

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 27, 2014 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Emery; Council Members: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; City Clerk, Teresa J. Meier.

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

READING OF THE MINUTES

GAYLOR BAIRD Having been appointed to read the minutes of the City Council proceedings of October 20, 2014, reported having done so, found same correct.

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

PUBLIC HEARING

Chairman Emery recognized a Boy Scout from Troop 2.

APPLICATION OF NORTH AMERICAN MARTYRS CHURCH FOR A SPECIAL DESIGNATED LIQUOR LICENSE IN AN AREA MEASURING APPROXIMATELY 40 FEET BY 30 FEET IN THE PARKING LOT AT 1101 ISAAC DRIVE ON NOVEMBER 16, 2014 FROM 12:00 P.M. TO 7:00 P.M. - Pat Hagedorn, representing North American Martyrs, came forward to explain that this was a fund raiser for their school and Parish.

This matter will be taken under advisement

APPLICATION OF TPG HOLDINGS INC. DBA THE HOT MESS FOR AN ADDITION TO ITS CLASS C LIQUOR LICENSE OF AN OUTDOOR AREA MEASURING APPROXIMATELY 5 FEET BY 14 FEET TO THE EAST AT ~~408~~ 410 SOUTH 11TH STREET - Jason Ables, 410 S. 11th St, came forward to take the oath and answer questions.

This matter will be taken under advisement

APPLICATION OF PRA INC. DBA MISTY'S STEAKHOUSE & BREWERY TO DELETE AN OUTDOOR AREA MEASURING APPROXIMATELY 24 FEET BY 8 FEET FROM ITS CLASS CK LIQUOR LICENSE AT 200 NORTH 11TH STREET - Chad Carlson, 200 N 11th St, came forward to take the oath and stated that with the P street construction, they were told they needed to reduce their current outside seating.

This matter will be taken under advisement

AMENDING SECTION 2.42-040 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE DIVISIONS OF THE URBAN DEVELOPMENT DEPARTMENT TO RESTRICT THE AUTHORITY OF THE URBAN DEVELOPMENT DEPARTMENT BY REQUIRING THAT ANY ACQUISITION OF RESIDENTIAL PROPERTY HAVING VALUE EXCEEDING \$50,000.00 FOR WHICH THE SOURCE OF FUNDING IS COMMUNITY IMPROVEMENT FINANCING BE APPROVED BY RESOLUTION OF THE CITY COUNCIL - Jeff Kirkpatrick, City Attorney, came forward to answer questions. He said Council Member Fellers requested that this be added to the Municipal Code. This was in the CIP and Council had already acted on this once, but it has since expired. This Amendment would now be permanently put in the Code. Discussion followed.

Teri Pope-Gonzalez, 349 S 1st St, came forward and stated that she did not think Dave Landis, Director of Urban Development, needs to have control of that much money.

This matter will be taken under advisement

AMENDING TITLE 1 OF THE LINCOLN MUNICIPAL CODE RELATING TO GENERAL PROVISIONS TO CREATE A NEW CHAPTER 1.30, SALE OF CITY REAL PROPERTY - Jeff Kirkpatrick, City Attorney, came forward to answer questions. He stated that the Law Dept. brought this amendment to the ordinance forward to streamline the procedure for those occasional instances where the City ends up owning property to protect the City's interest. Changing the process from an Ordinance to a Resolution may mean the item does not have to be on the agenda as long. Discussion followed.

This matter will be taken under advisement

TEXT AMENDMENT 14013 - AMENDING SECTION 27.63.160 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS FOR EXCAVATION AND STONE MILLING TO ALLOW STONE MILLING AS AN ACCESSORY USE TO AN EXCAVATION OPERATION AND TO

**REGULAR MEETING
OCTOBER 20, 2014
PAGE 664**

ELIMINATE STONE MILLING AS A SEPARATE PERMITTED USE - Mike Eckert, Civil Design Group, came forward to answer questions on behalf of Gana Trucking and Excavating and Edward Stone. Discussion followed.

Teri Pope-Gonzalez, 349 S 1st St., came forward to comment on various safety issues
Marvin Krout, Planning Dept., came forward to answer questions. Discussion followed.

This matter will be taken under advisement

APPROVING RED STRIKE INC. DBA SUN VALLEY LANES AS A KENO SATELLITE SITE AT 321 VICTORY LANE - Katrina Coffy, Vice President of Marketing for Big Red Keno, Omaha, NE and John Losito, owner of Sun Valley Lanes, came forward to answer questions.

This matter will be 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 OCTOBER 1-15, 2014 - Ven Lanik, 6520 Darlington Court, came forward regarding the denial of his claim by the City for damage to his motor home by a presumed City tree.

Jeff Kirkpatrick, City Attorney, came forward to answer questions. Discussion followed.

This matter will be taken under advisement

COMP. PLAN CONFORMANCE 14019 - APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE "A&P II REDEVELOPMENT PROJECT" FOR THE REDEVELOPMENT OF THE AMBASSADOR AND PRESIDENT APARTMENT BUILDINGS GENERALLY LOCATED AT THE NORTHWEST CORNER OF S. 14TH STREET AND LINCOLN MALL - David Landis, Director of Urban Development, came forward to answer questions. Discussion followed.

Andrew Willis, Cline Williams Law Firm, 233 S 13th St #1900, came forward to answer questions on behalf of the Developer. Discussion followed.

Paula Rhian, Excell Development Group, 2002 S 11th St, came forward to answer questions. She stated they have partnered with the Interfaith Housing Coalition on this project. She presented pictures of the historic awning that had become a safety issue but would be restored. She stated that there is a 80-90% occupancy rate. There is a on-site manager and a supportive services person on-site 2-3 days a week.

Robert Lange, President of the Board of the Interfaith Housing Coalition, 1859 S. Pershing Rd., came forward to answer questions. He stated their partnership with the City started in 1992.

Mark Kohler, President of the Capital View Neighborhood Association, 700 S 18th St. came forward with comments He stated that this project has the Associations full support, it is not displacing anyone and provides the need for low-income housing.

This matter will be taken under advisement

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON OCTOBER 13, 2014 (EXCEPT FOR RESOLUTION A-88579 WHICH WAS PRESENTED TO THE MAYOR ON OCT. 14, 2014). (27-1)

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JULY 31, 2014 - Clerk read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88597

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

That during the month ended August 31, 2014 \$152,808.59 was earned from the investments of "IDLE FUNDS." The same is hereby distributed to the various funds on a pro-rata basis using the balances 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 Leirion Gaylor Baird

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 17, 2014 AT 3:00 P.M. ON THE APPLICATION OF SAVOR RESTAURANT LLC DBA GINGER FOR A RETAIL CLASS I LIQUOR LICENSE AT 6055 APPLES WAY - Clerk read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88598 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 17, 2014 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S, 10th Street, Lincoln, NE for the Application of Savor Restaurant LLC dba Ginger for a Retail Class I Liquor License at 6055 Apples Way.

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

Introduced by Leirion Gaylor Baird

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 17, 2014 AT 3:00 P.M. ON THE APPLICATION OF NHC LLC DBA SOUTH CAMPUS FOR A RETAIL CLASS CK LIQUOR LICENSE AT 101 N. 14TH ST., SUITE 1 - Clerk read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88599 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 17, 2014 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S, 10th Street, Lincoln, NE for the Application of NHC LLC dba South Campus for a Retail Class CK Liquor License at 101 N 14th St., Suite 1.

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

Introduced by Leirion Gaylor Baird

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 17, 2014 AT 3:00 P.M. ON THE APPLICATION OF WILL-MACK LLC DBA COMPADRES FOR A DELETION TO THEIR LICENSED PREMISE AT 101 N. 14TH ST., SUITE 6 - Clerk read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88600 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 17, 2014 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE for the Application of Will-Mack LLC dba Compadres for a deletion to their licensed premise at 101 N. 14th St., Suite 6.

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

Introduced by Leirion Gaylor Baird

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 17, 2014 AT 3:00 P.M. ON THE MANAGER APPLICATION OF ANTHONY ALWIN FOR DINO'S EASTSIDE GRILLE AT 2901 S. 84TH ST. - Clerk read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88601 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 17, 2014 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE for the Manager Application of Anthony Alwin for Dino's Eastside Grille at 2901 S. 84th St.

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

Introduced by Leirion Gaylor Baird

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 17, 2014 AT 3:00 P.M. ON THE MANAGER APPLICATION OF SPENCER PEERY FOR LINCOLN STARS HOCKEY AT 1800 STATE FAIR PARK DR. Clerk read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88602 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 17, 2014 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE for the Manager Application of Spencer Peery for Lincoln Stars Hockey at 1800 State Fair Park Dr

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

Introduced by Leirion Gaylor Baird

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

REFERRED TO THE PLANNING DEPARTMENT:

Special Permit 14043, for authority to sell alcoholic beverages for consumption on the premises associated with a restaurant, on property generally located at South 48th Street and Pioneers Boulevard (4747 Pioneers Boulevard). The Planning Commission action is final, unless appealed to the City Council. Text Amendment 14010, amending Chapter 26.23 of the Lincoln Municipal Code, Development Standards, by amending Section 26.23.040 relating to widths of right of ways to increase the width of pedestrian way easements from 5 feet to 15 feet; amending Section 26.23.125 to set forth location and width requirements of pedestrian way easements; amending Section 26.23.130 relating to block sizes to add provisions relating to the measurement of block lengths; amending Section 26.23.140 relating to lots to delete width requirements for residential lots servient and adjacent to pedestrian way easements; and repealing Sections 26.23.040, 26.23.125, 26.23.130, and 26.23.140 of the Lincoln Municipal Code as hitherto existing. Text Amendment 14011, amending Section 27.72.180 of the Lincoln Municipal Code relating to Exceptions to Height and Lot Regulations to revise the minimum separation between buildings and pedestrian way easements from 10 feet to 12.5 feet from the centerline of the easement; and repealing Section 27.72.180 of the Lincoln Municipal Code as hitherto existing.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment 14054, to Change of Zone 04075E, Village Gardens PUD, approved by the Planning Director on October 14, 2014, requested by Olsson Associates, to delete the trip generation tables from the site and development plans, to revise the lot layout northwest of the intersection of Boboli Lane and Hidcote Drive to include a convenience store with fuel sales, and to update the 'Usage Legend' designating all the lots in Phase II and III for 'Neighborhood General Type D' - Medium Single Family' dwellings except for the retirement housing lot at South 63rd Street and Yankee Hill Road, on property generally located at S. 56th Street and Pine Lake Road.

Administrative Amendment 14063, to Special Permit 06014, Southlake Community Unit Plan, approved by the Planning Director on October 14, 2014, requested by Olsson Associates, to revise the lot layout for Block 1 to increase the number of lots on the west side of South 94th Bay from 5 to 6, and to modify Notes accordingly, on property generally located at South 91st Street and Andermatt Drive.

Administrative Amendment 14026, to Change of Zone 05054A, Prairie Village North PUD, approved by the Planning Director on October 16, 2014, requested by Civil Design Group, to revise the lot and street layout, show a lot and street layout for the area outside of the PUD and provide street profiles for streets outside the boundary of the PUD, on property generally located at N. 84th Street and Adams Street.

Administrative Amendment 14076, to Special Permit 07015A, Tamarin Ridge Planned Service Commercial, approved by the Planning Director on October 20, 2014, requested by Jeremy Williams, to reduce the side yard setback for parking and/or display of motorized vehicles from 20 feet to 12 feet, on property generally located at S. 27th Street and Tamarin Ridge Road.

LIQUOR RESOLUTIONS

APPLICATION OF NORTH AMERICAN MARTYRS CHURCH FOR A SPECIAL DESIGNATED LIQUOR LICENSE IN AN AREA MEASURING APPROXIMATELY 40 FEET BY 30 FEET IN THE PARKING LOT AT 1101 ISAAC DRIVE ON NOVEMBER 16, 2014 FROM 12:00 P.M. TO 7:00 P.M. - Clerk read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88603 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 North American Martyrs Church for a special designated license to cover an area measuring approximately 40 feet by 30 feet in the parking lot at 1101 Issac Drive, Lincoln, Nebraska, on November 16, 2014 between the hours of 12:00 p.m. and 7:00 p.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 Christensen and carried by the following vote; Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPLICATION OF TPG HOLDINGS INC. DBA THE HOT MESS FOR AN ADDITION TO ITS CLASS C LIQUOR LICENSE OF AN OUTDOOR AREA MEASURING APPROXIMATELY 5 FEET BY 14 FEET TO THE EAST AT 408 SOUTH 11TH STREET - Clerk read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88604 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 TPG Holdings Inc. dba The Hot Mess to expand its Class C licensed premises by the addition of an outdoor area measuring approximately 5 feet by 14 feet to the east at 408 South 11th 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 the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF PRA INC. DBA MISTY'S STEAKHOUSE & BREWERY TO DELETE AN OUTDOOR AREA MEASURING APPROXIMATELY 24 FEET BY 8 FEET FROM ITS CLASS CK LIQUOR LICENSE AT 200 NORTH 11TH STREET - Clerk read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88605 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 including Neb. Rev. Stat. § 53-132, the pertinent City ordinances, and Resolution No. A-66729, the City Council recommends that the application of PRA Inc. dba Misty's Steakhouse & Brewery to delete an outdoor area measuring approximately 24 feet by 8 feet from their presently licensed premises located at 200 N. 11th Street, Lincoln, Nebraska, for a new licensed area described as: the entire L-shaped first floor area approximately 100 feet by 142 feet excluding the NW and SE hallways with area approximately 34 feet by 48 feet in center of basement plus irregular shaped sidewalk café approximately 10 feet by 48 feet to the west, be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Jon Camp

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

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

AMENDING SECTION 2.42.040 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE DIVISIONS OF THE URBAN DEVELOPMENT DEPARTMENT TO RESTRICT THE AUTHORITY OF THE URBAN DEVELOPMENT DEPARTMENT BY REQUIRING THAT ANY ACQUISITION OF RESIDENTIAL PROPERTY HAVING VALUE EXCEEDING \$50,000.00 FOR WHICH THE SOURCE OF FUNDING IS COMMUNITY IMPROVEMENT FINANCING BE APPROVED BY RESOLUTION OF THE CITY COUNCIL - CLERK read an ordinance, introduced by Trent Fellers, amending Section 2.42.040 of the Lincoln Municipal Code relating to the Divisions of the Urban Development Department to restrict the authority of the Urban Development Department by requiring that any acquisition of residential property having value exceeding \$50,000.00 for which the source of funding is Community Improvement Financing be approved by resolution of the City Council; and repealing Section 2.42.040 as hitherto existing, the second time.

AMENDING TITLE 1 OF THE LINCOLN MUNICIPAL CODE RELATING TO GENERAL PROVISIONS TO CREATE A NEW CHAPTER 1.30, SALE OF CITY REAL PROPERTY - CLERK read an ordinance, introduced by Trent Fellers, amending Title 1 of the Lincoln Municipal Code relating to General Provisions to create a new Chapter 1.30, Sale of City Real Property, the second time.

TEXT AMENDMENT 14013 - AMENDING SECTION 27.63.160 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS FOR EXCAVATION AND STONE MILLING TO ALLOW STONE MILLING AS AN ACCESSORY USE TO AN EXCAVATION OPERATION AND TO ELIMINATE STONE MILLING AS A SEPARATE PERMITTED USE - CLERK read an ordinance, introduced by Trent Fellers, amending Section 27.63.160 of the Lincoln Municipal Code relating to Special Permits for Excavation and Stone Milling to allow stone milling as an accessory use to an excavation operation and to eliminate stone milling as a separate permitted use; and repealing Section 27.63.160 of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING RED STRIKE INC. DBA SUN VALLEY LANES AS A KENO SATELLITE SITE AT 321 VICTORY LANE - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

**REGULAR MEETING
OCTOBER 20, 2014
PAGE 668**

A-88606 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purpose of providing for a joint City-County keno lottery; and
WHEREAS, the City has entered into a contract for the operation of a keno type lottery with EHPV Lottery Services, LLC, a Nebraska limited liability company; and
WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno Contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and
WHEREAS, all requirements under the Interlocal Agreement and the Keno Contract governing the establishment and location of keno satellite sites have been met.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of Red Strike Inc. dba Sun Valley Lanes, 321 Victory Lane, Lincoln, NE 68528.
The City Clerk is directed to return an executed copy of this Resolution to Sun Valley Lanes, 321 Victory Lane, Lincoln, NE 68528.

Introduced by Trent Fellers

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF OCTOBER 1-15, 2014 - PRIOR to reading:

CAMP Moved to approve claim of Ven Lanik.
Motion died due to lack of second.

CLERK Read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88607 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 October 16, 2014, 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>
Ven Lanik \$473.23	Dennette Wheeler \$6,356.22
Shellie Cornwell 108.72	
Michael Funk 2,882.12	

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 Trent Fellers

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

COMP. PLAN CONFORMANCE 14019 - APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE "A&P II REDEVELOPMENT PROJECT" FOR THE REDEVELOPMENT OF THE AMBASSADOR AND PRESIDENT APARTMENT BUILDINGS GENERALLY LOCATED AT THE NORTHWEST CORNER OF S. 14TH STREET AND LINCOLN MALL - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88608 WHEREAS, the City Council on October 22, 1984, adopted Resolution No. A-69713 finding an area generally bounded by "R" Street, 17th Street, "F" 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 "A&P II Redevelopment Project" for the redevelopment of The Ambassador and the President apartment buildings generally located at the northwest corner of S. 14th Street and Lincoln Mall; 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 the "A&P II 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 September 19, 2014, 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 October 1, 2014 before the Lincoln City - Lancaster County Planning Commission regarding the proposed amendments to the Redevelopment Plan to add the A&P II Redevelopment Project, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the proposed Amendments to the Lincoln Center Redevelopment Plan to add the A&P II Redevelopment Project were submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and, on October 1, 2014, the Lincoln-Lancaster County Planning Commission held a public hearing relating to the Plan Amendments and found the Plan Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on October 10, 2014, 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 October 27, 2014 regarding the proposed amendments to the Redevelopment Plan to add the A&P II Redevelopment Project, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on October 10, 2014 and October 17, 2014, 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 October 27, 2014 regarding the proposed amendments to the Redevelopment Plan and to add the A&P II Redevelopment Project for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on October 27, 2014 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 A&P II Redevelopment Project is described in sufficient detail and is 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 A&P II Redevelopment Project into the Redevelopment Plan is 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 A&P II 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 A&P II 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" adding the A&P II Redevelopment Project to the Lincoln Center Redevelopment Plan, 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 A&P II Redevelopment Project Area as described and depicted in the Plan Amendment 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 Trent Fellers

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

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

ANNEXATION 14005 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 39 ACRES OF PROPERTY GENERALLY LOCATED AT S.W. 56TH ST. AND W. O ST. (RELATED ITEMS 14-134, 14-135) - CLERK read an ordinance, introduced by Carl Eskridge, 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.

ESKRIDGE Moved to pass the ordinance as read.

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

The ordinance, being numbered **#20103**, is recorded in Ordinance Book #28, Page

CHANGE OF ZONE 14026 - APPLICATION OF R & D DEVELOPMENT FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO I-1 INDUSTRIAL DISTRICT AND H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S.W. 56TH ST. AND W. O ST. (RELATED ITEMS 14-134, 14-135) - CLERK read an ordinance, introduced by Carl Eskridge, amending the Lincoln Zoning District Maps adopted 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 third time.

ESKRIDGE Moved to pass the ordinance as read.

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

The ordinance, being numbered **#20104**, is recorded in Ordinance Book #28, Page

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

TEXT AMENDMENT 14007 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO (1) CORRECT ERRORS MADE IN PREVIOUS TEXT AMENDMENTS AND TO CLARIFY EXISTING LANGUAGE WITHOUT CHANGING THE INTENT OF THE LANGUAGE BY AMENDING SECTION 27.02.200 TO CLARIFY THE DEFINITION OF "STORY" TO PROVIDE FOR A MORE CLEAR UNDERSTANDING OF WHERE THE FIRST STORY OF A STRUCTURE BEGINS; AMENDING SECTION 27.06.160 RELATING TO THE MAJOR ENTERTAINMENT AND EVENT USE GROUP TO PROVIDE GUIDANCE AS TO WHEN A VENUE SHOULD BE CLASSIFIED AS "MAJOR EVENT ENTERTAINMENT," E.G. 500 SEATS OR MORE; AMENDING SECTION 27.06.170 BY AMENDING THE USE GROUP TABLE TO DESIGNATE CABINET SHOPS AND STORES AS A CONDITIONAL USE IN THE H-2 ZONING DISTRICT; AMENDING SECTIONS 27.61.040 AND 27.61.050 TO ADD "OR THIS CHAPTER" AS A REFERENCE TO CLARIFY WHAT METHODS CAN BE USED TO STRUCTURALLY ALTER, RECONSTRUCT, OR RESTORE A NONCONFORMING STRUCTURE; AMENDING SECTION 27.67.066 TO UPDATE PARKING FOR H-3 USES TO REFLECT SPECIFIC USES THAT WERE ALLOCATED A PARKING REDUCTION PRIOR TO USE GROUPS APPROVAL; AMENDING SECTION 27.69.030 GENERAL PROVISIONS FOR SIGNS TO CLARIFY THAT ROOF SIGNS ARE PERMITTED BUT ARE REGULATED UNDER SECTION 27.69.310, TO REQUIRE A CERTAIN SPACING BETWEEN THE LOCATION OF ANY SIGN AND AN ABUTTING RESIDENTIAL PREMISES LOCATED IN A RESIDENTIAL DISTRICT, AND TO CLARIFY THAT IN ALL ZONING DISTRICTS, EXCEPT FOR THE O-1, O-2, AND R-T DISTRICTS, MORE THAN ONE SIGN PER ARCHITECTURAL ELEVATION PER BUILDING IS ALLOWED, PROVIDED THAT THE TOTAL SIGN AREA OF SUCH WALL SIGNS SHALL NOT EXCEED 30% PER ARCHITECTURAL ELEVATION AND NO WALL SIGN SHALL EXCEED 500 SQUARE FEET IN SIGN AREA; AMENDING SECTION 27.69.240 TO CLARIFY THAT MENU BOARDS, ALTHOUGH A TYPE OF FREESTANDING SIGN, HAVE THEIR OWN REGULATIONS; AMENDING SECTION 27.69.290 TO CLARIFY THAT WINDOW SIGNS ARE NOT COUNTED TOWARD THE ALLOCATED PERCENTAGE OF WALL SIGNAGE; AMENDING SECTION 27.69.310 TO INSERT LANGUAGE NEEDED FOR CONSISTENCY BETWEEN THIS SECTION AND SECTION 27.69.030; AMENDING SECTION 27.72.180 TO PROVIDE THAT A COMMERCIAL USE ABUTTING A RESIDENTIAL DISTRICT DOES NOT NEED TO COMPLY WITH THE RESIDENTIAL DISTRICT PROVISIONS IF THE ADJACENT LAND IN THE RESIDENTIAL DISTRICT MAY BE USED FOR A COMMERCIAL USE UNDER A PUD; AND (2) TO MODIFY APPEAL PROCEDURES TO CONSISTENTLY INCLUDE ANY COUNCIL MEMBER OR MAYOR AMONG THE LISTED PERSONS WHO HAVE THE RIGHT TO APPEAL THE APPLICABLE ORDER, APPROVAL, DISAPPROVAL, OR OTHER DECISION BY AMENDING SECTIONS 27.56.140, 27.57.180, 27.62.150, 27.63.025, 27.64.010, 27.69.030, 27.72.190, AND 27.81.021. - CLERK read an ordinance, introduced by Carl Eskridge, amending Title 27 of the Lincoln Municipal Code to (1) correct errors made in previous text amendments and to clarify existing language without changing the intent of the language by amending Section 27.02.200 to clarify the definition of "story" to provide for a more clear understanding of where the first story of a structure begins; amending Section 27.06.160 relating to the Major Entertainment and Event Use Group to provide guidance as to when a venue should be classified as "major event entertainment," e.g. 500 seats or more; amending Section 27.06.170 by amending the Use Group Table to designate Cabinet Shops and Stores as a conditional use in the H-2 zoning district;

amending Sections 27.61.040 and 27.61.050 to add “or this Chapter” as a reference to clarify what methods can be used to structurally alter, reconstruct, or restore a nonconforming structure; amending Section 27.67.066 to update parking for H-3 uses to reflect specific uses that were allocated a parking reduction prior to Use Groups approval; amending Section 27.69.030 general provisions for signs to clarify that roof signs are permitted but are regulated under Section 27.69.310, to require a certain spacing between the location of any sign and an abutting residential premises located in a residential district, and to clarify that in all zoning districts, except for the O-1, O-2, and R-T districts, more than one sign per architectural elevation per building is allowed, provided that the total sign area of such wall signs shall not exceed 30% per architectural elevation and no wall sign shall exceed 500 square feet in sign area; amending Section 27.69.240 to clarify that menu boards, although a type of freestanding sign, have their own regulations; amending Section 27.69.290 to clarify that window signs are not counted toward the allocated percentage of wall signage; amending Section 27.69.310 to insert language needed for consistency between this section and Section 27.69.030; amending Section 27.72.180 to provide that a commercial use abutting a residential district does not need to comply with the residential district provisions if the adjacent land in the residential district may be used for a commercial use under a PUD; and (2) to modify appeal procedures to consistently include any council member or mayor among the listed persons who have the right to appeal the applicable order, approval, disapproval, or other decision by amending Sections 27.56.140, 27.57.180, 27.62.150, 27.63.025, 27.64.010, 27.69.030, 27.72.190, and 27.81.021; and repealing Sections 27.02.200, 27.06.160, 27.06.170, 27.56.140, 27.57.180, 27.61.040, 27.61.050, 27.62.150, 27.63.025, 27.64.010, 27.67.066, 27.69.030, 27.69.240, 27.69.290, 27.69.310, 27.72.180, 27.72.190, and 27.81.021 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER “C” TO CHANGE THE PAY RANGE OF UTILITY SUPERVISOR FROM C26 TO C28 - CLERK read an ordinance, introduced by Carl Eskridge, amending Ordinance No. 19905 passed August 12, 2013, relating to the schedules of pay ranges for employees of the City of Lincoln whose classifications are assigned to the pay range which is prefixed by the letter “C,” by changing the pay range for the job classification “Utility Supervisor” from C26 to C28, the first time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER “E” TO CREATE THE CLASSIFICATION OF HUMAN RESOURCES GENERALIST - CLERK read an ordinance, introduced by Carl Eskridge, amending Ordinance No. 20061 passed August 11, 2014, relating to the schedules of pay ranges for employees of the City of Lincoln whose classifications are assigned to a pay range which is prefixed by the letter “E,” by creating the job classification of “Human Resources Generalist,” the first time.

AMENDING SECTION 2.76.400 OF THE LINCOLN MUNICIPAL CODE RELATING TO LEAVES OF ABSENCE WITHOUT PAY TO PROVIDE THAT LEAVE WITHOUT PAY SHALL NOT BE GRANTED TO ACCEPT OTHER EMPLOYMENT - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 2.76.400 of the Lincoln Municipal Code relating to Leaves of Absence Without Pay to provide that leave without pay shall not be granted to accept other employment; and repealing Section 2.76.400 as hitherto existing, the first time.

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED \$533,354.00 FOR THE CITY OF LINCOLN, SCHWARZ PAPER BUILDING REDEVELOPMENT PROJECT (RELATED ITEMS: 14-142, 14R-270, 14R-271);

APPROVING THE SCHWARZ PAPER BUILDING REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND CBLINC, LLC AND SCHWARZ PAPER COMPANY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 747 O STREET FOR COMMERCIAL AND RESIDENTIAL SPACE (RELATED ITEMS: 14-142, 14R-270, 14R-271);

AMENDING THE FY 13/14 CIP TO AUTHORIZE AND APPROPRIATE \$533,354 IN TIF FUNDS FOR THE SCHWARZ PAPER BUILDING REDEVELOPMENT PROJECT ON PROPERTY GENERALLY LOCATED AT 747 O STREET (RELATED ITEMS: 14-142, 14R-270, 14R-271) - PRIOR to reading:

ESKRIDGE Moved to delay Introduction on Bills 14-142, 14R-270 and 14R-271 until 11/03/14.

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

RESOLUTIONS - 1ST READING

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE LINCOLN CHAMBER ECONOMIC DEVELOPMENT CORP. (LCEDC) FOR THE PROMOTION OF ECONOMIC DEVELOPMENT IN LINCOLN FOR A THREE YEAR TERM COMMENCING SEPTEMBER 1, 2014 THROUGH AUGUST 31, 2016.

**REGULAR MEETING
OCTOBER 20, 2014
PAGE 672**

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR A JOINT DATA PROCESSING DIVISION TO UPDATE AND REVISE THE INFORMATION SERVICES DIVISION AND THE ISPC AND TO PROVIDE FOR BUDGETS, COST DISTRIBUTION, BILLINGS, BILLINGS, PROJECTS AND OTHER MATTERS.

OPEN MICROPHONE

Ronald Sheldon, 1626 D St, #116, came forward with concerns about how the Lincoln Police deal with electrical assisted bicycles. He stated that according to Federal Law they are considered bicyclist if a motor is less than 750 watts and have a maximum speed of less than 20 mph. He commented that he believes the City should pass an ordinance addressing this issue.

This matter will be taken under advisement

Teri Pope-Gonzalez, 349 S. 1st St, came forward with comments on various issues.

This matter will be taken under advisement

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

This matter will be taken under advisement

ADJOURNMENT

7:03 P.M.

CAMP Moved to adjourn the City Council Meeting of October 27, 2014.
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

Teresa J. Meier, City Clerk

Alexis Traylor, Office Specialist