

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 2, 2015 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Emery; Council Members: Camp, Christensen, Cook, Eskridge, Fellers, 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.

MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Beutler presented the December 2014 Mayor's Award of Excellence to David W. Wiggins, Jr., Investigator with the Technical Investigations Unit of the Lincoln Police Department. He was nominated by Sgt. Sandra Myers in the categories of customer relations and productivity. Through his dedication, determination and working with local, state and federal agencies, the cases Investigator Wiggins has been involved with will be prosecuted on a federal level.

Assistant Police Chief Brian Jackson came forward and stated how they are greatly appreciative of the work that Investigator Wiggins has done.

Investigator Wiggins said he appreciated the recognition, but would not be able to clear a lot of these cases without the assistance and cooperation of other agencies.

READING OF THE MINUTES

ESKRIDGE Having been appointed to read the minutes of the City Council proceedings of January 26, 2015, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF KUQ & ZI LLC DBA FLORIO'S ITALIAN RESTAURANT & GRILL FOR A CLASS I LIQUOR LICENSE AT 7300 SOUTH 13TH STREET; MANAGER APPLICATION OF FLORIM RAMADANI FOR KUQ & ZI LLC DBA FLORIO'S ITALIAN RESTAURANT & GRILL AT 7300 SOUTH 13TH STREET - Florim Ramadani, 5011 Starling Dr., came forward to take the oath and answer questions.

This matter was taken under advisement

APPLICATION OF HY-VEE INC DBA HY-VEE FOOD STORE TO DELETE AN AREA MEASURING APPROXIMATELY 159 FEET BY 56 FEET IN THE SOUTHWEST CORNER OF ITS CLASS C LIQUOR LICENSE AT 5020 NORTH 27TH STREET FOR A NEW DESCRIPTION AS ONE STORY BUILDING APPROXIMATELY 246 FEET BY 371 FEET - Steve Parker, 2637 W. Washington St., Store Director of North 27th Hy-Vee, came forward to take the oath and answer questions. He stated that with their recent remodel they have added a full service restaurant, the Market Café which will open March 5th.

This matter was taken under advisement

APPROVING AN AMENDMENT TO THE 2014-2020 CAPITAL IMPROVEMENT PROGRAM (CIP) TO MOVE PROJECTS INTO THE FIRST YEAR OF THE CIP AND TO CHANGE THE FUNDING SOURCE TO LOCAL OPTION SALES TAX FOR PUBLIC SAFETY FOR PROJECT 0765 RADIO SYSTEM UPGRADE, PROJECTS 0240 AND 0348 FOR THE CO-LOCATION OF FIRE STATION 12 WITH AN LPD PRECINCT, PROJECT 0172 NEW FIRE STATION 15, PROJECT 0204 FIRE STATION 10 RELOCATION, AND PROJECT 0662 NEW FIRE STATION 16. (RELATED ITEMS: 15R-15, 15R-30, 15R-31) ;

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY RELATING TO THE JOINT PLANNING AND FINANCING OF A REPLACEMENT EMERGENCY COMMUNICATIONS SYSTEM. (RELATED ITEMS: 15R-15, 15R-30, 15R-31);

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY OF A PROPOSED BALLOT QUESTION FOR THE APRIL 7, 2015 PRIMARY ELECTION TO INCREASE THE LOCAL SALES TAX RATE BY 1/4% FOR A THREE YEAR PERIOD TO BE USED FOR THE CITY'S PUBLIC SAFETY COMMUNICATIONS SYSTEM INCLUDING 911 PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM EQUIPMENT AND INFRASTRUCTURE, REPLACEMENTS, AND UPGRADES; A JOINT POLICE/FIRE AND RESCUE STATION; AND THREE FIRE AND RESCUE STATIONS. (RELATED ITEMS: 15R-15, 15R-30, 15R-31) - Tom Casady, Public Safety Director, came forward and stated that he hopes the Council will consider two high priority public safety projects, the aging

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911 radio system and optimizing the location of 4 fire stations to better serve our community. He stated that before the Council is a proposal of a 1/4 cent sales tax increase for 3 years to be placed on the ballot to fund these projects. Lincoln's population has grown by 57,000 since 1997 and 22 square miles have been added. Discussion followed.

Cathy Beecham, 3024 Stratford Avenue, came forward and stated that she was one of the citizens on the Mayor's Safety Committee. She expressed her support for these projects and their importance to Lincoln.

Terri Pope-Gonzales, 349 S 1st St, came forward with various comments.

George Peters, 4921 Chelsea Court, came forward in support of the 1/4 percent sales tax increase. The debt will not have to be serviced for 20 years and everyone who comes to Lincoln will pay for it. Everyone needs public safety and this should be the number one item.

Kyle Fisher, 1135 M St, representing Lincoln Chamber of Commerce, came forward and stated that the Chamber of Commerce and its Board of Directors did pass a resolution of support for putting these items in front of the voters on the April ballot as well as support of the projects themselves. They are also in favor of the sales tax idea and that it makes the most fiscal sense.

Coby Mach, 620 N 48th St, representing the Lincoln Independent Business Association (LIBA), stated LIBA wanted to express their support for the proposed sales tax increase because they believe it is a necessary option to financing public safety projects.

Jane Kinsey, Watchdogs of Lincoln Government, came forward and stated that this proposal will hit low income households and questioned why these projects were not previously planned for? Lincoln residents deserve to know about the City's financial outflow.

This matter was taken under advisement

AUTHORIZING THE MAYOR TO EXECUTE A MULTI-YEAR CONTRACT WITH FUNDING APPROPRIATIONS COMING FROM MORE THAN ONE FISCAL YEAR CIP FOR THE N.W. 48TH STREET FROM W. VINE STREET TO W. ADAMS STREET ROADWAY IMPROVEMENT PROJECT NO. 701452 - Randy Hoskins, Public Works, stated this project will begin work towards the end of March 2015 with estimated completion late 2016.

This matter was taken under advisement

SPECIAL PERMIT 1999B - APPLICATION OF S&B LINCOLN APARTMENTS 1, LLC TO INCREASE THE HEIGHT OF THE APARTMENT COMPLEX SIGN FROM 6 FEET TO 7.5 FEET AT PROPERTY GENERALLY LOCATED AT S. 33RD STREET AND WILDERNESS HILLS BOULEVARD - Fred Hoppe, 5631 S 48th St, on behalf of S&B Lincoln Apartments LLC, said the request for this sign was originally included in the plans and the change was approved by the Planning Commission.

This matter was taken under advisement

AMENDING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE GOVERNING BOARDS OF PUBLIC SAFETY ANSWERING POINTS IN THE COUNTIES OF CASS, FILLMORE, GAGE, JEFFERSON, JOHNSON, LANCASTER, NEMAHA, OTOE, PAWNEE, RICHARDSON, SALINE, SEWARD, THAYER AND YORK TO ACCEPT THE SOUTHEAST REGION 911 EMERGENCY COMMUNICATIONS STUDY AGREEMENT ADDENDUM - Tom Casady, Public Safety Director, came forward to state that Lincoln had entered into an agreement with 14 other jurisdictions in 13 counties to study the feasibility of joining forces for the 911 telephone systems. Money has been saved for this project and this would allow them to pursue a better deal. This does not commit the City to anything, but allows evaluation of proposals coming from vendors. By doing this together, we have a single system with no single point of failure, and operationally this would be a big advantage with no additional cost.

Julie Richter, Communications Coordinator, stated they currently have a consultant gathering information and have had 6 bidders presenting a potential system. They are going through a RFP to evaluate cost and are looking at a 7 year life of project.

This matter was taken under advisement

COMP. PLAN CONFORMANCE 14025 - APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE SWANSON RUSSELL REDEVELOPMENT PROJECT FOR THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 1202 P STREET - Dallas McGee, Urban Development, came forward to state that this is an amendment to accommodate the growth of the company. In 3 or 4 weeks, they will return with a Redevelopment Agreement that outlines more detail. Both the Planning Commission and the Urban Design Committee have approved the plans.

This matter was taken under advisement

REPEALING ORDINANCE NO. 19940 CREATING PAVING DISTRICT NO. 2633, IN N.W. NANCE STREET FROM N.W. 8TH TO N.W. 9TH STREETS, DUE TO THE LACK OF A PETITION SIGNED BY A MAJORITY OF AFFECTED PROPERTY OWNERS - Susie Filipi, Public Works/Engineering Services, came forward to state that some landlords did not vote in favor of this District and may not see the benefits of a Paving District. Discussion followed.

This matter was taken under advisement

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$375,000,000 CITY OF LINCOLN, NEBRASKA LINCOLN ELECTRIC SYSTEM REVENUE AND REFUNDING BONDS - Laura Kapustka, Vice President of Financial Services and Chief Financial Officer for Lincoln Electric System, stated there have been some positive movements in interest rates and they have the opportunity to refund some bonds previously issued. Discussion followed.

This matter was taken under advisement

TEXT AMENDMENT 14021 - AMENDING SECTION 27.72.080 OF THE LINCOLN MUNICIPAL CODE RELATING TO EXCEPTIONS TO FRONT YARD REQUIREMENTS TO PROVIDE FOR A REDUCED COMMERCIAL FRONT YARD SETBACK IN THE O-1 OFFICE DISTRICT AND THE B-3 COMMERCIAL DISTRICT WHERE THERE IS AN ABUTTING RESIDENTIAL DISTRICT ALONG THE SAME BLOCK FACE - Derek Zimmerman, 1248 O St, Ste 600, Baylor Evnen Law Firm, came forward on behalf of the proposed Developers for the NE corner of 48th and Pioneers Blvd. They are looking to do a redevelopment of the area and are willing to work with City Staff and Council to come up with a final proposal. Discussion followed.

Terri Pope-Gonzales, 349 S. 1st, came forward to state if any of the photos of the property were from 2010, a lot could change in 5 years.

David Carey, Acting Planning Director, stated they will work on some language with staff, the applicant and Law to enable the project to move forward as well as have something on the books as a standard that could apply to other applicants. Council Member Camp suggested keeping Public Hearing open for a third reading.

This matter was taken under advisement

APPROVING A DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN AND IRONWOOD PROPERTIES, LLC, AND STEFFEN CONSTRUCTION SPECIALISTS, INC. TO RESTRICT USE OF THE PROPERTY UNDER THE PROPOSED CHANGE OF ZONE NO. 14029 ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH 48TH STREET AND PIONEERS BOULEVARD. (RELATED ITEMS: 15R-25, 15-16) (ACTION DATE: 2/9/15); CHANGE OF ZONE 14029 - APPLICATION OF IRONWOOD PROPERTIES AND STEFFEN CONSTRUCTION SPECIALISTS, INC. FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 48TH STREET AND PIONEERS BOULEVARD. (RELATED ITEMS: 15R-25, 15-16) - Derek Zimmerman, 1248 O St, Ste 600, Baylor Evnen Law Firm, came forward to state that with this Zoning Agreement, they will be providing a landscaping screen, street trees along 48th St., and paving the alley. They have also had two neighborhood meetings and those who were present expressed their support for the project.

This matter was taken under advisement

CHANGE OF ZONE 14033 - APPLICATION OF CASEY'S RETAIL COMPANY, KEITH SACHEWSKY, AND JAMES PETERSON FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL AND O-2 SUBURBAN OFFICE TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 48TH STREET AND MEREDETH STREET - Mark Hunzeker, 1248 O St, Ste 600, Baylor Evnen Law Firm, came forward and stated that these plans were previously approved by the Planning Commission and 3 properties are included in the Change of Zone application. Discussion followed.

Terri Pope-Gonzales, 349 S. 1st St., came forward and asked about the personal status of one of the property owners.

David Carey, Acting Planning Director, said that part of the re-zoning for Casey's was to have more space for more modern use.

Steve Hendrickson, Planning Dept., briefly explained how the zoning would work in this area as it pertains to properties along 47th Street.

This matter was taken under advisement

APPROVING THE O STREET AND NORTH 84TH STREET AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ROADS, THE CITY OF LINCOLN, CORNHUSKER BANK, AND BREHM ENTERPRISES, INC. RELATING TO CORNHUSKER BANK'S CONSTRUCTION OF STREET IMPROVEMENTS ASSOCIATED WITH CORNHUSKER BANK'S DEVELOPMENT ON THE NORTHWEST CORNER OF THE INTERSECTION AT 84TH AND O STREETS AND PROVIDING FOR THE CITY TO REIMBURSE CORNHUSKER BANK FOR ITS COST TO CONSTRUCT A SOUTHBOUND RIGHT TURN LANE ON 84TH STREET WITH IMPACT FEES. (RELATED ITEMS 15R-22, 15R-27, 15-19) (ACTION DATE: 2/9/15);

USE PERMIT 13011A - APPLICATION OF BREHM ENTERPRISES, INC. TO AMEND THE RUSSWOOD PARK USE PERMIT TO INCREASE THE FLOOR AREA, TO EXCEED THE MAXIMUM HEIGHT, AND MODIFY THE PARKING REQUIREMENTS IN THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 84TH STREET AND O STREET. (RELATED ITEMS: 15R-22, 15R-27, 15-19) (ACTION DATE: 2/9/15);

VACATION 14013 - VACATING APPROXIMATELY 0.03 ACRES OF RUSSWOOD PARKWAY RIGHT-OF-WAY ADJACENT TO OUTLOT A, RUSSWOOD PARK 4TH ADDITION, LINCOLN, LANCASTER COUNTY, NEBRASKA. (RELATED ITEMS: 15R-22, 15R-27, 15-19) - Barry Lockard, President of

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Cornhusker Bank, 11th & Cornhusker, came forward to thank the City and the Planning Dept. for their support. He stated that this building will be a substantial investment in the area. They plan to break ground this Spring and expect completion to be the Summer of 2016.

Kent Seacrest, 1111 Lincoln Mall #350, came forward to briefly outline the project goals.

This matter was taken under advisement

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING CHRISTIE DIONISOPOULOS TO THE NEBRASKA CAPITOL ENVIRONS COMMISSION FOR A TERM EXPIRING JANUARY 9, 2018 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88747

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

That the reappointment of Christie Dionisopoulos to the Nebraska Capitol Environs Commission for a term expiring January 9, 2018 is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING TOM HUSTON AND JOANNE KISSEL TO THE URBAN DESIGN COMMITTEE FOR TERMS EXPIRING FEBRUARY 1, 2018 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88748

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

That the reappointments of Tom Huston and JoAnne Kissel to the Urban Design Committee for terms expiring February 1, 2018 are hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING JONATHAN REHM TO THE HUMAN RIGHTS COMMISSION FOR A TERM EXPIRING DECEMBER 31, 2017 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88749

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

That the reappointment of Jonathan Rehm to the Human Rights Commission for a term expiring December 31, 2017 is hereby approved.

Introduced by Jonathan Cook

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, AND ALL ROADS BARRICADES, INC. FOR THE ANNUAL REQUIREMENTS FOR EMERGENCY INCIDENT MANAGEMENT RENTAL DEVICE SERVICES, PURSUANT TO BID NO. 14-179, FOR A FOUR YEAR TERM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88750

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

That the attached Contract between the City of Lincoln, Lancaster County, and All Roads Barricades, Inc. for the annual requirements for Emergency Incident Management Rental Device Services, pursuant to Bid No. 14-179, for a four year term, upon the terms as set forth in said Contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jonathan Cook

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

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND ELITE PROFESSIONALS HOME CARE COMPANY FOR THE ANNUAL REQUIREMENTS FOR IN-HOME SERVICES FOR THE ELDERLY, PURSUANT TO BID NO. 14-261, FOR A THREE YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88751 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Contract between the City of Lincoln and Elite Professional Home Care Company for the annual requirements for In-Home Services for the Elderly, pursuant to Bid No. 14-261, for a three year term with the option to renew for one additional two year term, upon the terms as set forth in said Contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.
Introduced by Jonathan Cook
Seconded by Camp and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

REQUEST OF PUBLIC WORKS TO SET THE HEARING DATE OF MONDAY, FEBRUARY 23, 2015, AT 5:30 P.M. & PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

15-21 PROVIDE AUTHORITY TO CREATE & ORDER CONSTRUCTED SANITARY SEWER DISTRICT IN WINTHROP RD. APPROX. 300 FT. SOUTH OF VAN DORN ST. & ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES.
15-22 PROVIDE AUTHORITY TO CREATE A SIDEWALK DIST. IN 6844 LAURENT CIR.
CLERK Requested a motion for approval.
COOK So Moved.
Seconded by Camp and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED DECEMBER 31, 2014 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-88752 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That during the month ended December 31, 2014 \$104,427.15 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rate basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.
Introduced by Carl Eskridge
Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

REPORT FROM CITY TREASURER OF MONTHLY CITY CASH REPORT FOR THE MONTH OF DECEMBER 31, 2014 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

REPORT OF LINCOLN WATER & WASTEWATER SYSTEMS FISCAL YEAR 2013-14 AUDITS - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-72)

PETITIONS & COMMUNICATIONS

REFERRED TO THE PLANNING DEPARTMENT:

Special Permit 15002, for authority to construct a wireless facility (a monopole approximately 129 feet in height), on property legally described as Lot 154, I.T., located in the NE1/4 of Section 33-10-6, Lincoln, Lancaster County, Nebraska, generally located at West A Street and Coddington Avenue (1550 S. Coddington Avenue). The Planning Commission action is final, unless appealed to the City Council.
Special Permit 15003 for the expansion of a nonconforming use to expand the area for authority to sell alcoholic beverages for consumption on the premises to include an outdoor beer garden, on property legally described as Lot 2, Cameron Addition, located in the NW1/4 of Section 12-9-6, Lincoln, Lancaster County, Nebraska, generally located at South 14th Street and Centerpark Road (1501 Centerpark Road). The Planning Commission action is final, unless appealed to the City Council.
Use Permit 117D, for authority to sell alcoholic beverages for consumption on the premises in conjunction with a restaurant, on property legally described as Lot 1, Horizon Business Center 3rd Addition, located in the NE1/4 of Section 23-9-6, Lincoln, Lancaster County, Nebraska, generally located at South 14th Street and Garrett Lane (7300 South 13th Street). The Planning Commission action is final, unless appealed to the City Council.

LIQUOR RESOLUTIONS

APPLICATION OF KUQ & ZI LLC DBA FLORIO'S ITALIAN RESTAURANT & GRILL FOR A CLASS I LIQUOR LICENSE AT 7300 SOUTH 13TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88753 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

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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 Kuq & Zi LLC dba Florio's Italian Restaurant & Grill for a Class "I" liquor license at 7300 South 13th Street, Lincoln, Nebraska, for the license period ending April 30, 2015, be approved with the condition that:

1. The applicant obtains a valid special permit, including the parking requirements.
2. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
3. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
4. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF FLORIM RAMADANI FOR KUQ & ZI LLC DBA FLORIO'S ITALIAN RESTAURANT & GRILL AT 7300 SOUTH 13TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88754 WHEREAS, Kuq & Zi LLC dba Florio's Italian Restaurant & Grill located at 7300 South 13th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Florim Ramadani be named manager;

WHEREAS, Florim Ramadani appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Florim Ramadani be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF HY-VEE INC DBA HY-VEE FOOD STORE TO DELETE AN AREA MEASURING APPROXIMATELY 159 FEET BY 56 FEET IN THE SOUTHWEST CORNER OF ITS CLASS C LIQUOR LICENSE AT 5020 NORTH 27TH STREET FOR A NEW DESCRIPTION AS ONE STORY BUILDING APPROXIMATELY 246 FEET BY 371 FEET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88755 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 Hy-Vee Inc dba Hy-Vee Food Store to delete an area measuring approximately 159 feet by 56 feet in the southwest corner of its Class C licensed premises located at 5020 North 27th Street, Lincoln, Nebraska, for a new licensed area described as: one story building approximately 246 feet by 371 feet, 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 Fellers and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; 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 JANUARY 1-15, 2015 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88756 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 January 16, 2015, 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:

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<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>		<u>WITHDRAWN CLAIMS</u>	
Helen Sellentin	\$736.36	Sanida Lipnicevic	\$3,200.00	Floyd Brown	\$100,000.00
Scott Smith	260.00	Alena Kalinina	3,075.00	Tyler McManaman	374,968.00
Christina Chadd	116.32	Matthew Kreutzer	3,000.00	Frank Oslzly	26,500.00
Thomas L. Bowen	224.95	Fred McCoy	1,804.97	Frank Oslzly	25,000.00
Jennifer & Ryan Lund	533.20	Mark Kellough	725.96		
		Linda Hennesey	3,104.59		

<u>DENIED CLAIMS</u>		<u>L.E.S. CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Gretchen & Cory Hess	\$505.00			Troy Hough	\$175.00
Phoenix Loss Control/Time Warner	2,472.07			Lindsay Kracman & Jordon Khedir	142.00
Van Coker	774.00			Bonnie Phillips	297.00
Lydell Otley	100.00			Union Bank & Trust	2,170.57
Airgas USA, LLC	204.48			Shoemaker's Travel Center	618.15
Nicole Ware	120.57			American Legion	93.75
Jon Noack	168.00			Marilyn Schwartz	350.00
Mike Marsh	700.00				
Phoenix Loss Control/Time Warner	438.75				
Kathleen Reinke	44.90				
Stella Tyson	397.04				
Sears Roebuck & Co.	NAS*				
Southeast Community College	13,214.75				
Bob & Karen Ravenscroft	NAS*				
Runza Restaurant	5,008.87				
Sid Dillon Inc.	263,302.09				
Shoemaker's Truck Station	1,955.09				

* No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jonathan Cook

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

APPROVING AN AMENDMENT TO THE 2014-2020 CAPITAL IMPROVEMENT PROGRAM (CIP) TO MOVE PROJECTS INTO THE FIRST YEAR OF THE CIP AND TO CHANGE THE FUNDING SOURCE TO LOCAL OPTION SALES TAX FOR PUBLIC SAFETY FOR PROJECT 0765 RADIO SYSTEM UPGRADE, PROJECTS 0240 AND 0348 FOR THE CO-LOCATION OF FIRE STATION 12 WITH AN LPD PRECINCT, PROJECT 0172 NEW FIRE STATION 15, PROJECT 0204 FIRE STATION 10 RELOCATION, AND PROJECT 0662 NEW FIRE STATION 16. (RELATED ITEMS: 15R-15, 15R-30, 15R-31) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88757 WHEREAS, Resolution No. A- 88504, adopted by the City Council of Lincoln, Nebraska on August 25, 2014, adopted the fiscal year 2014-2015 and 2015-2016 annual budgets for the City of Lincoln and further adopted the Capital Improvement Program attached to Resolution No. A-88504 as Schedule No. 5; and

WHEREAS, Capital Improvement Project 0765 Radio System Upgrade will be a ballot question on the April 2015 primary election ballot for inclusion in a vote to increase the local option sales tax rate from 1.50% to 1.75%; and

WHEREAS, it is necessary to amend the 2014-2020 Capital Improvement Program (CIP) to move projects forward in the CIP to be included in the sales tax increase vote scheduled for the April 2015 primary election ballot; and

WHEREAS, the projects which need to be moved forward include project 0240 for the co-location of Fire Station No. 12 with a Lincoln Police Department Precinct, project 0348 for the co-location of the Lincoln Police and Fire Team Assembly Station, project 0172 for a new Fire Station No. 15, project 0207 for the relocation of Fire Station No. 10, and project 0662 for a new Fire Station No. 16; and

WHEREAS, it is necessary to amend the CIP to change the funding source from General Obligation bonds to local option public safety sales tax revenue for project 0765, the Radio System Upgrade, project 0240 for the co-location of Fire Station No. 12 with a Lincoln Police Department Precinct, project 0348 for the co-location of the Lincoln Police and Fire Team Assembly Station, project 0172 for a new Fire Station No. 15, project 0207 for the relocation of Fire Station No. 10, and project 0662 for a new Fire Station No. 16; and

WHEREAS, payments for capital charges paid by governmental subdivisions and other users of the Public Safety Radio System will first be used to offset purchase and implementation costs of the system and secondly be used to accumulate funds in a separate account for future hardware and software upgrades for the system; 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

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WHEREAS, the Lincoln City-Lancaster County Planning Commission has previously reviewed the Radio System Upgrade, the co-location of Fire Station 12 with a Lincoln Police Department Precinct, the co-location of the Lincoln Police and Fire Team Assembly Station, the relocation of Fire and Rescue Station No. 10, the construction of new Fire and Rescue Station No. 15, and the construction of new Fire and Rescue Station 16 for conformity or non-conformity with the Comprehensive Plan as capital improvement projects and the Planning Commission found the proposed projects to be in conformity with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that project 0240, the co-location of Fire Station 12 with a Lincoln Police Department Precinct, project 0348, the co-location of the Lincoln Police and Fire Team Assembly Station and Lincoln Fire Station 12, project 0172 for a new Fire Station No. 15, project 0207 for the relocation of Fire Station No. 10, and project 0662 for a new Fire Station No. 16 are hereby moved forward in the Capital Improvement Program from fiscal year 2016-2017 to 2014-2015; and

BE IT FURTHER RESOLVED that the CIP be amended to change the funding source for project 0765 Radio System Upgrade, project 0240, the co-location of Fire Station 12 with a Lincoln Police Department Precinct, project 0348, the co-location of the Lincoln Police and Fire Team Assembly Station and Lincoln Fire Station 12, project 0172 for a new Fire Station No. 15, project 0207 for the relocation of Fire Station No. 10, and project 0662 for a new Fire Station No. 16 from General Obligation Bonds to local option sales taxes; and

BE IT FURTHER RESOLVED that the Capital Improvement Program on Schedule 5 of Resolution No. A-88504 be amended by moving forward in the CIP project 0240, project 0348, project 0172, project 0207, and project 0662 to the 2014-2015 fiscal year list of capital improvement projects on Schedule 5; and

BE IT FURTHER RESOLVED that the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the 2014-2015 budget in the amounts necessary in the Lincoln Police Department and Lincoln Fire and Rescue Department budgets for these projects and to establish separate business units entitled Radio System Upgrade, Fire Station No. 12 and Police Co-location, new Fire Station No. 15, new Fire Station No. 16, and relocation of Fire Station No. 10 in Fund 465 Capital Projects and deposit proceeds from the additional one quarter (1/4) cent sales tax increase to these business units as well as payments from other users of the radio system.

Introduced by Jonathan Cook

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY RELATING TO THE JOINT PLANNING AND FINANCING OF A REPLACEMENT EMERGENCY COMMUNICATIONS SYSTEM. (RELATED ITEMS: 15R-15, 15R-30, 15R-31) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88758

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

That the attached Interlocal Agreement for a Communications Center between the City of Lincoln Nebraska and Lancaster County, Nebraska relating to the joint planning and financing of a replacement emergency communications system, upon the terms and conditions set forth in said Interlocal 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 forward one fully executed copy of said Interlocal Agreement to the Lancaster County Clerk's office, for approval by the County.

Introduced by Jonathan Cook

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

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY OF A PROPOSED BALLOT QUESTION FOR THE APRIL 7, 2015 PRIMARY ELECTION TO INCREASE THE LOCAL SALES TAX RATE BY 1/4% FOR A THREE YEAR PERIOD TO BE USED FOR THE CITY'S PUBLIC SAFETY COMMUNICATIONS SYSTEM INCLUDING 911 PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM EQUIPMENT AND INFRASTRUCTURE, REPLACEMENTS, AND UPGRADES; A JOINT POLICE/FIRE AND RESCUE STATION; AND THREE FIRE AND RESCUE STATIONS. (RELATED ITEMS: 15R-15, 15R-30, 15R-31) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88759

WHEREAS, upon approval of a majority of the qualified electors of the city at a primary election held within the city, the Nebraska Local Option Revenue Act, Nebraska Revised Statutes § 77-27,142, et seq., authorizes the City of Lincoln to impose a sales tax upon the same transactions within the city on which the State of Nebraska is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967;

WHEREAS, seventy percent or more of the City Council of the City of Lincoln, Nebraska has approved submitting the question of whether to approve modification of the existing city sales tax to the qualified electors of the city; and

WHEREAS, the City Council finds that the public safety projects are expected to increase efficiencies with respect to the City's public safety departments, including shorter emergency response times, enhanced communications capabilities, and a more effective use of resources.

WHEREAS, the City Council may end the additional one quarter of one percent (1/4%) earlier than the three year period if revenues exceed the amount necessary to pay for the public safety projects.

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

1. That at the City primary election to be held on Tuesday, the 7th day of April, 2015, there shall be submitted to a vote of the qualified electors of the City of Lincoln, Nebraska, for adoption or rejection, the following ballot question:

BALLOT QUESTION

Shall the City Council of Lincoln, Nebraska increase the local sales and use tax rate by one quarter of one percent (1/4%) upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax for a period of no more than three years, for public safety improvements to enhance emergency communications and produced more efficient fire and police emergency response times under the following terms and conditions?

- (1) All revenues generated by the additional one quarter of one percent (1/4%) to be used to pay the costs to construct, acquire, improve, furnish, and equip the City's public safety communications system and public safety buildings, infrastructure, and equipment including the following:
 - a. 911 public safety radio communications system equipment and infrastructure, replacements, and upgrades;
 - b. One joint police and fire and rescue station;
 - c. Three fire and rescue stations.
- (2) Expiration of Tax Rate Change. The increased sales and use tax rate will be implemented and related revenues collected beginning as soon as practicable after voter approval and continuing for a period of not more than three years.
- (3) Lincoln-Lancaster County Cooperative Agreement. Revenues from the tax rate change shall be used, in part, to fund the City's share of a cooperative interlocal agreement between the City of Lincoln and Lancaster County, Nebraska for the cooperative use of the 911 public safety radio communications system, for the joint and mutual benefit and protection of said City and County, and to review the use of such system to ensure it provides adequate public safety communications capabilities to the City and the County.
- (4) Citizens' Oversight and Accountability Committee. The Mayor shall appoint a citizens' committee to ensure the plans and budgets of public safety projects associated with this ballot measure are efficiently and effectively managed.

VOTE FOR or AGAINST

- I vote FOR authorizing the increase in city sales tax for the specified public safety purposes.
- I vote AGAINST authorizing the increase in city sales tax for the specified public safety purposes.

2. That the Mayor be and hereby is directed to proclaim and give notice that at the city primary election to be held in the City of Lincoln, Nebraska, on Tuesday, the 7th day of April, 2015, there will be submitted to the qualified electors of the City of Lincoln, Nebraska, for adoption or rejection, the ballot question set forth in Section 1 hereof, and the City Clerk is directed to publish the said proclamation as provided by law.

3. That the City Clerk of the City of Lincoln is further directed to submit a certified copy of this resolution to the Election Commissioner of Lancaster County no later than March 1, 2015.

Introduced by Jonathan Cook

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

AUTHORIZING THE MAYOR TO EXECUTE A MULTI-YEAR CONTRACT WITH FUNDING

APPROPRIATIONS COMING FROM MORE THAN ONE FISCAL YEAR CIP FOR THE N.W. 48TH STREET FROM W. VINE STREET TO W. ADAMS STREET ROADWAY IMPROVEMENT PROJECT NO. 701452 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88760

WHEREAS, the City of Lincoln desires to enter into a contract for the N.W. 48th Street from W. Vine Street to W. Adams Street Roadway Improvement Project No. 701452; and

WHEREAS, said contract will involve the expenditure of money from appropriations of more than one year, and Article VII, Section 3 of the Charter of the City of Lincoln provides that no such expenditure of money of more than one year shall be valid unless approved by resolution of the City Council.

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

That the Mayor is authorized to execute a contract between the City and K2 Construction, for construction of the N.W. 48th Street from W. Vine Street to W. Adams Street Roadway Improvement Project No. 701452.

The City Clerk is directed to return one fully executed copy of this resolution to Erika Nunes, Engineering Services, Public Works & Utilities.

Introduced by Jonathan Cook

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

SPECIAL PERMIT 1999B - APPLICATION OF S&B LINCOLN APARTMENTS 1, LLC TO INCREASE THE HEIGHT OF THE APARTMENT COMPLEX SIGN FROM 6 FEET TO 7.5 FEET AT PROPERTY GENERALLY LOCATED AT S. 33RD STREET AND WILDERNESS HILLS BOULEVARD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

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A-88761 WHEREAS, S&B Lincoln Apartments 1, LLC has submitted an application designated as Special Permit No. 1999B to amend the Wilderness Hills Community Unit Plan to increase the height of the apartment complex sign from 6 feet to 7.5 feet at property generally located at S. 33rd Street and Wilderness Hills Boulevard and legally described as:

Lot 1, Wilderness Place 1st Addition; Lots 1-20, Block 1, and Lots 1-14, Block 2, and Lots 1-8, Block 3, and Lots 1-22, Block 4, and Lots 1-22, Block 5, and Lots 1-2, Block 6, and Lots 1-13, Block 7, Wilderness Hills Addition; and Lots 3-10, Block 1, and Lots 20-28, Block 1, and Lots 40-43, Block 1, and Lots 16-23, Block 2, and Outlot A, and Outlot E, Wilderness Hills Keystone Addition; and Lots 1-2, and Outlot A, Wilderness Hills Keystone 1st Addition; and Lots 1-2, Wilderness Hills Keystone 2nd Addition; and Lots 1-16, Block 1, and Lots 1-12, Block 2, and Outlot A, Wilderness Hills Keystone 3rd Addition; located in the Northwest and Southwest Quarters of Section 30, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska and being more particularly described as follows:

Referring to the north quarter corner of said Section 30; thence on the north line of said Section 30, south 88 degrees 46 minutes 30 seconds west a distance of 101.03 feet; thence south 01 degrees 14 minutes 220 seconds east a distance of 87.56 feet; thence south 00 degrees 09 minutes 57 seconds east a distance of 124.46 feet; thence south 08 degrees 06 minutes 35 seconds west a distance of 135.82 feet; thence on a curve to the right having a radius of 2030.00 feet and an arc length of 891.45 feet being subtended by a chord of south 03 degrees 21 minutes 26 seconds west a distance of 248.71 feet to the point of beginning; thence on a curve to the right having a radius of 2030.00 feet and an arc length of 642.62 feet being subtended by a chord of south 15 degrees 56 minutes 19 seconds west a distance of 639.94 feet; thence south 25 degrees 00 minutes 27 seconds west a distance of 151.66 feet; thence south 69 degrees 21 minutes 56 seconds east a distance of 11.75 feet; thence south 20 degrees 38 minutes 04 seconds west a distance of 87.05 feet; thence north 68 degrees 48 minutes 48 seconds west a distance of 5.00 feet; thence north 69 degrees 21 minutes 56 seconds west a distance of 10.70 feet; thence on a curve to the left having a radius of 2558.00 feet and an arc length of 771.00 feet, being subtended by a chord of north 78 degrees 00 minutes 00 seconds west a distance of 768.08 feet; thence south 13 degrees 28 minutes 51 seconds east a distance of 221.71 feet; thence south 12 degrees 35 minutes 31 seconds east a distance of 83.37 feet; thence south 02 degrees 58 minutes 55 seconds east a distance of 79.47 feet; thence south 00 degrees 07 minutes 52 seconds east a distance of 558.72 feet; thence south 89 degrees 56 minutes 50 seconds west a distance of 120.00 feet; thence south 00 degrees 07 minutes 52 seconds east a distance of 15.60 feet; thence south 89 degrees 52 minutes 08 seconds west a distance of 360.00 feet; thence north 00 degrees 07 minutes 52 seconds west a distance of 5.02 feet; thence south 89 degrees 52 minutes 08 seconds west a distance of 120.00 feet; thence south 00 degrees 07 minutes 52 seconds east a distance of 500.68 feet; thence along a curve to the left having a radius of 1898.24 feet and an arc length of 59.38 feet being subtended by a chord of south 83 degrees 46 minutes 12 seconds west a distance of 59.37 feet; thence south 82 degrees 52 minutes 36 seconds west a distance of 566.38 feet; thence along a curve to the right having a radius of 1542.00 feet and an arc length of 192.89 feet being subtended by a chord of south 86 degree 27 minutes 27 seconds west a distance of 192.77 feet; thence north 89 degrees 57 minutes 32 seconds west a distance of 99.41 feet; thence north 00 degrees 03 minutes 13 seconds west a distance of 1447.72 feet; thence north 89 degrees 50 minutes 48 seconds east a distance of 263.39 feet; thence along a curve to the left having a radius of 400.00 feet and an arc length of 104.72 feet being subtended by a chord of north 82 degrees 20 minutes 48 seconds east a distance of 104.42 feet; thence north 74 degrees 50 minutes 48 seconds east a distance of 296.69 feet; thence on a curve to the left having a radius of 1286.72 feet and an arc length of 325.25 feet being subtended by a chord of north 82 degrees 36 minutes 18 seconds east a distance of 324.38 feet; thence north 89 degrees 50 minutes 47 seconds east a distance of 305.69 feet; thence on a curve to the right having a radius of 2600.00 feet and an arc length of 361.29 feet being subtended by a chord of south 86 degrees 10 minutes 21 seconds east a distance of 361.00 feet; thence north 17 degrees 23 minutes 24 seconds east a distance of 419.85 feet; thence on a curve to the left having a radius of 530.00 feet and an arc length of 162.28 feet being subtended by a chord of north 08 degrees 37 minutes 06 seconds east a distance of 161.65 feet; thence north 00 degrees 09 minutes 12 seconds west a distance of 160.89 feet; thence south 89 degrees 24 minutes 57 seconds east a distance of 76.28 feet; thence along a curve to the right having a radius of 350.00 feet and an arc length of 38.40 feet being subtended by a chord of south 86 degrees 16 minutes 23 seconds east a distance of 38.38 feet; thence

south 83 degrees 07 minutes 49 seconds east a distance of 562.61 feet to the point of beginning; containing 2,438,604.71 square feet (55.98 acres) more or less;

WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on January 7, 2015 on said application and conditionally approved said special permit; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this amended community unit plan will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the Comprehensive Plan of the City of Lincoln and 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 the S&B Lincoln Apartments 1, LLC, hereinafter referred to as "Permittee", to amend the Wilderness Hills Community Unit Plan to increase the height of the apartment complex sign from 6 feet to 7.5 feet, on the property described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction of said community unit plan be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the increase in the height of the apartment complex sign, located at S. 33rd Street and Wilderness Hills Boulevard, from 6 feet to 7.5 feet and increases the sign area from 32 square feet to 35 square feet.
2. Before occupying buildings or starting the operation all development and construction shall substantially comply with the approved plans.
3. All privately owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
4. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters shall be in substantial compliance with the location of said items as shown on the approved site plan.
5. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors, and assigns.
6. 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 until the letter of acceptance has been filed.
7. 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 permit shall remain in full force and effect except as specifically amended by this resolution.

Introduced by Jonathan Cook

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

AMENDING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE GOVERNING BOARDS OF PUBLIC SAFETY ANSWERING POINTS IN THE COUNTIES OF CASS, FILLMORE, GAGE, JEFFERSON, JOHNSON, LANCASTER, NEMAHA, OTOE, PAWNEE, RICHARDSON, SALINE, SEWARD, THAYER AND YORK TO ACCEPT THE SOUTHEAST REGION 911 EMERGENCY COMMUNICATIONS STUDY AGREEMENT ADDENDUM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88762

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

That the Interlocal Cooperation Agreement approved by Resolution A-88188 between the City of Lincoln and the governing boards of Public Safety Answering Points in the counties of Cass, Fillmore, Gage, Jefferson, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Richardson, Saline, Seward, Thayer, and York to establish a Southeast 911 governing committee for coordinated regional 911 communications capabilities, is hereby amended to include the Inter-Local Cooperation Agreement Southeast Region 911 Emergency Communications Study Agreement Addendum upon the terms and conditions as set forth in said Addendum, which is attached hereto marked as Attachment "A" and made a part hereof by reference, and the Mayor is authorized to execute said Addendum on behalf of the City. The City Clerk is directed to send a copy of this Resolution and one fully executed Addendum to Tonya Peters, Assistant City Attorney, for transmittal to the parties.

Introduced by Jonathan Cook

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

COMP. PLAN CONFORMANCE 14025 - APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE SWANSON RUSSELL REDEVELOPMENT PROJECT FOR THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 1202 P STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88763

WHEREAS, the City Council on October 22, 1984, adopted Resolution No. A-69713 finding an

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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 "Swanson Russell Redevelopment Project" for the redevelopment of the vacant lot north of the existing Swanson Russell building generally located at 1202 P Street with a new 10,000 to 12,000 square foot office building; 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 "Swanson Russell 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 December 26, 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 January 7, 2015 before the Lincoln City - Lancaster County Planning Commission regarding the proposed amendments to the Redevelopment Plan to add the Swanson Russell 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 Swanson Russell Redevelopment Project were submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and, on January 7, 2015, 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 January 16, 2015, 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 February 2, 2015 regarding the proposed amendments to the Redevelopment Plan to add the Swanson Russell Redevelopment Project, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on January 16, 2015 and January 23, 2015, 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 February 2, 2015 regarding the proposed amendments to the Redevelopment Plan and to add the Swanson Russell 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 February 2, 2015 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 Swanson Russell 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 Swanson Russell 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 Swanson Russell 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 Swanson Russell 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 Swanson Russell

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 Swanson Russell 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 Jonathan Cook

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

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

REPEALING ORDINANCE NO. 19940 CREATING PAVING DISTRICT NO. 2633, IN N.W. NANCE STREET FROM N.W. 8TH TO N.W. 9TH STREETS, DUE TO THE LACK OF A PETITION SIGNED BY A MAJORITY OF AFFECTED PROPERTY OWNERS - CLERK read an ordinance, introduced by Jonathan Cook, repealing Ordinance No. 19940 which created Paving District No. 2633, which included all that portion of N.W. Nance Street from N.W. 8th Street to N.W. 9th Street describing the benefitted property as follows: West Lincoln, Block 8, Lot 11 - 12, W1/2, West Lincoln, Block 8, Lot 11 - 12, E1/2, West Lincoln, Block 8, Lot 1 - 2, W81', West Lincoln, Block 8, Lot 1 - 2, E61', West Lincoln, Block 5, Lot 5 - 6, West Lincoln, Block 5, Lot 7 - 8, E71', West Lincoln, Block 5, Lot 7 - 8, W71', West Lincoln, Block 5, Lot 9, West Lincoln, Block 5, Lot 4, West Lincoln, Block 8, Lot 10, West Lincoln, Block 8, Lot 3 City of Lincoln, Lancaster County, Nebraska, the second time.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$375,000,000 CITY OF LINCOLN, NEBRASKA LINCOLN ELECTRIC SYSTEM REVENUE AND REFUNDING BONDS - CLERK read an ordinance, introduced by Jonathan Cook, authorizing the issuance of Lincoln Electric System Revenue and Refunding Bonds of the City of Lincoln, Nebraska in one or more series in an aggregate principal amount not to exceed \$375,000,000 fixing in part and providing for the fixing in part of the details of such bonds; providing for the sale of such bonds and the application of the proceeds of such sale; taking other action in connection with the foregoing; and related matters, the second time.

TEXT AMENDMENT 14021 - AMENDING SECTION 27.72.080 OF THE LINCOLN MUNICIPAL CODE RELATING TO EXCEPTIONS TO FRONT YARD REQUIREMENTS TO PROVIDE FOR A REDUCED COMMERCIAL FRONT YARD SETBACK IN THE O-1 OFFICE DISTRICT AND THE B-3 COMMERCIAL DISTRICT WHERE THERE IS AN ABUTTING RESIDENTIAL DISTRICT ALONG THE SAME BLOCK FACE - PRIOR to reading:

CAMP Moved to continue Public Hearing 1 week to 02/09/15.

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

CLERK Read an ordinance, introduced by Jonathan Cook, amending Section 27.72.080 of the Lincoln Municipal Code relating to exceptions to front yard requirements to provide for a reduced commercial front yard setback in the O-1 Office District and the B-3 Commercial District where there is an abutting residential district along the same block face; and repealing Section 27.72.080 of the Lincoln Municipal Code as hitherto existing, the second time.

APPROVING A DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN AND IRONWOOD PROPERTIES, LLC, AND STEFFEN CONSTRUCTION SPECIALISTS, INC. TO RESTRICT USE OF THE PROPERTY UNDER THE PROPOSED CHANGE OF ZONE NO. 14029 ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH 48TH STREET AND PIONEERS BOULEVARD. (RELATED ITEMS: 15R-25, 15-16) (ACTION DATE: 2/9/15) - PRIOR to reading:

CAMP Moved to continue Public Hearing for 1 week to 02/09/15.

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

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CHANGE OF ZONE 14029 - APPLICATION OF IRONWOOD PROPERTIES AND STEFFEN CONSTRUCTION SPECIALISTS, INC. FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 48TH STREET AND PIONEERS BOULEVARD. (RELATED ITEMS: 15R-25, 15-16) - PRIOR to reading:

CAMP Moved to continue Public Hearing for 1 week to 02/09/15.

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

CLERK Read an 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 14033 - APPLICATION OF CASEY'S RETAIL COMPANY, KEITH SACHEWSKY, AND JAMES PETERSON FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL AND O-2 SUBURBAN OFFICE TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 48TH STREET AND MEREDETH STREET - CLERK read an 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.

APPROVING THE O STREET AND NORTH 84TH STREET AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ROADS, THE CITY OF LINCOLN, CORNHUSKER BANK, AND BREHM ENTERPRISES, INC. RELATING TO CORNHUSKER BANK'S CONSTRUCTION OF STREET IMPROVEMENTS ASSOCIATED WITH CORNHUSKER BANK'S DEVELOPMENT ON THE NORTHWEST CORNER OF THE INTERSECTION AT 84TH AND O STREETS AND PROVIDING FOR THE CITY TO REIMBURSE CORNHUSKER BANK FOR ITS COST TO CONSTRUCT A SOUTHBOUND RIGHT TURN LANE ON 84TH STREET WITH IMPACT FEES. (RELATED ITEMS 15R-22, 15R-27, 15-19) (ACTION DATE: 2/9/15)

USE PERMIT 13011A - APPLICATION OF BREHM ENTERPRISES, INC. TO AMEND THE RUSSWOOD PARK USE PERMIT TO INCREASE THE FLOOR AREA, TO EXCEED THE MAXIMUM HEIGHT, AND MODIFY THE PARKING REQUIREMENTS IN THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 84TH STREET AND O STREET. (RELATED ITEMS: 15R-22, 15R-27, 15-19) (ACTION DATE: 2/9/15)

VACATION 14013 - VACATING APPROXIMATELY 0.03 ACRES OF RUSSWOOD PARKWAY RIGHT-OF-WAY ADJACENT TO OUTLOT A, RUSSWOOD PARK 4TH ADDITION, LINCOLN, LANCASTER COUNTY, NEBRASKA. (RELATED ITEMS: 15R-22, 15R-27, 15-19) - CLERK read an ordinance, introduced by Jonathan Cook, vacating approximately 0.03 acres of Russwood Parkway right-of-way adjacent to Outlot A, Russwood Park 4th Addition generally located at Russwood Parkway between O Street and College Park Drive, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

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

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND FORTUNATO SANCHEZ AUTHORIZING THE SALE OF CITY OWNED SURPLUS PROPERTY GENERALLY LOCATED AT 344 N. 27TH STREET - Clerk read an ordinance, introduced by Roy Christensen, approving a Real Estate Sales Agreement between the City of Lincoln and Fortunato Sanchez authorizing the sale of City owned property generally located at 344 N. 27th Street, Lincoln, Nebraska, for the third time.

CHRISTENSEN 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 **#20149**, is recorded in the Ordinance Book.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND NGUYEN NGUYEN AND TAN LAM AUTHORIZING THE SALE OF CITY OWNED SURPLUS PROPERTY GENERALLY LOCATED AT 1739 N. 28TH STREET - Clerk read an ordinance, introduced by Roy Christensen, approving a Real Estate Sales Agreement between the City of Lincoln and Nguyen Nguyen and Tan Lam authorizing the sale of City owned property generally located at 1739 N. 28th Street, Lincoln, Nebraska, the third time.

CHRISTENSEN 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 **#20150**, is recorded in the Ordinance Book.

RESOLUTIONS - 1ST READING - NONE

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

COMP. PLAN CONFORMANCE 14027 - DECLARING APPROXIMATELY 2,690 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT NORTH 12TH STREET AND CHARLESTON STREET AS SURPLUS PROPERTY - Clerk read an ordinance, introduced by Carl Eskridge, declaring approximately 2,690 square feet of City owned property 2 generally located at North 12th Street and Charleston Street as surplus, the first time.

APPROVING THE LICENSE AGREEMENT BETWEEN THE CITY OF LINCOLN AND OMAHA PUBLIC POWER DISTRICT FOR THE INSTALLATION OF A FIBER OPTIC LINE ON CITY OWNED PROPERTY IN ASHLAND, NEBRASKA - Clerk read an ordinance, introduced by Carl Eskridge, accepting and approving the License Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Omaha Public Power District, a Nebraska public corporation and political subdivision of the State of Nebraska, for the installation of a fiber optic line on City owned property in Ashland, Saunders County, Nebraska and authorizing the Mayor to sign such Agreement on behalf of the City, the first time.

CHANGE OF ZONE 14035 - APPLICATION OF DARLENE HARRISON FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH 40TH STREET AND PIONEERS BOULEVARD - Clerk read an ordinance, introduced by Carl Eskridge, 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 first time.

PENDING LIST

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LOBO'S CITY MEX, INC. FOR THE LEASE OF PROPERTY GENERALLY LOCATED AT 344 N. 27TH ST. FOR A TWO YEAR TERM. (6/30/14 - HELD OVER 2 WEEKS TO 7/14/14 DUE TO LACK OF REQUIRED MAJORITY VOTE; ASSENTING: EMERY, ESKRIDGE, FELLERS; DISSENTING: CAMP, CHRISTENSEN; ABSENT: COOK, GAYLOR BAIRD) (7/14/14 - ACTION DELAYED 1 WEEK TO 7/21/14) (7/21/14 - PLACED ON PENDING, NO DATE CERTAIN) (IF BILL NO. 15-14 PASSES, BILL NO. 14-75 WILL BE WITHDRAWN) PRIOR to reading:

FELLERS Moved to withdraw Bill No.14-75.

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

The ordinance, having been **WITHDRAWN**, was assigned the File #**38-4656** & was placed on file in the Office of the City Clerk.

ADJOURNMENT

5:28 P.M.

CAMP Moved to adjourn the City Council Meeting of February 2, 2015.
Seconded by Fellers and 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

