

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, OCTOBER 5, 2015 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Fellers; Council Members: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, City Clerk, Teresa J. Meier; Absent: Raybold.

Council Chair Fellers 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**

CAMP Having been appointed to read the minutes of the City Council proceedings of ~~October 5,~~ September 28, 2015, reported having done so, found same correct.  
Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm; NAYS: None; ABSENT: Raybould.

**PUBLIC HEARING**

MANAGER APPLICATION OF LAUREN E. DUNCAN FOR TDP PHASE TWO, LLC DBA HYATT PLACE LINCOLN HAYMARKET AT 600 Q STREET. (9/28/15 - PUBLIC HEARING AND ACTION CONT'D 1 WEEK TO 10/5/15) - Laurene E. Duncan, 228 N. 4<sup>th</sup> St., Seward NE, came forward to take the oath and answer questions. Discussion followed.

This matter was taken under advisement.

APPLICATION OF SALT CREEK HOSPITALITY, LLC DBA TOWNEPLACE SUITES BY MARRIOTT FOR A CLASS I LIQUOR LICENSE AT 7353 HUSKER CIRCLE;  
MANAGER APPLICATION OF DAVID M. WHEATON FOR SALT CREEK HOSPITALITY, LLC DBA TOWNEPLACE SUITES BY MARRIOTT AT 7353 HUSKER CIRCLE - David M. Wheaton, 916 West Washington Place, came forward to take the oath and answer questions.

This matter was taken under advisement.

MANAGER APPLICATION OF HARRY L. WATSON JR. FOR GRATA, LLC DBA GRATA AT 6891 A STREET, SUITE 108 - Harry L. Watson, 8825 Executive Woods Drive, Apt. 87, came forward to take the oath and answer questions. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF STEPHANIE N. MASSA FOR 1515-23 MARKET ST., INC. DBA QUALITY INN AT 3200 NW 12<sup>TH</sup> STREET - Stephanie N. Massa, 5320 West Benton St., came forward to take the oath and answer questions. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF MICHAEL P. ZABEL FOR STL OF NEBRASKA, INC. DBA TARGET STORE T-0879 AT 5330 SOUTH 56<sup>TH</sup> STREET - Michael P. Zabel, 1521 Old Farm Road, Apt. 111, came forward to take oath and answer questions. Discussion followed.

This matter was taken under advisement.

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 - DaNay Kalkowski, Attorney, Seacrest & Kalkowski Law Firm, 1111 Lincoln Mall, Suite 350, represents all 3 Firethorn entities and they are in support of approval of the corrected agreement. Discussion followed.

This matter was taken under advisement.

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 84<sup>TH</sup> STREET AND PINE LAKE ROAD - Miki Esposito, Director Public Works, came forward to answer questions.

Cyndi Lamm, Council Member, questioned if the property had been purchased or if it was still in negotiations.

Steve Henrichsen, Planning Department, stated that the property owner to the north has requested the annexation and has given a check for \$95,700.00. Discussion followed.

This matter was taken under advisement.

**REGULAR MEETING  
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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 - Steve Hubka, Interim Finance Director, came forward and stated that this is an amendment to the lease agreement that was entered into in 2010. Experian was given a lease with a 5 year term and two 5 year extensions. In the first extension, the rental rate per square footage will increase from \$6 dollars to \$7.50. The City agreed to pay the Marketing Commission for the lease, give Experian a way out of the contract in three years, and update some restrooms to ADA standards.

Leirion Gaylor Baird, Council Member, asked if the need for a new roof for this building was a factor in price.

Mr. Hubka stated it was not a factor. Discussion followed.

This matter was taken under advisement.

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;

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;

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;

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;

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 - Chad Blahak, Building & Safety Director, came forward to explain the process of code adoption in Lincoln and the similar processes across the Nation.

Jon Camp, Council Member, inquired if the Mayor had made any changes.

Mr. Blahak stated that the Mayor did not make any changes.

Mr. Camp inquired on what some of the committees wanted changed in the National code.

Mr. Blahak stated that some of the National code that was not used were energy related items that were amended. Discussion followed.

Leirion Gaylor Baird, Council Member, inquired about the electrical fee.

Mr. Blahak stated that some costs will go down.

Ed Bergstraesser, Chief Electrical Inspector, Building & Safety, stated that the State will now be giving the electrical exams. We will only need to register the license and enforce State Law. Discussion followed.

Nancy Packard, 3037 Seoul Street, came forward in support.

Mike Rezac, 140 N. 1<sup>st</sup> St., Rezac Construction, came forward and stated that he was a member of the task force and that it is important that this ordinance is approved.

Mr. Camp stated that homes today are built well and are energy efficient.

Mr. Rezac stated that new homes are built better and that the increase in costs will affect the consumer. Discussion followed.

Ms. Gaylor Baird asked where the public could find more information on these items.

Mr. Rezac stated that that the internet has information that the public can access.

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 CITY COUNCIL ON SEPTEMBER 14, 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY CITY COUNCIL ON SEPTEMBER 21, 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 MONDAY, OCTOBER 26, 2015, AT 5:30 P.M. ON THE APPLICATION OF TIC TOC BAR LLC DBA TIC TOC BAR FOR A CLASS C LIQUOR LICENSE LOCATED AT 317 S. 11<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89268 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 26, 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 App. of Tic Toc Bar, LLC dba Tic Toc Bar for a Class C Liquor License located at 317 S. 11<sup>th</sup> St.  
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 19, 2015, AT 3 P.M. ON THE APPLICATION OF D&S OPERATIONS DBA CIGARZ LOUNGE FOR A CLASS C LIQUOR LICENSE LOCATED AT 800 Q STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89269 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 19, 2015, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the App. of D&S Operations LLC dba Cigarz Lounge for a Class C Liquor License located at 800 Q Street, Suite 102.  
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 19, 2015, AT 3 P.M. ON THE APPLICATION OF PIEDMONT HOSPITALITY DBA THE PIEDMONT BISTRO FOR A CLASS C LIQUOR LICENSE LOCATED AT 1265 COTNER BOULEVARD, SUITE 40 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89270 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 19, 2015, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the App. of Piedmont Hospitality LLC dba The Piedmont Bistro for a Class C Liquor License located at 1265 S. Cotner Boulevard, Suite 40.  
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 19, 2015, AT 3 P.M. ON THE APPLICATION OF MVPZ AND ME - LINCOLN LLC DBA BURGERFI LINCOLN FOR A CLASS I LIQUOR LICENSE & ENTERTAINMENT DISTRICT LIQUOR LICENSE LOCATED AT 300 CANOPY STREET, SUITE 150 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89271 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 19, 2015, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the App. of MVPZ and ME -LINCOLN LLC dba BurgerFi Lincoln for a Class I Liquor License & Entertainment District Liquor License located at 300 Canopy Street, Suite 150.  
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

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

**PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:**

ADMINISTRATIVE AMENDMENT NO. 15082 TO SPECIAL PERMIT #228A, CAPITOL BEACH CUP, APPROVED BY THE ACTING PLANNING DIRECTOR ON SEPTEMBER 15, 2015, REQUESTED BY MARTIN SCHADEMANN, TO REDUCE THE FRONT YARD SETBACK TO 2 FEET FOR A CARPORT, GENERALLY LOCATED AT 372 LAKESHORE DRIVE.

ADMINISTRATIVE AMENDMENT NO. 15077 TO PRE-EXISTING USE PERMIT #3AD, GATEWAY MALL, APPROVED BY THE ACTING PLANNING DIRECTOR ON SEPTEMBER 22, 2015, REQUESTED BY NATE BURNETT, TO EXPAND THE SIZE OF A RESTAURANT PAD SITE AND AMEND THE PARKING TABLE TO ALLOW RESTAURANT IN FORMER RETAIL SPACE, GENERALLY LOCATED AT N. 63<sup>RD</sup> AND O STREETS.

ADMINISTRATIVE AMENDMENT NO. 15058 TO SPECIAL PERMIT #2031 AND SPECIAL PERMIT #204CO, FINIGAN 1<sup>ST</sup> CUP, APPROVED BY THE ACTING PLANNING DIRECTOR ON SEPTEMBER 23, 2015, REQUESTED BY CORY BERGT, TO SHIFT THE LOT LINE AND REDUCE THE SIDE YARD SETBACK TO 10 FEET ON THE WEST LOT LINE OF LOT 3, GENERALLY LOCATED AT N. 84<sup>TH</sup> STREET AND SKYBRIGHT ROAD.

ADMINISTRATIVE AMENDMENT NO. 15091 TO SPECIAL PERMIT #872H, FIRETHORN CUP, APPROVED BY THE ACTING PLANNING DIRECTOR ON SEPTEMBER 23, 2015, REQUESTED BY BRAD MARSHALL OF OLSSON ASSOCIATES, TO CLARIFY THE SETBACK TO THE PARKING LOT ALONG RESORT DRIVE IS 8 FEET, TO MAKE CORRECTIONS TO LOT NUMBERS AND TEXT ON THE GRADING PLAN, AND TO ESTABLISH THE PARKING STANDARD FOR THE RECREATIONAL FACILITY, GENERALLY LOCATED AT S. 91<sup>ST</sup> AND VAN DORN STREETS.

**MISCELLANEOUS REFERRALS**

SETTING THE HEARING DATE OF MONDAY, OCTOBER 19, 2015 AT 3:00 P.M. ON THE APPLICATION OF LINCOLN LEISURE CLUB, LLC DBA THE LOCAL FOR A CLASS CK LIQUOR LICENSE AT 2755 JAMIE LANE, SUITE 15 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89272 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 19, 2015, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the App. of Lincoln Leisure Club, LLC dba The Local for a Class CK Liquor License located at 2755 Jamie Lane, Suite 15.

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

Introduced by Jon Camp

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

**LIQUOR RESOLUTIONS**

MANAGER APPLICATION OF LAUREN E. DUNCAN FOR TDP PHASE TWO, LLC DBA HYATT PLACE LINCOLN HAYMARKET AT 600 Q STREET. (9/28/15 - PUBLIC HEARING AND ACTION CONT'D 1 WEEK TO 10/5/15) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89273 WHEREAS, TDP Phase Two, LLC dba Hyatt Place Lincoln Haymarket located at 600 Q Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Lauren E. Duncan be named manager;

WHEREAS, Lauren E. Duncan 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 Lauren E. Duncan 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 Eskridge and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm; NAYS: None; ABSENT: Raybold.

APPLICATION OF SALT CREEK HOSPITALITY, LLC DBA TOWNEPLACE SUITES BY MARRIOTT FOR A CLASS I LIQUOR LICENSE AT 7353 HUSKER CIRCLE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89274 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 5, 2015, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Salt Creek Hospitality LLC DBA Towneplace Suites by Marriott for Class I Liquor License at 7353 Husker Circle, Lincoln.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF DAVID M. WHEATON FOR SALT CREEK HOSPITALITY, LLC DBA TOWNEPLACE SUITES BY MARRIOTT AT 7353 HUSKER CIRCLE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89275 WHEREAS, Salt Creek Hospitality, LLC dba Towneplace Suites by Marriott located at 7353 Husker Circle, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that David M. Wheaton be named manager;

WHEREAS, David M. Wheaton 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 David M. Wheaton 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 Eskridge and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm; NAYS: None; ABSENT: Raybold.

MANAGER APPLICATION OF HARRY L. WATSON JR. FOR GRATA, LLC DBA GRATA AT 6891 A STREET, SUITE 108 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89276 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 5, 2015, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Harry L. Watson, Jr. for Grata at 6891 A Street, Suite 108.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF STEPHANIE N. MASSA FOR 1515-23 MARKET ST., INC. DBA QUALITY INN AT 3200 NW 12<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89277 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 5, 2015, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Stephanie N. Massa for Quality Inn at 3200 NW 12<sup>th</sup> Street.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF MICHAEL P. ZABEL FOR STL OF NEBRASKA, INC. DBA TARGET STORE T-0879 AT 5330 SOUTH 56<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89278 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 5, 2015, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Mike P. Zabel for Target Store T-0879 at 5330 S 56<sup>th</sup> Street.

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

Introduced by Jon Camp

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

**PUBLIC HEARING - RESOLUTIONS**

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 - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption for approval:

A-89279 WHEREAS, Firethorn Golf Company, LLC, FT Development II, Inc., Firethorn Utility Service Company, and the City of Lincoln, on April 13, 2015 entered into the "Amended and Restated Agreement Regarding the Annexation of Firethorn" ("A&R Annexation Agreement") which amended and restated in its entirety the "Agreement Regarding the Annexation of Firethorn" dated June 13, 2007 ("Original Annexation Agreement");

WHEREAS, the A&R Annexation Agreement inadvertently failed to include amendments to Sections 5(a), 5(d), and 5(e) of the Original Annexation Agreement included in a 2009 amendment to the Original Annexation Agreement regarding the water system, private water distribution system, and easements;

WHEREAS, the parties desire to correct those oversights by including the omitted provisions in a corrected agreement;

WHEREAS, the parties further desire that the corrected agreement update the A&R Annexation Agreement to reflect existing conditions.

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

That the Amended and Restated Agreement regarding the Annexation of Firethorn (Corrected), attached hereto as Attachment "A", and made a part hereof by reference, be and the same is hereby approved and the Mayor is hereby authorized to execute the same on behalf of the City.

The City Clerk is directed to return one fully executed copy of said contract to Rick Peo in the Law Department for transmittal to Firethorn Golf Company, LLC, FT Development II, Inc., and Firethorn Utility Service Company.

Introduced by Cyndi Lamm

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

**ORDINANCES - 2<sup>ND</sup> 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) (PUBLIC HEARING CONT'D 2 WEEKS TO 10/19/15) - PRIOR to reading:

GAYLOR BAIRD Moved to delay public hearing on Bill 15-122 until 10/19/15.

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

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 second 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 second 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 second 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 second 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 second 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 second 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 second 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 second time.

**ORDINANCES - 3<sup>rd</sup> READING & RELATED RESOLUTIONS**

CREATING WATER DISTRICT 1208 FOR THE PURPOSE OF CONSTRUCTING A 6-INCH WATER MAIN IN 26<sup>TH</sup> 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 third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered **#20249**, is recorded in Ordinance Book 29.

CREATING WATER DISTRICT 1209 FOR THE PURPOSE OF CONSTRUCTING A 6-INCH WATER MAIN IN C STREET FROM 1<sup>ST</sup> STREET TO 2<sup>ND</sup> 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 third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered **#20250**, is recorded in Ordinance Book 29.

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) - CLERK read an ordinance, introduced by Roy Christensen, an ordinance annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#20251**, is recorded in Ordinance Book 29.

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) - CLERK read an ordinance, introduced by Roy Christensen, an ordinance amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#20252**, is recorded in Ordinance Book 29.

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 16-30, 2015.

APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE FDA FOR A \$350,000.00 GRANT FOR THE RETAIL FOOD SAFETY CONSULTATION PROGRAM FOR A FIVE YEAR TERM. (*CONSENT*)

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 926 WASHINGTON, 1609 S. 27<sup>TH</sup>, 1411 N. 24<sup>TH</sup>, 3440 SAINT PAUL, 2501 S. 10<sup>TH</sup>, 2105 N. 63<sup>RD</sup>, 4220 B, 6316 TANGLEWOOD, 1821 N. 31<sup>ST</sup>, 2248 SHELDON, 3435 N. 9<sup>TH</sup>, 731 GARFIELD, 1220 S. 48<sup>TH</sup>, 869 N. 45<sup>TH</sup>, 842 W. A, 435 NW 13<sup>TH</sup>, 245 F, 1709 N. 29<sup>TH</sup>, AND 1645 WASHINGTON.

APPROVING A MULTI-YEAR CONTRACT BETWEEN SOUTHEAST COMMUNITY COLLEGE AND THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR CLINICAL EXPERIENCES OF NURSING STUDENTS FOR THE TERM OF NOVEMBER 1, 2015 THROUGH OCTOBER 31, 2018. (*CONSENT*)

AUTHORIZING AN APPLICATION TO THE NEBRASKA GAME & PARKS COMMISSION FOR LAND AND WATER CONSERVATION GRANT FUNDING ASSISTANCE FOR THE RENOVATION OF FOUR NEIGHBORHOOD PARK PLAYGROUNDS (NEIGHBORS, EASTERDAY, CRIPPLE CREEK, AND LINTEL PARKS) - PRIOR to reading:

CHRISTENSEN Moved to delay Introduction on Bill 15R-211 until 10/19/15.

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

APPOINTING LUCAS SABALKA TO THE AIR POLLUTION ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2017. (*CONSENT*)

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

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE VICTORY PARK - VA CAMPUS PROJECT -CLERK read an ordinance introduced by Jon Camp, an ordinance authorizing and providing for the issuance of City of Lincoln, Nebraska Tax Allocation Bonds, notes or other obligations, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$7,133,551 for the purpose of: (1) paying the cost of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the City's VA Campus redevelopment project area, including acquiring any real estate and/or interest in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bonds, notes or other obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bonds, notes or other obligations as the same become due; limiting payment of the bonds, notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the finance director to exercise his independent discretion and judgment in determining and independent discretion and judgment in determining and finalizing certain terms and provisions of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the first time.

CREATING SPECIAL ASSESSMENT SEWER DISTRICT NO. 1188 FOR THE PURPOSE OF CONSTRUCTING A SEWER DISTRICT TO REPLACE A FAILING LIFT STATION, IN THE CALVERT STREET RIGHT-OF-WAY FROM SOUTH 6<sup>TH</sup> STREET TO THE WEST APPROXIMATELY 500 FEET, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance introduced by Jon Camp, an ordinance creating Sewer District No. 1188, designating the real estate to be benefitted, providing for assessment of the cost 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, for the first time.

**ADJOURNMENT**

**4:09 P.M.**

CHRISTENSEN Moved to adjourn the City Council Meeting of October 5, 2015.  
Seconded by Camp and carried by the following vote: AYES: Camp, Christensen, Eskridge,  
Fellers, Gaylor Baird, Lamm; NAYS: None; ABSENT: Raybould.

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Teresa J. Meier, City Clerk

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Rhonda Bice, Office Specialist