

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 28, 2015 AT 5:30 P.M.**

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

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

READING OF THE MINUTES

LAMM Having been appointed to read the minutes of the City Council proceedings of September 21, 2015, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF MIDWEST PLAINS FOOD & LODGING, INC. DBA FATDOGS FOR A CLASS D LIQUOR LICENSE AT 3100 NW 12TH STREET;

MANAGER APPLICATION OF JEFFREY D. MOORE FOR MIDWEST PLAINS FOOD & LODGING, INC. DBA FATDOGS AT 3100 NW 12TH STREET - Jeffrey Moore, 3610 Sunset Dr., North Platte, NE, came forward and took the oath and stated he had completed his training on September 10th.

Mark Wilkinson, President of Midwest Plains Food & Lodging, Inc., 405 Sand Piper Way, North Platte, NE, came forward and took the oath.

This matter was taken under advisement.

APPLICATION OF RHINODYNAMICS, INC. DBA DUFFY'S TAVERN FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 60 FEET BY 55 FEET AT 1412 O STREET ON OCTOBER 10, 2015 FROM 8:00 A.M. TO 2:00 A.M. - Scott Hatfield, 1412 O St., came forward and gave a brief overview of the event.

This matter was taken under advisement.

APPROVING THE VICTORY PARK - VA CAMPUS REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN, SENIORS FOUNDATION VA VISION, LLC, AND VICTORY PARK, LLC RELATING TO THE REDEVELOPMENT OF PROPERTY LOCATED AT 600 SOUTH 70TH STREET FOR HOUSING, MEDICAL CARE, AND SERVICES FOR SENIORS AND VETERANS. (RELATED ITEMS: 15R-197, 15R-198);

AMENDING THE FY 15/16 CIP TO AUTHORIZE AND APPROPRIATE \$7,134,000.00 IN TIF FUNDS FOR THE VICTORY PARK - VA CAMPUS PROJECT. (RELATED ITEMS: 15R-197, 15R-198) - David Landis, Urban Development Director, came forward and stated four years ago the Seniors Foundation became the winner of this RFP from the Veterans Administration which involved the development of a property over a 75 year lease. He said today before council, they are asking for the adoption of the Redevelopment Agreement for Victory Park. Regarding all the Phases involved, the estimated project is at \$115 million, the private development cost is at \$108 million and the total TIF amount is at \$7.1 million. Mr. Landis gave a brief overview of key points in the Agreement. The TIF money is essential for infrastructure, site acquisition, rehabilitation, energy enhancement, public amenities and street scape.

Phil Boehr, 7340 S. Wedgewood, came forward to thank all groups involved in this project. He stated that the blighting process should be addressed and not be a government overview and that informing those involved should have happened earlier. He said the follow through regarding the Redevelopment Agreement is important and to keep the area as a park like atmosphere. Discussion followed.

Kent Seacrest, Seacrest & Kalkowski Law Firm, 1111 Lincoln Mall #350, came forward and thanked Council for their support and time regarding this project. Mr. Seacrest stated the deadline to start construction on Oct 1st is not a V.A. deadline, but a HUD deadline. This will allow us to preserve and protect 47 Section 8 Certificates for the Veterans. The Seniors Foundation and the Dept. Of Veterans Affairs have not yet signed the 71 year Enhanced Use Lease (it is not a 75 year lease). The V.A. and developer are working out their final differences which could go beyond Oct 1st; however, the V.A. has given a letter of access so they have the right to start breaking ground. Mr. Seacrest asked for the support of Council on this project.

Dale Williamson, Retired Brigadier General, US Army, came forward in strong support of this project.

Linda Stephen, 7330 S. Wedgewood Dr., came forward in support of this project.

Richard Esquivel, 733 W. Cuming St., came forward and stated his concerns regarding the lease, TIF monies, grants, Veterans rights to the Parade Grounds and the hospital. He suggested that additional language be added to the Redevelopment Agreement to address these issues.

**REGULAR MEETING
SEPTEMBER 28, 2015
PAGE 238**

John Austin, 826 S. 14th St., came forward with his concerns about the building of the V.A. Clinic.
Mike Morosin, 1500 N. 15th St., came forward and spoke on the various needs of the Veterans.

Danny Walker, 2600 Sumner St., came forward and stated that it was speculation if services will be provided to the Veterans and he wanted to thank the Council Members who voted against this project.

Jon Camp, Council Member, encouraged those testifying and others to stay in touch with their Senator's as it is critical to have the V.A. Clinic relocated.

Jane Kinsey, Watchdogs of Lincoln Government, came forward and asked if Council could delay their vote on this project. She stated that a poll needs to be done for the Veterans about their needs. She shared her concerns how TIF will be used in this project.

David Landis, Urban Development Director, came forward and stated the hospital and some other buildings would not be coming down but would be refurbished and protected. The Historic Preservation Commission voted unanimously in favor of this project saying that it was a good balance of historical interest. He pointed out in the Agreement it states in several areas that the apartment units and other buildings shall be available to seniors with preferences given to Veterans. He said the Parade Grounds will still have the open landscape. The current hospital will not be a medical facility, it will be office space, services and potential residential and will continue to be historically significant as a landmark.

Linda Twomey, Nebraska/Western Iowa Health Care Systems, came forward and stated they currently have 100 vouchers and will use 25 of those vouchers for this project. In addition, there is an allocation of 45 new vouchers to be used for this project and that is where the October 1st deadline applies. HUD guidelines only call for excavation and site work to begin. HUD has indicated that if this guideline is not met, they will recapture the vouchers and distribute them outside of Lincoln. This team had requested an extension of the Oct 1st deadline and it was not granted. In 2009, the initial process for this lease started and in 2010 an Enhanced Use Lease was signed with the V.A., so there is enough to legally continue until the final lease is signed. Discussion followed.

This matter was taken under advisement.

CREATING WATER DISTRICT ~~1204~~ 1208 FOR THE PURPOSE OF CONSTRUCTING A 6-INCH WATER MAIN IN 26TH STREET FROM H STREET TO J STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - Roger Figard, Public Works & Utilities, came forward and gave an overview of the water main needs in this area. Estimated cost for this project is expected to be \$145,000.00 and they would be assessing \$40.00 per front foot to the abutting properties. The special assessment would be under \$15,000.00 and Lincoln Water System would be picking up the majority of that.

Cyndi Lamm, Council Member, questioned what kind of notice do property owners receive regarding the public hearing.

Mr. Figard stated Public Works will go out and meet with the affected property owners and a certified letter is sent to each homeowner informing them about the public hearing.

This matter was taken under advisement.

CREATING WATER DISTRICT ~~1205~~ 1209 FOR THE PURPOSE OF CONSTRUCTING A 6-INCH WATER MAIN IN C STREET FROM 1ST STREET TO 2ND STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - Roger Figard, Public Works & Utilities, came forward and said this District was requested by Melodee Cummings of 136 C St. and the estimated cost is at \$124,000.00. Public Works would be assessing \$40.00 per front foot. The assessment would be \$14,000.00 for the property owners. Lincoln Water System is picking up \$110,000.00.

Melodee Cummings, 136 C St., came forward and gave reasons why she made this request. She would like to go forward with this request, but wanted to see her neighbor excluded from this cost.

Bob Hertzfel, 118 C St., came forward in opposition of this District. He stated that he has already paid out \$8,000.00 to access the water main and now may be asked to pay an additional cost. Discussion followed.

Roger Figard, Public Works & Utilities, went over the difference between the service line and the actual water main proposed to be built. He stated the Board of Equalization could eliminate an assessment to one or all of the properties and the cost would then be subsidized by the City. Discussion followed.

Jeff Kirkpatrick, City Attorney, came forward and stated that the Board of Equalization does have the opportunity to make certain adjustments which may depend on different situations. In general, the Board of Equalization has a fair amount of latitude. Discussion followed.

This matter was taken under advisement.

ANNEXATION 15006 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 45.73 ACRES AND ADJACENT RIGHTS-OF-WAY ON PROPERTY GENERALLY LOCATED AT SOUTH 63RD STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 15-108, 15-109) (9/21/15 - 3RD READING & ACTION CONT'D 1 WEEK WITH PUBLIC HEARING TO 9/28/15);

CHANGE OF ZONE 04075F - APPLICATION OF THE OWNERS, TO AMEND VILLAGE GARDENS PLANNED UNIT DEVELOPMENT BY EXPANDING THE BOUNDARY TO INCLUDE APPROXIMATELY 46 ADDITIONAL ACRES, FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON SAID ADDITIONAL PROPERTY; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE

ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW ADDITIONAL SINGLE-FAMILY DWELLING LOTS ON THE UNDERLYING R-3 ZONED AREA. (RELATED ITEMS: 15-108, 15-109) (9/21/15 - 3RD READING & ACTION CONT'D 1 WEEK WITH PUBLIC HEARING TO 9/28/15) - DaNay Kalkowski, Seacrest & Kalkowski Law Firm, 1111 Lincoln Mall #350, came forward on behalf of 1640, LLC and Village Gardens LLC. She stated they wanted to focus on the connection that would be required if the block length waiver was not supported by Council. The developers position on the additional connection was that it was not necessary for the size of the area and, if it was required, it would be an impediment to the sale of the lots with this type of development. She then gave other examples around the City that were similar and said the Planning Commission did vote to support the waiver.

Bob Benes, owner of Aspen Builders, 1633 Normandy, came forward and stated they have done a variety of projects around the City that have been very successful. He suggested that Council listen to the future neighbors who would oppose the extra connection as it defeats what they are looking for. They have already sacrificed 4 lots which cost money and adding another entrance would be the loss of additional lots and create an added expense. Discussion followed.

David Carey, Planning Director, came forward and stated the City does have a standard that the block length limit is 13-20 feet. Anything beyond that is required to have connections made in the road network.

Leirion Gaylor Baird, Council Member, inquired in regards to access points, that today there is no problem with traffic, but is that something to be considered in the future when making recommendations.

Mr. Carey responded that it has become a standard practice to limit the size of those single access points and the 40 unit number is about the breaking point, and with this project, there are 39 units. He stated for this project, we are not sure what will be put in place on the east side, but that it could be useful to have a set up so adjustments could be made in the future regarding the access point. Discussion followed.

Richard Esquivel, 733 W. Cuming St., came forward in support of this project and said it is a great plan.

Mr. Benes came forward for rebuttal and commented on the grade issue to the east which is a 50 ft. drop. To put a connection going east will be very expensive and possibly wipe out all of the walk out lots. It's a decision that needs to be made now so they don't lose the impact of the economy on those lots. He said getting in and out of this neighborhood is not like getting on to 84th St.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING GEORGIA BLOBAUM, CAROLE BURT, AND DR. MICHAEL MOLVAR TO THE COMMUNITY HEALTH ENDOWMENT BOARD FOR TERMS EXPIRING SEPTEMBER 1, 2018 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89259 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of Georgia Blobaum, Carole Burt, and Dr. Michael Molvar to the Community Health Endowment Board for terms expiring September 1, 2018, are hereby approved.

Introduced by Cyndi Lamm

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

REAPPOINTING DAVID MCBRIDE AND JAMES O'HANLON TO THE PINNACLE BANK ADVISORY BOARD FOR TERMS EXPIRING AUGUST 31, 2019 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89260 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of David McBride and James O'Hanlon to the Pinnacle Bank Arena Advisory Committee for terms expiring August 31, 2019, are hereby approved.

Introduced by Cyndi Lamm

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

PETITIONS & COMMUNICATIONS

REFERRED TO THE PLANNING DEPARTMENT:

Text Amendment No. 15020, amending Chapter 27.67 of the Lincoln Municipal Code relating to parking by amending subsection (y) of Section 27.67.040 to provide that parking for greenhouses and garden centers located in the AG zoning district may be provided on unpaved areas, except for ADA accessible stalls; amending subsection (c) of Section 27.67.100 to provide that parking lots may be provided on

**REGULAR MEETING
SEPTEMBER 28, 2015
PAGE 240**

unpaved areas in the AG zoning district where specifically authorized under the special parking requirements in Section 27.67.040; and repealing Sections 27.67.040 and 27.67.100 of the Lincoln Municipal Code as hitherto existing.

LIQUOR RESOLUTIONS

APPLICATION OF MIDWEST PLAINS FOOD & LODGING, INC. DBA FATDOGS FOR A CLASS D LIQUOR LICENSE AT 3100 NW 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89261 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 Midwest Plains Food & Lodging, Inc. dba Fatdogs for a Class "D" liquor license at 3100 NW 12th Street, Lincoln, Nebraska, for the license period ending April 30, 2016, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage manager training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.

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

3. 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 Christensen and carried by the following vote; AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm; NAYS: None; ABSENT: Fellers, Raybould.

MANAGER APPLICATION OF JEFFREY D. MOORE FOR MIDWEST PLAINS FOOD & LODGING, INC. DBA FATDOGS AT 3100 NW 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89262 WHEREAS, Midwest Plains Food & Lodging, Inc. dba Fatdogs located at 3100 NW 12th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Jeffrey D. Moore be named manager;

WHEREAS, Jeffrey D. Moore 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 Jeffrey D. Moore 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 Christensen and carried by the following vote; AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm; NAYS: None; ABSENT: Fellers, Raybould.

MANAGER APPLICATION OF LAUREN E. DUNCAN FOR TDP PHASE TWO, LLC DBA HYATT PLACE LINCOLN HAYMARKET AT 600 Q STREET - PRIOR to reading:

COOK Moved to continue Public Hearing and Action 1 week to 10/5/15.

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

APPLICATION OF RHINODYNAMICS, INC. DBA DUFFY'S TAVERN FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 60 FEET BY 55 FEET AT 1412 O STREET ON OCTOBER 10, 2015 FROM 8:00 A.M. TO 2:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89263 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 Rhinodynamics, Inc. dba Duffy's Tavern for a special designated license to cover an outdoor area measuring approximately 60 feet by 55 feet at 1412 O Street, Lincoln, Nebraska, on October 10, 2015, between the hours of 8:00 a.m. and 2:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.

2. Adequate security shall be provided for the event.

3. The area requested for the permit shall be separated from the public by a fence or other means.

4. Responsible alcohol service practices shall be followed.

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

Introduced by Jon Camp

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

PUBLIC HEARING - RESOLUTIONS

APPROVING THE VICTORY PARK - VA CAMPUS REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN, SENIORS FOUNDATION VA VISION, LLC, AND VICTORY PARK, LLC RELATING TO THE REDEVELOPMENT OF PROPERTY LOCATED AT 600 SOUTH 70TH STREET FOR HOUSING, MEDICAL CARE, AND SERVICES FOR SENIORS AND VETERANS. (RELATED ITEMS: 15R-197, 15R-198) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, moved by Roy Christensen, for its adoption:

A-89264 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Victory Park - VA Campus Redevelopment Agreement, between the City of Lincoln, Seniors Foundation VA Vision, LLC, and Victory Park, LLC relating to the redevelopment of property generally located at 600 South 70th Street for comprehensive redevelopment for housing, medical care, and services for seniors and veterans, upon the terms and conditions set forth in said Redevelopment Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit two fully executed originals and one copy of said Agreement to David Landis, Urban Development Department. David Landis is further directed to transmit the two original Agreements to Senior Foundation VA Vision, LLC and Victory Park, LLC.

Introduced by Leirion Gaylor Baird

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

AMENDING THE FY 15/16 CIP TO AUTHORIZE AND APPROPRIATE \$7,134,000.00 IN TIF FUNDS FOR THE VICTORY PARK - VA CAMPUS PROJECT. (RELATED ITEMS: 15R-197, 15R-198) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, moved by Roy Christensen, for its adoption:

A-89265 WHEREAS, Resolution No. A-89225, adopted by the City Council of Lincoln, Nebraska on August 31, 2015, amended the fiscal year 2014-2016 annual budgets for the City of Lincoln for the 2015-2016 fiscal year and further adopted the Capital Improvement Program attached to Resolution No. A-89225 as Schedule No. 5; and

WHEREAS, it is necessary to amend the Schedule of Capital Improvement Projects for the fiscal year beginning September 1, 2015 within the Capital Improvement Program (CIP) adopted by and attached to Resolution No. A-89225 as Schedule 5 to establish the Victory Park - VA Campus Redevelopment Project (an approved project in the VA Campus Redevelopment Plan) for comprehensive redevelopment for housing, medical care, and services for seniors and veterans, and to pay site acquisition costs associated with said Project as a capital improvement project within the adopted Capital Improvement Program; and (2) transferring and establishing appropriations in the amount of \$7,134,000.00 from TIF funds for said capital improvement project.

WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that, "The [city] council shall not appropriate any money in any budget for any capital improvements project unless and until the conformity or non-conformity of the project has been reported on by the Planning Department by special report or in connection with the Capital Improvements Programming process." The Charter definition of "Planning Department" includes the Planning Commission; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has previously reviewed the Victory Park - VA Campus Project for conformity or non-conformity with the Comprehensive Plan as a capital improvement project to be funded by TIF as part of its review of the amendment to the VA Campus Redevelopment Plan to add the Victory Park - VA Campus Project and the Planning Commission found the proposed project to be in conformity with the Comprehensive Plan.

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

1. That the implementation of the VA Campus Redevelopment Plan, Victory Park - VA Campus Redevelopment Project, for comprehensive redevelopment for housing, medical care, and services for seniors and veterans, and to pay site acquisition costs associated with said Project, is hereby established and added to the Urban Development Department's list of fiscal year 2015-16 capital improvement projects within the Capital Improvement Program adopted by and attached to Resolution No. A-89225 as Schedule 5.

2. That the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget to designate \$7,134,000.00 from Tax Increment Financing for this Victory Park - VA Campus Redevelopment Project.

Introduced by Leirion Gaylor Baird

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

**REGULAR MEETING
SEPTEMBER 28, 2015
PAGE 242**

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 1-15, 2015 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, moved by Roy Christensen, for its adoption:

A-89266 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 September 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:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Mila Wulbern	\$175.00	Jason Saddler	\$309.83
Leen-Kiat Soh	NAS*	Todd Danson	171.96
Bob Nordstrom	1,420.89		
Jeremiah Wright	110.26		
Janeth Leymaster	NAS*		
Eric Christensen	208.18		
State Farm Insurance			
a/s/o Drew Czaplá	7,205.44		
Makenzie Leung	1,645.78		
Barbara Smith	3,300.00		

* 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 Leirion Gaylor Baird

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

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

CREATING WATER DISTRICT ~~1204~~ 1208 FOR THE PURPOSE OF CONSTRUCTING A 6-INCH WATER MAIN IN 26TH STREET FROM H STREET TO J STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - Clerk read an ordinance, introduced by Leirion Gaylor Baird, creating Water District No. 1208, designating the real estate to be benefitted, providing for assessments of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CREATING WATER DISTRICT ~~1205~~ 1209 FOR THE PURPOSE OF CONSTRUCTING A 6-INCH WATER MAIN IN C STREET FROM 1ST STREET TO 2ND STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - Clerk read an ordinance, introduced by Leirion Gaylor Baird, creating Water District No. 1209, designating the real estate to be benefitted, providing for assessments of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS

ANNEXATION 15006 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 45.73 ACRES AND ADJACENT RIGHTS-OF-WAY ON PROPERTY GENERALLY LOCATED AT SOUTH 63RD STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 15-108, 15-109) (9/21/15 - 3RD READING & ACTION CONT'D 1 WEEK WITH PUBLIC HEARING TO 9/28/15) - PRIOR to reading:

ESKRIDGE Moved to continue 3rd Reading and Action 1 week to 10/5/15.

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

CHANGE OF ZONE 04075F - APPLICATION OF THE OWNERS, TO AMEND VILLAGE GARDENS PLANNED UNIT DEVELOPMENT BY EXPANDING THE BOUNDARY TO INCLUDE APPROXIMATELY 46 ADDITIONAL ACRES, FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON SAID ADDITIONAL PROPERTY; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE

ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW ADDITIONAL SINGLE-FAMILY DWELLING LOTS ON THE UNDERLYING R-3 ZONED AREA. (RELATED ITEMS: 15-108, 15-109) (9/21/15 - 3RD READING & ACTION CONT'D 1 WEEK WITH PUBLIC HEARING TO 9/28/15) - PRIOR to reading:

ESKRIDGE Moved to continue 3rd Reading and Action 1 week to 10/5/15.
Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm; NAYS: None; ABSENT: Fellers, Raybould.

CHANGE OF ZONE 15025 - APPLICATION OF THE SLOSBURG COMPANY FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 241 NORTH 44TH STREET - 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 third time.

ESKRIDGE Moved to pass the ordinance as read.
Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm; NAYS: None; ABSENT: Fellers, Raybould.
The ordinance, being numbered #20247, is recorded in Ordinance Book 29.

CHANGE OF ZONE 15024 - APPLICATION OF THE TRUSTEES OF THE EDWARD SCHWARTZKOPF QTIP MARITAL DEDUCTION TRUST FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHEAST OF SOUTHWEST 1ST STREET AND WEST L STREET (RELATED ITEMS: 15-121, 15R201) - 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 third time.

ESKRIDGE Moved to pass the ordinance as read.
Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm; NAYS: None; ABSENT: Fellers, Raybould.
The ordinance, being numbered #20248, is recorded in Ordinance Book 29.

APPROVING A DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN WILLIAM SCHWARTZKOPF AND FIRST NEBRASKA TRUST COMPANY, TRUSTEES OF THE EDWARD SCHWARTZKOPF QTIP MARITAL DEDUCTION TRUST AND THE CITY OF LINCOLN LIMITING THE USE OF PROPERTY TO BE REZONED FROM R-4 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT GENERALLY LOCATED EAST OF SOUTHWEST 1ST STREET AND SOUTH OF WEST L STREET. (RELATED ITEMS: 15-121, 15R-201) - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89267 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the Development and Conditional Zoning Agreement which is attached hereto marked as Exhibit "A" and made a part hereof by reference, between the City of Lincoln and William Schwartzkopf and First Nebraska Trust Company, Trustees of the Edward Schwartzkopf QTIP Marital Deduction Trust, to restrict use of the property generally located east of Southwest 1st Street and south of West L Street, should the property be rezoned from R-4 Residential District to H-3 Highway 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 Carl Eskridge

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

RESOLUTIONS - 1ST READING

APPROVING CORRECTED AMENDED AND RESTATED AGREEMENT REGARDING THE ANNEXATION OF FIRETHORN BETWEEN FIRETHORN GOLD COMPANY, LLC, FT DEVELOPMENT II, INC., FIRETHORN UTILITY SERVICE COMPANY, AND THE CITY OF LINCOLN, SO THAT THE AGREEMENT AS CORRECTED ACCURATELY REPRESENTS THE SUM TOTAL OF ALL THE AGREEMENTS REACHED BETWEEN THE PARTIES.

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

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "A" BY CREATING THE CLASSIFICATION OF "DENTAL HYGIENIST SUPERVISOR." (REQUEST TO DELAY PUBLIC HEARING TO 10/19/15) - CLERK read an ordinance, introduced by Cyndi Lamm, amending Ordinance No. 20229 passed August 10, 2015, relating to the schedules of pay ranges for employees of the City of Lincoln whose classifications are assigned to a pay range which is prefixed by the letter "A," by creating the job classification of "Dental Hygienist Supervisor," the first time.

STREET & ALLEY VACATION NO. 15005 - VACATING THE REMAINING PORTION OF THE NORTH ONE-HALF OF PINE LAKE ROAD RIGHT-OF-WAY, GENERALLY LOCATED AT SOUTH 84TH STREET AND PINE LAKE ROAD - CLERK read an ordinance, introduced by Cyndi Lamm, vacating the remaining portion of the north one-half of Pine Lake Road right-of-way adjacent to a part of Lot 81 I.T., located in the Southwest Quarter of Section 14, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, generally located at South 84th Street and Pine Lake Road, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

ACCEPTING AND APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND EXPERIAN MARKETING SOLUTIONS, INC TO EXTEND THE TERM OF THE LEASE OF APPROXIMATELY 27,042 SQUARE FEET OF OFFICE SPACE ON THE FIRST FLOOR AND APPROXIMATELY 990 SQUARE FEET OF THE LOWER LEVEL FOR A FIVE YEAR PERIOD FROM DECEMBER 21, 2015 THROUGH DECEMBER 20, 2020 - CLERK read an ordinance, introduced by Cyndi Lamm, accepting and approving an Amendment to the Lease Agreement between the City of Lincoln and Experian Marketing Solutions, Inc. to extend the term of the lease of approximately 27,042 square feet of office space on the first floor and approximately 990 square feet of the lower level of 949 West Bond Street for a five year period from December 21, 2015 through December 20, 2020, the first time.

AMENDING CHAPTER 23.10 OF THE LINCOLN MUNICIPAL CODE TO ADOPT THE 2014 EDITION OF THE NATIONAL ELECTRICAL CODE, AS SPECIFICALLY AMENDED BY CHAPTER 23.10 OF THE LMC AND MODIFYING THE FEE STRUCTURE - CLERK read an ordinance, introduced by Cyndi Lamm, amending Chapter 23.10 of the Lincoln Municipal Code ("LMC"), the Electrical Code, to adopt the 2014 Edition of the National Electrical Code, as specifically amended by Chapter 23.10 of the LMC, by amending Sections 23.10.010, 23.10.040, 23.10.050, 23.10.070, 23.10.090, 23.10.100, 23.10.120, 23.10.130, 23.10.140, 23.10.150, 23.10.160, 23.10.180, 23.10.190, 23.10.195, 23.10.200, 23.10.230, 23.10.240, 23.10.260, 23.10.270, 23.10.290, 23.10.300, and 23.10.520 to incorporate revisions necessitated by the adoption of the 2014 Edition; adding a new section numbered 23.10.025 to provide definitions; renumbering and relocating Section 23.10.080 relating to severability as new Section 23.10.035; repealing Sections 23.10.210 and 23.10.220, relating to the City's electrical examination and the fees related thereto, in their entirety; and repealing Sections 23.10.010, 23.10.040, 23.10.050, 23.10.070, 23.10.090, 23.10.100, 23.10.120, 23.10.130, 23.10.140, 23.10.150, 23.10.160, 23.10.180, 23.10.190, 23.10.195, 23.10.200, 23.10.230, 23.10.240, 23.10.260, 23.10.270, 23.10.290, 23.10.300, and 23.10.520 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING TITLE 20 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW CHAPTER 20.10 TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, EXCEPT CHAPTER 11 THEREOF; ADOPTING CHAPTER 11 OF THE 2009 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE RELATING TO THERMAL ENERGY CONSERVATION; AND REPEALING CHAPTER 20.12 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Cyndi Lamm, amending Title 20 of the Lincoln Municipal Code by adding a new Chapter 20.10 to adopt the 2012 edition of the International Residential Code, except Chapter 11 thereof, regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses in the City of Lincoln and adopting Chapter 11 of the 2009 edition of the International Residential Code relating to thermal energy conservation; and repealing Chapter 20.12 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING TITLE 20 OF THE LINCOLN MUNICIPAL BY ADDING A NEW CHAPTER 20.06 TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL BUILDING CODE, EXCEPT CHAPTER 13 THEREOF; ADOPTING CHAPTER 13 OF THE 2009 EDITION OF THE INTERNATIONAL BUILDING CODE RELATING TO THERMAL ENERGY CONSERVATION; AND REPEALING CHAPTER 20.08 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Cyndi Lamm, amending Title 20 of the Lincoln Municipal by adding a new Chapter 20.06 to adopt the 2012 edition of the International Building Code, except Chapter 13 thereof, regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of

Lincoln and providing for the issuance of permits and collection of fees therefor; adopting Chapter 13 of the 2009 edition of the International Building Code relating to thermal energy; and repealing Chapter 20.08 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 21.05 OF THE LINCOLN MUNICIPAL CODE, THE PROPERTY MAINTENANCE CODE OF THE CITY OF LINCOLN, BY AMENDING LMC SECTION 21.05.010 TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AS SPECIFICALLY AMENDED BY CHAPTER 21.05 OF THE LMC - CLERK read an ordinance, introduced by Cyndi Lamm, amending Chapter 21.05 the Property Maintenance Code of the City of Lincoln, by amending LMC Section 21.05.010 to adopt the 2012 edition of the International Property Maintenance Code ("IPMC"), as specifically amended by Chapter 21.05 of the LMC; amending LMC Section 21.05.240 (IPMC Section 202) to add a definition of "putrescible"; adding a new LMC Section 21.05.345 to amend IPMC Section 307 relating to Handrails and Guardrails; amending LMC Section numbered 21.05.430 (IPMC Section 602) to provide dwellings shall be provided with heating facilities capable of maintaining 70°F from October 1 through April 30 of each year; adding a new LMC section numbered 21.05.465 to amend IPMC Section 605.2 relating to receptacles; amending LMC Section 21.05.510 (IPMC Section 704) relating to smoke alarms; and repealing Sections 21.05.010, 21.05.240, 21.05.430, and 21.05.510 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 19.03 OF THE LINCOLN MUNICIPAL CODE, THE FIRE CODE, BY AMENDING LMC SECTION 19.03.010 TO ADOPT THE 2012 EDITION OF INTERNATIONAL FIRE CODE, AS SPECIFICALLY AMENDED BY CHAPTER 19.03 OF THE LMC - CLERK read an ordinance, introduced by Cyndi Lamm, amending Chapter 19.03 of the Lincoln Municipal Code ("LMC"), the Fire Code, by amending LMC Section 19.03.010 to adopt the 2012 edition of International Fire Code ("IFC"), as specifically amended by Chapter 19.03 of the LMC; amending LMC Section 19.03.100 (IFC 105.6) relating to required permits and permit fees; adding a new LMC section numbered 19.03.125 to amend IFC Section 202 to add the definition of sky lanterns; adding a new LMC section numbered 19.03.131 to add IFC Section 307.6 to authorize the fire code official or the fire department to order fire extinguishment under certain conditions; adding a new LMC section numbered Section 19.03.132 to add IFC Section 308.1.2.1 to prohibit the sale, lighting of, or release of sky lanterns; repealing LMC Section 19.03.135 to remove the Group R sprinkler system exception, repealing LMC Sections 19.03.144, 19.03.150, 19.03.170 to delete previous amendments to IFC Sections 907.2.9, 1504.9, and 3308.3, respectively; and repealing Sections 19.03.010, 19.03.090 and 19.03.100 of the Lincoln Municipal Code as hitherto existing, the first time.

OPEN MICROPHONE

John Austin, 826 S. 14th St., came forward with comments on various issues.
This matter was taken under advisement.

Danny Walker, 2600 Sumner, came forward with comments regarding Council representation and V.A. land issues.
This matter was taken under advisement.

Jane Kinsey, Watchdogs of Lincoln Government, came forward with comments on various Council Member issues.
This matter was taken under advisement.

Terri Pope-Gonzalez, 349 S. 1st St., came forward with comments on various issues.
This matter was taken under advisement.

Mike Morosin, 1500 N 15th St., came forward with comments on the 911 Enhancement.
This matter was taken under advisement.

Gary Aldridge, 7112 S. 45th St., came forward on with comments on the Railroad Transportation Safety District.
This matter was taken under advisement.

ADJOURNMENT

8:02 P.M.

CAMP Moved to adjourn the City Council Meeting of September 28, 2015.
 Seconded by Eskridge and carried by the following vote: AYES: Camp, Christensen, Eskridge,
 Gaylor Baird, Lamm; NAYS: None; ABSENT: Fellers, Raybould.

Teresa J. Meier, City Clerk

Alexis Traylor, Office Specialist