

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 9, 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.

READING OF THE MINUTES

FELLERS Having been appointed to read the minutes of the City Council proceedings of February 2, 2015, reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Beutler presented the January 2015 Mayor's Award of Excellence to Robert Poe, Fire Equipment Mechanic for the Logistics division of the Lincoln Fire & Rescue Department. He was nominated by Division Chief, Kendall Warnock, in the categories of loss prevention and productivity. Robert saved the City thousands of dollars by remounting ambulances & refurbishing vehicles to meet the departments needs. He's also attained additional training and received the Emergency Vehicle Technician Certification .

Division Chief, Kendall Warnock, came forward and stated how they are greatly appreciative of the work and expertise that Robert has provided to the City.

Fire Chief, John Huff, thanked Mayor Beutler & Council for allowing them to award Robert for his recognition.

Robert Poe, came forward & thanked everyone for the award and recognition.

PUBLIC HEARING

APPLICATION OF DAO & NGUYEN PROPERTIES LLC DBA SOUTH FAST BREAK FOR A CLASS D LIQUOR LICENSE AT 1648 SOUTH STREET;

MANAGER APPLICATION OF PAULINA NGUYEN FOR DAO & NGUYEN PROPERTIES LLC DBA SOUTH FAST BREAK AT 1648 SOUTH STREET - Paulina Nguyen, 1648 South St., came forward to take the oath and answer questions. Stated she is upgrading the Liquor License to a Class D. Discussion followed.
This matter was taken under advisement.

COMP. PLAN CONFORMANCE 14027 - DECLARING APPROXIMATELY 2,690 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT NORTH 12TH STREET AND CHARLESTON STREET AS SURPLUS PROPERTY - David Landis, Director of Urban Development, came forward. Stated this is a land swap vs. sale of land. The City will be giving up a piece of land the City owns, that is unbuildable in its size, located in the flood plane, and no other department is wanting this piece of land. In return, the City is receiving a piece of land that the City needs to build an appropriate size for 12th Street. Discussion followed.

This matter was taken under advisement.

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 - David Young, Public Works & Utilities, came forward. Stated this is to install conduits between an existing pole line, fiber system, and an underground vault, which does cross the water easement by 150 feet.

This matter was taken under advisement.

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 - Mike Eckert, Civil Design Group, 5353 Executive Woods Dr., came forward. Stated that this is an in-fill project that is a townhouse development. It includes 8 town homes & 2 single-family units with a public access easement and a common drive. Stated the reason for the COZ is due to the difference in the set back between the town homes in R-2 and R-3 District.. Discussion followed.

This matter was taken under advisement.

**REGULAR MEETING
FEBRUARY 9, 2015
PAGE 816**

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;

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;

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 - Derek Zimmerman, Baylor & Evnen, Attorney, 1248 O St., Suite 600, came forward. Stated this is the project on the NE corner of 48th St. & Pioneers Blvd. Stated that they ready to move forward and that there are no oppositions to the motion to amend.

This matter was 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 JANUARY 26, 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MON. FEBRUARY 23, 2015 AT ~~3:00~~ 5:30 P.M. ON THE MANAGER APPLICATION OF JERRY CONKEL FOR RT OMAHA FRANCHISE, LLC DBA RUBY TUESDAY AT 2700 NORTH HILL ROAD - CITY CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88764 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 23, 2015 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Jerry Conkel for RT Omaha Franchise, LLC., dba Ruby Tuesday located at 2700 North Hill Road.

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

Introduced by Trent Fellers

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

SETTING THE HEARING DATE OF MON. FEBRUARY 23, 2015 AT ~~3:00~~ 5:30 P.M. FOR THE APPLICATION OF JONATHAN D. BENSON DBA MAHONEY GOLF SHOP FOR A CLASS I LIQUOR LICENSE (BEER, WINE & DISTILLED SPIRITS CONSUMPTION ON PREMISES) AND A CLASS B LIQUOR LICENSE (BEER ONLY, CONSUMPTION OFF PREMISES SALE IN ORIGINAL PACKAGE ONLY) LOCATED AT 7900 ADAMS STREET - CITY CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88765 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 23, 2015 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Jonathan D. Benson dba Mahoney Golf Shop for a Class I Liquor License (Beer, Wine & Distilled Spirits Consumption ON Premises) and a Class B Liquor License (Beer Only, consumption OFF Premises sale in Original Package Only) located at 7900 Adams Street.

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

Introduced by Trent Fellers

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

SETTING THE HEARING DATE OF MON. FEBRUARY 23, 2015 AT ~~3:00~~ 5:30 P.M. FOR THE APPLICATION OF ASIAN BUFFET, INC. DBA ASIAN BUFFET FOR A CLASS I LIQUOR LICENSE LOCATED AT 5130 N. 27TH ST., SUITES 5, 6, & 7 - CITY CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88766 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 23, 2015 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Asian Buffet, Inc. dba Asian Buffet for a Class I Liquor License located at 5130 N. 27th St., Suites 5, 6, & 7.

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

Introduced by Trent Fellers

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

SETTING THE HEARING DATE OF MON. FEBRUARY 23, 2015 AT ~~3:00~~ 5:30 P.M. FOR THE APPLICATION OF RAAJ LINCOLN LESSEE LLC DBA HOLIDAY INN FOR A CLASS C WITH CATERING LIQUOR LICENSE LOCATED AT ~~141~~ 131 N. 9TH STREET - CITY CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88767 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 23, 2015 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of RAAJ Lincoln Lessee dba Holiday Inn for a Class C with Catering Liquor License located at ~~141~~ 131 N. 9th Street.

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

Introduced by Trent Fellers

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 14098 to Final Plat No. 05075, Wilderness Hills Commercial Addition, approved by the Acting Planning Director on January 30, 2015, requested by Engineering Design Consultants, for a waiver to extend the time for two years to install street trees, on property generally located at 27th Street and Yankee Hill Road.

Administrative Amendment No. 14100 to Final Plat No. 07048, Wilderness Hills Commercial 2nd Addition, approved by the Acting Planning Director on January 30, 2015, requested by Engineering Design Consultants, for a waiver to extend the time for two years to install sidewalks and street trees, on property generally located at 27th Street and Yankee Hill Road.

LIQUOR RESOLUTIONS

APPLICATION OF DAO & NGUYEN PROPERTIES LLC DBA SOUTH FAST BREAK FOR A CLASS D LIQUOR LICENSE AT 1648 SOUTH STREET - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-88768 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 Dao & Nguyen Properties LLC dba South Fast Break for a Class "D" liquor license at 1648 South Street, Lincoln, Nebraska, for the license period ending April 30, 2015, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

2. The premises must comply in every respect with all city and state regulations.

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

Introduced by Jon A. Camp

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

MANAGER APPLICATION OF PAULINA NGUYEN FOR DAO & NGUYEN PROPERTIES LLC DBA SOUTH FAST BREAK AT 1648 SOUTH STREET - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-88769 WHEREAS, Dao & Nguyen Properties LLC dba South Fast Break located at 1648 South Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Paulina Nguyen be named manager;

WHEREAS, Paulina Nguyen 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

**REGULAR MEETING
FEBRUARY 9, 2015
PAGE 818**

Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Paulina Nguyen 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 A. Camp

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

PUBLIC HEARING RESOLUTIONS - NONE

ORDINANCES - 2ND 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 second 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 second 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 second time.

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

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:

COOK Moved to amend Bill No. 15-18 as follows:

1. On page 1, line 15, after the word "apply" insert the following: "on said block face".
2. On page 1, line 16, strike the words "In the O-1 and B-3 districts," and insert in lieu thereof the following: "In the B-3 district,"
3. On page 1, line 19 after the word "lot", insert the following: ", provided that for any building located within the reduced front yard setback, the building facade facing the street from which the reduced front yard setback is measured shall have a minimum of thirty percent (30%) transparency from three to nine feet above grade. If said commercial lot is a corner lot, the thirty percent (30%) transparency requirement shall also apply to the building facade not located on the same block face as the residential district unless the building is set back at least 30 feet from the street".

Seconded by Gaylor Baird & 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 third time.

COOK Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#20151**, is recorded in Ordinance Book 29.

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) -CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88770

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

That the Development and Conditional Zoning Agreement for 48th and Pioneers Boulevard which is attached hereto marked as Exhibit "A" and made a part hereof by reference, between the City of Lincoln and Ironwood Properties, LLC and Steffen Construction Specialists, Inc., to restrict use of the property generally located at the northeast corner of South 48th Street and Pioneers Boulevard, should the property be rezoned from O-2 Suburban Office District to B-3 Commercial District, is hereby approved and the Mayor is authorized to execute the Development and Conditional Zoning Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to the Planning Department for distribution to the parties.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Development and Conditional Zoning Agreement with the Register of Deeds, filing fees to be paid by the Developer.

Introduced by Jonathan Cook

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

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) -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 third time.

COOK

Moved to pass 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 #20152, is recorded in Ordinance Book 29.

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 third time.

COOK

Moved to pass ordinance as read.

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

The ordinance, being numbered #20153, is recorded in Ordinance Book # 29.

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 third time.

COOK

Moved to pass ordinance as read.

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

The ordinance, being numbered #20154, is recorded in Ordinance Book #29.

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 - PRIOR to reading:

COOK

Moved to amend Bill No. 15-17 as follows:

1. On page 1, line 10, delete the words "Lots 7 through 9" and insert in lieu thereof "Lot 8, except the west one foot thereof, and all of Lot 9."

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

**REGULAR MEETING
FEBRUARY 9, 2015
PAGE 820**

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 third time.

COOK Moved to pass the ordinance as amended.
Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.
The ordinance, being numbered #20155, is recorded in Ordinance Book 29.

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) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88771 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached O Street and North 84th Street Agreement between 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, 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 Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

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) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88772 WHEREAS, Brehm Enterprises, Inc has submitted an application in accordance with Section 27.31.030 and Section 27.64.010 of the Lincoln Municipal Code designated as Use Permit No. 13011A for authority to amend the Russwood Park Use Permit to increase the allowed floor area, to exceed the maximum height, and reduce the parking requirements in the B-2 Planned Neighborhood Business District on property generally located at N. 84th Street and O Street, and legally described as follows:

Lot 1 and Outlot A, Russwood Park 4th Addition, Lancaster County, Nebraska;

and

WHEREAS, the real property adjacent to said Lot 1 and Outlot A will not be adversely affected;

and

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

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

That the application of Brehm Enterprises, Inc., hereinafter referred to as "Permittee", to amend the Russwood Park Use Permit to increase the allowed floor area, to exceed the maximum building height, and reduce the parking requirements in the B-2 Planned Neighborhood Business District be and the same is hereby granted under the provisions of Section 27.31.030 and Chapter 27.64 of the Lincoln Municipal Code upon condition that all construction be in substantial compliance with the application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 77,700 square feet of commercial floor area, reduces the required parking to 1 stall per 315 square feet of floor area for all uses and increases the permitted building height to a maximum height of 65 feet.

2. Before receiving building permits:

a. The Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 4 copies with all required revisions as listed below:

i. Add a note to the site plan that states, "Accessory buildings need not be shown on the site plan and may be located anywhere on the site outside of setbacks and sight triangles."

ii. Rename the private access easements as "Common Access Easements".

iv. Show and dimension the southern portion of the Common Access Easement along O Street.

- v. Revise the building envelope so that it is clearly visible around the commercial building on Lot 2 and add dimensions.
 - vi. Add a building envelope with dimensions for the building on Lot 3.
 - vii. Identify the heavy, dashed lines or remove them from the site plan.
 - viii. Add streetscape and setback notes #1, #2 and #3 from AA14059 to the site plan.
 - ix. Add a note to the plan that states, "The agreement among the City of Lincoln, the Nebraska Department of Roads, Cornhusker Bank and the property owner must be approved prior to issuing a building permit for Lot 2 shown on the site plan."
 - x. Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".
 - xi. Add the additional commercial floor areas to the site plan.
 - xii. Revise the parking table to the satisfaction of the Planning Director.
 - xiii. Add a note to the plan that states, "The building footprints and parking spaces shown on the site plan are conceptual and are subject to minor adjustments."
- b. The Permittee shall provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the use permit has been recorded.
 - c. The construction plans shall substantially comply with the approved plans.
 - d. Final plat(s) shall be approved by the City.
3. If any final plat on all or a portion of the property within the approved use permit is submitted five (5) years or more after the approval of the use permit, the city may require that a new use permit be submitted, in compliance with all the provisions of section 26.31.015. A new use permit may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the use permit as originally approved does not comply with the amended rules and regulations.
4. Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow, or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.
5. If the required improvements are not installed before the approval of a final plat the Permittee shall enter into a subdivision agreement with the City wherein Permittee agrees:
- a. To complete the installation of sidewalks along the south side of College Park Drive shown on the final plat within four (4) years following the approval of the final plat.
 - b. To complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat.
 - c. To complete the planting of the street trees along the east side of Russwood Parkway and the south side of College Park Drive as shown on the final plat within six (6) years following the approval of the final plat.
 - d. To complete the installation of street trees along the north side of O Street and the west side of N. 84th Street as shown on the final plat within two (2) years following the approval of this final plat.
 - e. To timely complete any other public or private improvement or facility required by the Land Subdivision Ordinance which inadvertently may have been omitted from the above list of required improvements.
 - f. To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - g. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - h. To complete the public and private improvements shown on Use Permit #13011A.
6. Before occupying the buildings all development and construction must substantially comply with the approved plans.
7. All privately-owned improvements, including landscaping, are to be permanently maintained by the Permittee or an appropriately established owners association approved by the City.
8. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
9. The terms and conditions, of this resolution shall run with the land and be binding upon the Permittee, its successors, and assigns.

**REGULAR MEETING
FEBRUARY 9, 2015
PAGE 822**

10. 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 use permit. The City Clerk shall file a copy of the resolution approving the use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

11. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, the terms and conditions of all resolutions approving earlier versions of this use permit shall remain in force and effect except as specifically amended by this resolution.

Introduced by Jonathan Cook

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

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 third time.

COOK Moved to pass ordinance as read.

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

The ordinance, being numbered **#20156**, is recorded in Ordinance Book #29.

RESOLUTIONS - 1ST READING

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 16-31, 2015.

RESCINDING RESOLUTION NO. A-88189 ADOPTED BY THE CITY COUNCIL ON APRIL 14, 2014 FOR THE USE OF PUBLIC RIGHT-OF-WAY ON THE NORTHWEST CORNER OF SOUTH 6TH STREET AND L STREET FOR CONSTRUCTION OF A PORTION OF A LOADING DOCK RAMP.

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS (NDOR) TO ACCEPT NDOR FISCAL YEAR 2015 CONSTRUCTION PROGRAM FUNDING OF \$400,000 FOR THE RESURFACING OF SELECTED STATE HIGHWAY LINKS IN THE CITY OF LINCOLN.

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS (NDOR) TO ACCEPT NDOR FISCAL YEAR 2015 MAINTENANCE PROGRAM FUNDING OF \$2,330,000 FOR THE MAINTENANCE RESURFACING OF SELECTED STATE HIGHWAY LINKS IN THE CITY OF LINCOLN.

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

AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY IN A PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,300,000.00 TO REFUND THE CITY'S OUTSTANDING GENERAL OBLIGATION STORM SEWER BONDS, SERIES 2005 AND RELATED MATTERS - CLERK read an ordinance, introduced by Trent Fellers, authorizing and providing for the issuance, sale and delivery of general obligation storm sewer and drainage system refunding bonds, series 2015, of the City of Lincoln, Nebraska (the "City"), in an aggregate principal amount not to exceed \$6,300,000.00 (The "Bonds"), for the purpose of providing for the payment and redemption of \$6,340,000.00 aggregate principal amount of the City's general obligation storm sewer and drainage system bonds, series, 2005, dated June 15, 2005; prescribing certain terms of the bonds; delegating, authorizing and directing the finance director to exercise his independent judgement and absolute discretion in determining certain other terms of the bonds; providing for the payment of the principal and interest on the bonds by the levy of a tax on all of the taxable property within the city; authorizing the execution of an escrow agreement relating to the temporary investment of a portion of the bond proceeds and the appointment of an escrow agent: authorizing and approving certain other related matters, the first time.

AUTHORIZING THE ISSUANCE OF SANITARY SEWER REVENUE REFUNDING BONDS OF THE CITY IN A PRINCIPAL AMOUNT OF NOT TO EXCEED \$13,500,000.00 TO REFUND THE CITY'S OUTSTANDING SANITARY SEWER REVENUE BONDS, SERIES 2005 AND RELATED MATTERS - CLERK read an ordinance, introduced by Trent Fellers, fifth series ordinance adopted under and pursuant to Ordinance No. 18171 authorizing the issuance of sanitary sewer revenue refunding bonds, series 2015, of the City of Lincoln, Nebraska in a principal amount not to exceed thirteen million five hundred thousand dollars

(\$13,500,00.00); fixing in part and providing for the fixing in part of the details of the bonds; providing for the sale of the bonds and the application of the proceeds thereof; authorizing the execution and delivery of certain documents and taking other action in connection with the foregoing; and related matters, the first time.

AUTHORIZING THE ISSUANCE OF SOLID WASTE MANAGEMENT REVENUE BONDS OF THE CITY IN A PRINCIPAL AMOUNT OF NOT TO EXCEED \$7,060,000.00 AND RELATED MATTERS - CLERK read an ordinance, introduced by Trent Fellers, a series ordinance adopted under and pursuant to Ordinance No. 18774 authorizing the issuance of solid waste management revenue bonds, series 2015, of the city of Lincoln, Nebraska in an aggregate principal amount not to exceed \$7,060,000 for the purposes of providing for extensions, enlargements and improvements to the city's solid waste management facilities; fixing in part and providing for the fixing in part of the details of the bonds; authorizing for the sale of the bonds and the application of the proceeds thereof; authorizing the execution and delivery of certain documents; taking other action in connection with the foregoing; and related matters, the first time.

AUTHORIZING THE CITY TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY IN A PRINCIPAL AMOUNT OF NOT TO EXCEED \$3,400,000.00 TO PURCHASE AND INSTALL LIGHT POLES AND RELATED EQUIPMENT, SUCH AS LIGHT FIXTURES, WIRING, AND OTHER ITEMS NECESSARY TO COMPLETE THE INSTALLATION OF NEW STREET LIGHTS IN THE CITY AND RELATED MATTERS - CLERK read an ordinance, introduced by Trent Fellers, an ordinance of the City of Lincoln, Nebraska authorizing and approving a lease-purchase transaction with union bank and trust company, the proceeds of which will be used to pay the costs of purchasing and installing light poles and related equipment, such as light fixtures, wiring, and other items necessary to complete the installation of new street lights in the City and to pay cost of issuance thereof; approving the issuance, sale and delivery of not to exceed \$3,400,000.00 principal amount of certificates of participation in such lease; fixing in part and providing for the fixing in part of certain provisions of the lease; and related matters, the first time.

CREATING SANITARY SEWER DISTRICT NO. 1189 FOR THE PURPOSE OF CONSTRUCTING AN 8-INCH DIAMETER SANITARY SEWER IN WINTHROP ROAD APPROXIMATELY 300 FEET SOUTH OF VAN DORN STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY. (REQUEST TO PLACE ON PENDING) - PRIOR to reading:

CAMP Moved to place Bill No. 15-21 on Pending, No Date Certain.

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

CREATING SIDEWALK IMPROVEMENT DISTRICT NO. 97 FOR THE PURPOSE OF CONSTRUCTING THE SIDEWALKS GENERALLY LOCATED AT 6844 LAURENT CIRCLE AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Trent Fellers, creating and ordering construction of Sidewalk Improvement District No. 97, defining the limits thereof, providing for the construction of public sidewalks therein, providing for the payment of the cost thereof, designating the property to be benefitted, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

PENDING LIST

CHANGE OF ZONE NO. 13029 – APPLICATION OF US PROPERTIES FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT EIGER DRIVE AND NEBRASKA HIGHWAY 2. (RELATED ITEMS: 14-15, 14R-48) (2/10/14 - Placed on Pending, No Date Certain) - PRIOR to reading:

FELLERS Moved to withdraw Bill No. 14-15.

Seconded by Christensen & 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 #38-4657 & was placed on file in the Office of the City Clerk.

SPECIAL PERMIT NO. 13060 – APPLICATION OF SILVER OFFICE - OAKVIEW LLC TO ALLOW A CAMPGROUND FOR 13 CAMP SITES ON PROPERTY GENERALLY LOCATED AT EIGER DRIVE AND NEBRASKA HIGHWAY 2. (RELATED ITEMS: 14-15, 14R-48) (2/10/14 - Placed on Pending, No Date Certain) - PRIOR to reading:

FELLERS Moved to withdraw Bill No. 14R-48.

Seconded by Christensen & 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 #38-4658 & was placed on file in the office of the City Clerk.

OPEN MICROPHONE

Mark Morris, 1111 Furnace Ave., Lincoln, came forward and presented Council with a letter with information regarding a claim against the City.

This matter was taken under advisement.

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

This matter was taken under advisement.

ADJOURNMENT

3:43 P.M.

COOK Moved to adjourn the City Council Meeting of February 9, 2015.
Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

Teresa J. Meier, City Clerk

Soulinnee Phan, Office Specialist