRONS REDEVELOPMENT PROJECT BOUNDARY TO REMOVE THE SOUTH HALF OF BLOCK 120, GENERALLY LOCATED BETWEEN LINCOLN MALL, K STREET, SOUTH 11TH STREET AND SOUTH 12TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86999 WHEREAS, the City Council on October 22, 1984, adopted Resolution No. A-69713 finding an area generally bounded by "R" Street, 17th Street, "S" Street, and 7th Street to be blighted, and on October 19, 1987, adopted Resolution No. A-71701 finding said area to be blighted and substandard as defined in the Nebraska Community Development Law (Neb.Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, The City Council has previously adopted the Lincoln Center Redevelopment Plan (hereinafter the "Plan") including plans for various redevelopment projects within said area in accordance with the requirements and procedures of the Nebraska Community Development Law; and now desires to modify said plan by establishing the "3 Landmark Centre Redevelopment Project" for a new office building and parking garage on Block 120, Original Plat of Lincoln, and adjacent right-of-way, and to revise the Lincoln Mall Capitol Environs Redevelopment Project boundary to remove the south half of Block 120; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk modifications to the Redevelopment Plan contained in the document entitled "Proposed Amendments to the Lincoln Center Redevelopment Plan and the 3 Landmark Centre Redevelopment Project and revised Lincoln Mall Capitol Environs Redevelopment Project" which is attached hereto, marked as Attachment "A", and made a part hereof by reference, and has reviewed said plan and has found that it meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 2007); and

WHEREAS, on August 10, 2012, a notice of public hearing was mailed postage prepaid to all registered neighborhood associations located in whole or in part within 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 August 22, 2012 before the Lincoln City - Lancaster County Planning Commission regarding the proposed amendments to the Redevelopment Plan to add the 3 Landmark Centre Redevelopment Project, and to revise the Lincoln Mall Capitol Environs Redevelopment Project boundary, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, on August 31, 2012 a notice of public hearing was mailed postage prepaid to the foregoing registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on September 17, 2012, regarding the proposed amendments to the Redevelopment Plan to add the 3 Landmark Centre Redevelopment Project and to revise the Lincoln Mall Capitol Environs Redevelopment Project boundary, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on August 31, 2012 and September 7, 2012 a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place and purpose of the public hearing to be held on September 17, 2012 regarding the proposed amendments to the Redevelopment Plan and to add the 3 Landmark Centre Redevelopment Project and to revise the Lincoln Mall Capitol Environs Redevelopment Project boundary for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, said proposed Amendments to the Lincoln Center Redevelopment Plan to add the 3 Landmark Centre Redevelopment Project and to revise the Lincoln Mall Capitol Environs Redevelopment Project boundary have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and said Planning Commission on August 22, 2012 found the Plan Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on September 17, 2012 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 modifications to the Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed modifications to the redevelopment plan; and

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

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the 3 Landmark Centre Redevelopment Project and the Lincoln Mall Capitol Environs Redevelopment Project are described in sufficient detail and are designed with the general purpose of accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will promote the general health, safety and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That incorporating the 3 Landmark Centre Redevelopment Project into the Redevelopment Plan and reducing the boundary of the Lincoln Mall Capitol Environs Redevelopment Project are feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.

3. That the substandard and blighted conditions in the 3 Landmark Centre Redevelopment Project Area 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 aids provided by the Community Development law, specifically including Tax Increment Financing.

4. That 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.

5. That the 3 Landmark Centre Redevelopment Project would not be economically feasible without the use of tax-increment financing.

6. That the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

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

1. That the document attached hereto as Attachment "A" revising the project boundary of the Lincoln Mall Capitol Environs Redevelopment Project, and establishing and adding the 3 Landmark Centre Redevelopment Project to the Lincoln Center Redevelopment Plan (to be listed as Project Y), is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan as they relate to the above-described modifications.

3. That the respective Redevelopment Project Area for the Lincoln Mall Capitol Environs Redevelopment Project and 3 Landmark Centre Redevelopment Project as described and depicted in the Plan Amendments is the Redevelopment Project Area comprising the property to be included in the area subject to the tax increment provision authorized in the Nebraska Community Development Law.

4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents needed for the authorization to provide necessary funds including Community Improvement Financing in accordance with the Community Development Law to finance related necessary and appropriate public acquisitions, improvements and other activities set forth in said Plan Amendment to the Lincoln Center Redevelopment Plan.

Introduced by Jonathan Cook

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

WAIVER 12013 - APPEAL OF ANNE CECH FROM THE PLANNING COMMISSION DENIAL OF HER REQUEST TO WAIVE THE REQUIREMENT OF § 26.23.095 OF THE LAND SUBDIVISION ORDINANCE TO INSTALL A SIDEWALK ALONG THE EAST SIDE OF CLIFFORD DRIVE ABUTTING 4010 CLIFFORD DRIVE, GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 40TH STREET AND PIONEERS BOULEVARD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87000 WHEREAS, Cech Addition, generally located northeast of the intersection of South 40th Street and Pioneers Boulevard was previously approved by the City of Lincoln; and

WHEREAS, pursuant to the Land Subdivision Ordinance, the conditions of approval for Cech Addition required the installation of sidewalks along the east side of Clifford Drive abutting 4010 Clifford Drive; and

WHEREAS, applicant has requested a modification of the Land Subdivision Ordinance to waive said requirement pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, on August 22, 2012 the Planning Commission held a public hearing on said request and has denied said waiver; and

WHEREAS, on August 30, 2012 the applicant filed a notice of appeal appealing the action of the Planning Commission denying the requested waiver; and

WHEREAS, pursuant to Lincoln Municipal Code § 26.31.010(g)(2) the action appealed from is deemed advisory and the City Council is authorized to take final action on the requested waiver; and

WHEREAS, the City Council finds that the strict application of the requirement that sidewalks be installed along the east side of Clifford Drive abutting 4010 Clifford Drive would not result in actual difficulties or substantial hardship or injustice to the property owner.

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

That the requested waiver of the requirement of the Land Subdivision Ordinance that sidewalks be installed on the east side of Clifford Drive abutting 4010 Clifford Drive, in Cech Addition, is hereby denied.

Introduced by Jonathan Cook

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

COMBINED SPECIAL PERMIT/USE PERMIT 13A - APPLICATION OF BRYANLGH MEDICAL CENTER TO MODIFY THE SIGN PACKAGE APPROVED AS PART OF THE COMBINED PERMIT FOR THE HEALTH CARE FACILITY TO ALLOW AN ADDITIONAL CENTER IDENTIFICATION SIGN AT THE CORNER OF SOUTH 40TH STREET AND PINE LAKE ROAD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87001

WHEREAS, BryanLGH Medical Center has submitted an application in accordance with Sections 27.64.010, and 27.63.080 of the Lincoln Municipal Code designated as Combined Special Permit/Use Permit No. 13A for authority to modify the sign package approved under Combined Special Permit/Use Permit No. 13 for the health care facility to allow an additional center identification sign on property generally located at the corner of South 40th Street and Pine Lake Road, and legally described as:

Lot 1, Pine Lake Heights 10th Addition, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this modification for an additional sign will not be adversely affected; and

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

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

That the application of BryanLGH Medical Center, hereinafter referred to as "Permittee", for authority to add an additional identification sign at the corner of South 40th Street and Pine Lake Road, on the property legally described above, be and the same is hereby granted under the provisions of Sections 27.64.010, and 27.63.080 of the Lincoln Municipal Code upon condition that construction and operation of the health care facility under the amended Combined Special Permit/Use Permit be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves an additional center sign of approximately 312 square feet to be located in an area near the intersection of South 40th Street and Pine Lake Road.

2. The Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final sign plan including five copies before receiving sign permits.

3. Prior to the issuance of a building permit the construction plans must substantially comply with the approved plans.

4. All development and construction must substantially comply with the approved plans.

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

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

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

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

9. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however the terms and conditions of all prior resolutions approving this Combined Special Permit/Use Permit remain in full force and effect except as specifically amended by this resolution.

Introduced by Jonathan Cook

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

APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR A COMMUNICATIONS CENTER TO CONTINUE TO SERVE THE COMMUNICATIONS NEEDS OF THE LINCOLN POLICE DEPARTMENT, LINCOLN FIRE & RESCUE, LANCASTER COUNTY SHERIFF'S OFFICE, AND THOSE RURAL FIRE/EMS AGENCIES WITH MEMBERSHIP IN THE LANCASTER COUNTY MUTUAL AID ASSOCIATION (8/20/12 - P.H. CON'T TO 9/10/12) (9/10/12 - CON'T P.H. TO 9/17/12) - PRIOR to reading:

CARROLL Moved to continue public hearing on Bill No. 12R-194 one week to September 24, 2012.

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

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

COMP. PLAN CONFORMANCE 11011 - DECLARING APPROXIMATELY 1.38 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 23RD STREET AND N STREET AS SURPLUS PROPERTY (RELATED: 12-103, 12-102) (ACTION DATE: 9/17/12) - CLERK read an ordinance, introduced by Carl Eskridge, declaring approximately 1.38 acres of City owned property generally located at South 23<sup>rd</sup> Street and N Street as surplus, the third time.

ESKRIDGE Moved to pass the ordinance as read.

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

The ordinance, being numbered #19774, is recorded in Ordinance Book #27, Page .

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LANCASTER COUNTY SCHOOL DISTRICT 001 TO TRANSFER OWNERSHIP OF LAND AT 25TH AND N STREETS TO LINCOLN PUBLIC SCHOOLS AND TO DEVELOP AND MANAGE A SHARED PARKING LOT ON THE SUBJECT SITE (RELATED: 12-103, 12-102) (ACTION DATE: 9/17/12) - CLERK read an ordinance, introduced by Carl Eskridge, approving an Interlocal Agreement between the City of Lincoln and Lancaster County School District 001 to transfer ownership of land at 25<sup>th</sup> and N Streets to Lincoln Public Schools and to develop and manage a shared parking lot on the subject site, the third time.

ESKRIDGE Moved to pass the ordinance as read.

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

The ordinance, being numbered #19775, is recorded in Ordinance Book #27, Page .

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "M" TO BE EFFECTIVE AUGUST 16, 2012 - CLERK read an ordinance, introduced by Carl Eskridge, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "M" and repealing Ordinance No. 19424, passed by the City Council on August 9, 2010, the third time.

ESKRIDGE Moved to pass the ordinance as read.

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

The ordinance, being numbered #19776, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE 12018 - APPLICATION OF KINPORT CORPORATION FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT, R-6 RESIDENTIAL DISTRICT AND R-5 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT PUD, FROM R-2 RESIDENTIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT PUD, AND FROM R-6 RESIDENTIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT PUD, ON PROPERTY GENERALLY LOCATED AT NORTH 35TH STREET AND HOLDREGE STREET FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY, AND APPROVAL OF A DEVELOPMENT PLAN TO ALLOW APPROXIMATELY 66,000 SQUARE FEET OF COMMERCIAL FLOOR AREA AND APPROXIMATELY 40 RESIDENTIAL DWELLING UNITS. (RELATED ITEMS: 12-105, 12-112, 12R-212, 12R-210, 12R-211) (8-20-12 - TO HAVE 2<sup>ND</sup> READING/P.H. ON 9/10/12)(ACTION DATE: 9/17/12) - 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 Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

The ordinance, being numbered #19777, is recorded in Ordinance Book #27, Page .

VACATION 12004 - VACATING NORTH 35TH STREET BETWEEN HOLDREGE STREET AND STARR STREET, AND THE EAST 200 FEET OF THE EAST-WEST ALLEY BETWEEN NORTH 34TH STREET AND NORTH 35TH STREET (RELATED ITEMS: 12-105, 12-112, 12R-212, 12R-210, 12R-211) (ACTION DATE: 9/17/12) - CLERK read an ordinance, introduced by Carl Eskridge, vacating North 35<sup>th</sup> Street between Holdrege Street and Starr Street and the east 200 feet of the east-west alley in Block 1, Idyl-Wild Place, between North 34<sup>th</sup> Street and North 35<sup>th</sup> Street, and retaining title thereto in the City of Lincoln, Lancaster County Nebraska, the third time.

ESKRIDGE Moved to pass the ordinance as read.

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

The ordinance, being numbered #19778, is recorded in Ordinance Book #27, Page .

APPROVING THE REQUEST OF KINPORT CORPORATION FOR A DEVIATION FROM THE ACCESS MANAGEMENT POLICY TO ALLOW THE REMOVAL OF THE RIGHT TURN LANE IN HOLDREGE STREET AT 35TH STREET (RELATED ITEMS: 12-105, 12-112, 12R-212, 12R-210, 12R-211) (ACTION DATE: 9/17/12) - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-87002 WHEREAS, on July 24, 2012 Kinport Corporation submitted to the Department of Public Works & Utilities a Request for Deviation from the City of Lincoln Access Management Policy with regard to access standards for sight distance, driveway separation/number of connection points and right turn lanes associated with Kinport Corporation's proposal for rehabilitating Holdrege Street and 35<sup>th</sup> Street to permit on-street parallel parking on the south side of Holdrege Street in conjunction with its development under the Holdrege/Idlywild Redevelopment Project; and

WHEREAS, on August 16, 2012, the Director of the Public Works and Utilities Department advised Kinport Corporation that the requested deviations were approved except for the requested deviation for removal of a right turn lane in Holdrege Street at 35th Street; and

WHEREAS, pursuant to Chapter 14.75 of the Lincoln Municipal Code, the applicant, on August 20, 2012, appealed the denial of that requested deviation to allow the removal of the right turn lane in Holdrege Street at 35<sup>th</sup> Street; and

WHEREAS, pursuant to Lincoln Municipal Code § 14.67.070, the City Council is authorized to take final action on the application and may either approve, approve with modifications or deny the deviation request; and

WHEREAS, the City Council of the City of Lincoln, Nebraska finds that the granting of the requested deviation from the Access Management Policy will improve or have no adverse effect on current traffic conditions;

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

That Kinport Corporation's Request for Deviation from the Access Management Policy to allow the removal of the right turn lane in Holdrege street and construction of a raised bulbout at the east end of the proposed on-street Holdrege Street parking immediately west of 35th Street is hereby approved.

Introduced by Carl Eskridge

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

APPROVING THE HOLDREGE/IDYLVILD REDEVELOPMENT AGREEMENT BETWEEN THE CITY, KAPPA FOUNDATION AND KINPORT CORPORATION RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN NORTH 34TH STREET AND NORTH 37TH STREET ON HOLDREGE STREET (RELATED ITEMS: 12-105, 12-112, 12R-212, 12R-210, 12R-211) (ACTION DATE: 9/17/12) - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-87003 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached City of Lincoln Redevelopment Agreement for Holdrege/Idlywild, between the City of Lincoln, Nebraska; Kappa Foundation; and Kinport Corporation, relating to the redevelopment of property generally located on Holdrege Street between North 34th and 37th Streets and improvements to

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Idylwild Drive and Idylwild Park, 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, Assistant City Attorney, for transmittal to the parties.

Introduced by Carl Eskridge

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

AMENDING THE FY 12/13 CIP TO AUTHORIZE AND APPROPRIATE \$1,127,413 IN TIF FUNDS FOR HOLDREGE/IDLYWILD PROJECTS (RELATED ITEMS: 12-105, 12-112, 12R-212, 12R-210, 12R-211) (ACTION DATE: 9/17/12) - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-87004 WHEREAS, Resolution No. A-86975, adopted by the City Council of Lincoln, Nebraska on August 20, 2012, adopted the fiscal year 2012-2013 annual budget for the City of Lincoln and further adopted the Capital Improvement Program attached to Resolution No. A-86975 as Schedule No. 5; and

WHEREAS, Resolution No. A-86975 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, on August 27, 2012 a resolution was adopted by the City Council for the City of Lincoln, approving the Holdrege/Idylwild Redevelopment Project as an approved project; and

WHEREAS, a capital improvement project for the Holdrege/Idylwild Redevelopment Project was not included within Schedule No. 5 of the Annual Budget as a capital improvement project to be funded in fiscal year 2012-2013; and

WHEREAS, the City desires to amend the first year (2012-2013) of the Fiscal Year 2012/2013 - 2017/2018 Six Year Capital Improvement Program (CIP) to establish a project for the Holdrege/Idylwild 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, on July 25, 2012 the Lincoln City-Lancaster County Planning Commission reviewed the Holdrege/Idylwild Redevelopment Project as a capital improvement project for conformity or nonconformity with the Comprehensive Plan as part of its review of the Holdrege/Idylwild Redevelopment Plan; 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:

That the implementation of the Holdrege/Idylwild Redevelopment Project for public improvements (including a City park and median improvements in Idylwild Drive), a new fraternity and a mixed use development within the Project Area, 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-86975 be amended by adding the Holdrege/Idylwild 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 \$1,127,413.00 from Tax Increment Financing for this Holdrege Idylwild Redevelopment Project.

Introduced by Carl Eskridge

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

**ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required)**

CHANGE OF ZONE 12026 - APPLICATION OF NEIGHBORWORKS LINCOLN FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT WITH A LANDMARK OVERLAY TO DESIGNATE THE DR. O.C. REYNOLDS HOUSE AS A LANDMARK ON PROPERTY GENERALLY LOCATED AT 2530 Q STREET (RELATED ITEMS: 12-118, 12R-222) (ACTION DATE: 10/1/12) - CLERK read an ordinance, introduced by DiAnna Schimek, amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the first time.

SPECIAL PERMIT 12030 - APPLICATION OF NEIGHBORWORKS LINCOLN TO PERMIT THE USE OF A DESIGNATED LANDMARK FOR OFFICES, EDUCATION CENTER AND MEETING SPACE AND TO MODIFY THE FRONT AND REAR YARD SETBACKS ON PROPERTY GENERALLY LOCATED AT 2530 Q STREET (RELATED ITEMS: 12-118, 12R-222) (ACTION DATE: 10/1/12).

AMENDING TITLE 17 OF THE LINCOLN MUNICIPAL CODE RELATING TO WATER BY AMENDING SECTION 17.26.010, EMERGENCY RESTRICTIONS, TO PROVIDE THAT A VIOLATION OF THE SECTION SHALL BE AN INFRACTION AND TO PROVIDE THE PENALTY THEREFOR; AMENDING SECTION 17.62.010, PENALTIES, TO PROVIDE THAT THE PENALTIES IN SECTION 17.62.010 SHALL APPLY TO ALL VIOLATIONS OF TITLE 17 UNLESS OTHERWISE STATED (REQUEST TO COMBINE 1ST, 2ND, 3RD READINGS W/P.H. 9/17/12) - CLERK read an ordinance, introduced by DiAnna Schimek, amending Title 17 of the Lincoln Municipal Code relating to Water by amending Section 17.26.010, Emergency Restrictions, to provide that a violation of the section shall be an infraction and to provide the penalty therefor; amending Section 17.62.010, Penalties, to provide that the penalties in Section 17.62.010 shall apply to all violations of Title 17 unless otherwise stated; and repealing Sections 17.26.010 and 17.62.010 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING TITLE 14 OF THE LINCOLN MUNICIPAL CODE RELATING TO PUBLIC PROPERTY AND PUBLIC WAYS BY ADDING A NEW CHAPTER 14.34 ENTITLED "FILM PERMITS" TO CREATE AN EFFICIENT PROCESS FOR ISSUING PERMITS FOR FILMING OPERATIONS WITHIN THE CITY OF LINCOLN - CLERK read an ordinance, introduced by DiAnna Schimek, amending Title 14 of the Lincoln Municipal Code relating to Public Property and Public Ways by adding a new Chapter 14.34 entitled "Film Permits" to create an efficient process for issuing permits for filming operations within the City of Lincoln, the first time.

**RESOLUTIONS - 1<sup>ST</sup> READING - ADVANCE NOTICE**

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND BUTLER COUNTY, NEBRASKA FOR THE OPERATION, MANAGEMENT, SUPPORT, MONITORING AND EVALUATION OF THE BUTLER SENIOR SERVICES PROGRAM THROUGH THE LINCOLN AREA AGENCY OF AGING'S COMMUNITY AGING SERVICE PROGRAMS.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND LANCASTER COUNTY, ON BEHALF OF THE LANCASTER COUNTY CORRECTIONS COMMUNITY SERVICE PROGRAM, TO PROVIDE ROADSIDE LITTER PICKUP ALONG COUNTY ROADS FOR THE HEALTH DEPARTMENT FOR A TERM OF APRIL 15, 2012 THROUGH DECEMBER 15, 2012.

AUTHORIZING AND SUPPORTING THE COUNTY OF LANCASTER'S APPLICATION TO THE STATE OF NEBRASKA GAME AND PARKS COMMISSION FOR FINANCIAL ASSISTANCE FROM THE RECREATIONAL TRAILS PROGRAM FOR REPLACING THE WILDERNESS PARK BIKE BRIDGE LOCATED BETWEEN OLD CHENEY ROAD AND PIONEERS BOULEVARD.

APPROVING AN EXTENSION OF THE TERM OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION THROUGH DECEMBER 29, 2012, FOR THE INSTALLATION OF A SOLAR RENEWABLE ENERGY ROOFTOP ARRAY ON THE LINCOLN POLICE DEPARTMENT CENTER TEAM HEADQUARTERS BUILDING AT 1501 NORTH 27TH STREET, UTILIZING FEDERAL ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FUNDS.

APPROVING A MEMORANDUM OF AGREEMENT REGARDING ESTABLISHING AND FUNDING OF THE ENDOWMENT FOR IDYLWILD PARK AND MEDIANS BETWEEN SAM PROPERTIES, INC. AND THE CITY OF LINCOLN WHICH PROVIDES FOR THE ESTABLISHMENT OF AN ENDOWMENT FUND TO FUND MAJOR REPAIRS, REPLACEMENTS, RENOVATION AND REGULAR MAINTENANCE FOR IDYLWILD PARK GENERALLY LOCATED AT THE INTERSECTION OF IDYLWILD DRIVE AND APPLE STREET AND THE IDYLWILD DRIVE MEDIANS.

**MISCELLANEOUS BUSINESS - NONE**

