

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MARCH 19, 2012 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Carroll; Council Members: Camp, Cook, Emery, Eskridge, Hornung, Schimek; City Clerk, Joan E. Ross.

Council Chair Carroll 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 March 12, 2012 reported having done so, found same correct.

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

PUBLIC HEARING

APPLICATION OF FUCOR, INC. DBA VENUE BANQUET ROOM FOR A CLASS I LIQUOR LICENSE AT 4107 PIONEER WOODS DRIVE, STE. #107;

MANAGER APPLICATION OF JUSTIN B. COOKSLEY FOR FUCOR, INC. DBA VENUE BANQUET ROOM AT 4107 PIONEER WOODS DRIVE, STE. #107;

APPLICATION OF FUCOR, INC. DBA VENUE FOR A CLASS CK LIQUOR LICENSE AT 4111 PIONEER WOODS DRIVE, STE. #100;

MANAGER APPLICATION OF JUSTIN B. COOKSLEY FOR FUCOR, INC. DBA VENUE AT 4111 PIONEER WOODS DRIVE, STE. #100 - Michael Scott Ritter, 7510 Glynoaks Drive, came forward to take oath and answer questions. In response to Council questioning about acquisition of the Venue, Mr. Ritter replied that they purchased assets from the old owners.

Jeffrey Barclay, 7510 Glynoaks Drive, came forward to take oath and answer questions.

Justin B. Cooksley, 6015 Sumner St., came forward to take oath and answer questions.

This matter was taken under advisement.

ANNEXATION NO. 11004 - AMENDING ORDINANCE NO. 19672 PASSED ON FEBRUARY 6, 2012 TO CORRECT THE LEGAL DESCRIPTION REGARDING THE ANNEXATION OF APPROXIMATELY 418 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 48TH STREET, NORTH OF SUPERIOR STREET, TO CONFORM WITH THE LEGAL DESCRIPTION TO THE CORPORATE LIMITS MAP ATTACHED TO ORDINANCE NO. 19672 - Marvin Krout, Director of Planning, came forward to explain the reason to correct the ordinance. He stated that a map regarding annexation was correct but that a revised legal description was in order to include some vacated rights-of-way.

This matter was taken under advisement.

APPROVING THE WEST HAYMARKET REDEVELOPMENT AGREEMENT BETWEEN TDP PHASE ONE LLC AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 7TH AND THE FUTURE PINNACLE ARENA DRIVE, AND Q AND R STREETS;

AMENDING THE FY 11/12 CIP TO AUTHORIZE AND APPROPRIATE \$7,385,000 IN TIF FUNDS FOR THE WEST HAYMARKET REDEVELOPMENT PROJECT GENERALLY LOCATED BETWEEN 7TH AND THE FUTURE PINNACLE ARENA DRIVE, AND Q AND R STREETS;

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS IN AN AMOUNT NOT TO EXCEED \$7,385,000 FOR THE CITY OF LINCOLN WEST HAYMARKET REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN - David Landis, Director of Urban Development, came forward to state that this agreement connects the City investment in the Arena and over \$50 million of private investment in the first of three large super blocks that are to the south of the Arena. He said in 2005 the Downtown Master Plan identified the fact that the Haymarket area had grown and blossomed and could be the gateway to further civic development. In 2007 a redevelopment project area was created. He said in the new areas, there would be tax increment financing available. Amidst the recession, Mr. Landis said the public voted in favor of the Arena Project vision. Part of the vision was a public asset (an Arena) and its accompanying infrastructure including parking garages, a source of energy and new sewer/water/electricity in the area. It also contemplated public/private partnership in the development south of the Arena. He indicated a redevelopment

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area on a map to make use of tax increment financing for infrastructure costs. He said the total project cost is \$57.4 million and the private equation is \$50 million. Mr. Landis clarified that the publicly funded improvements will include: sanitary sewer improvements, The Cube and Plaza space improvements, a public Market, streetscape, sod enhancements and energy efficiency improvements. He indicated land that will be sold to the developer for about \$1.25 million - \$15/sq. ft. for buildable land and \$5/sq. ft. for the easement area in The Yard. He said there is a projected area of 100,000 sq. ft. for retail space; 15,000 sq. ft. of office space; and another 85,000 sq. ft. of space in the other indicated buildings. Mr. Landis said there will be a 110-room hotel. He said there is an ability to take back the land at the original price if commitments are not met. He described some requirements as being the following: tighter restrictions for on-sale liquor, certain hours for business operation, completion dates and height agreements. The developers, in addition, will pay an estimated \$100,000 in impact fees for the total project. Mr. Landis clarified property sale prices in response to Council Member Camp's questions. Mr. Landis stated that negotiations with The Arter Group are ongoing for the purchase of Iron Horse parking lot. He explained the importance of partnership with private investors to pay off infrastructure costs.

Tom Huston, Cline Williams Law Firm, 233 S. 13th St., came forward representing TDP Phase One, LLC to discuss the project and answer questions. Mr. Huston said the entity was formed through the cooperation of WRK and Chief Industries. He provided highlights of the redevelopment agreement which is composed of two sub-projects: (1) Canopy Lofts & The Yard; and (2) Canopy Hotel. He said great care was taken to provide demand in parking revenue for the new parking garages that avoided conflict with the City's obligation for the Arena. Mr. Huston agreed with Director Landis that the total TIF amounts to \$7,385,000. In recognition that cost does not equal taxable value, discounts were applied and each phase was broken into two components to allow the JPA to be a safe investment. He discussed the operation of The Yard in cooperation with special events. Mr. Huston said concerning the public Market, it is approximately 4,000 sq. ft. of Block C; it is not a food court; has minimum hours of operation; and the cap states that no one single user can occupy more than 25% of the area. The Cube is a digital graphic display with controls to make sure it fits within the neighborhood. He said the developer will work with the City in operation of Canopy Street. Mr. Huston said the idea/design of Canopy Lofts & Canopy Hotel is to bridge a smooth transition from the Haymarket to the height represented by the Arena itself - a process that involved much thought & foresight by Historic Preservation and Urban Design.

In response to Council Chair Carroll's request for further information, Mr. Huston explained particulars about The Cube face. He said it is an example of technology used across the world to not only serve as a piece of art in non-active times but to also have the ability with internal projectors to show movies, athletic events and graphic designs. The key aspect is to bring vitality in & around The Yard - a place where young people and other Lincoln residents want to gather.

In response to Council Member Camp's questioning, Mr. Huston said there is a Letter of Interest with the hotel developer but there are a lot of issues to iron out; furthermore, it is the City's intent to commence construction of the hotel yet this calendar year. Mr. Huston said that if promotional literature promotes student housing, he feels it is a mis-characterization. The designed 71 units are a mixture of 1-, 2-, 3- and 4-bedroom dwelling units with marketability to young professionals and/or graduate students. To achieve a commonly-agreed-goal to make sure this area is not a college bar scene, Mr. Huston said there are use restrictions regarding on-premises sales of alcohol. A restriction states that no more than 50% of the retail area can be leased to tenants where their gross sales are comprised of more than 50% of alcohol sales - a further caveat is that the area's restaurants and bars around The Yard cannot exceed 66 ⅔%. Qualifiers must observe retail hours of 11 a.m. to 8 p.m.; must have a licensed kitchen; and they must agree to have a full menu for the evening hours of 5 p.m. to 8 p.m. To clarify the 49,500 sq. ft. of retail space users, eighty-five percent must observe the retail hours of 11 a.m. to 8 p.m. - the fifteen percent cushion allows a branch bank to close at 5:00 p.m.

Mr. Huston responded to Council Member Hornung's concern that the developer may not have a strong commitment to extend into the next phases of projects. Mr. Huston said a multi-phased redevelopment agreement was difficult to prepare. Any subsequent phases would be guesses on numbers and timing. Commitments to develop Blocks can only be done with specific numbers and specific time schedules. He stated it is his client's intent that prior to completion of this project, there will be redevelopment agreement Phase B in front of City Council. Mr. Huston clarified that five years ago, once the area was identified as a redevelopment area, the City - following the Nebraska Community Development Law - published their Invitation For Redevelopment

Proposals (IFRP) which is required by the statute. The City received multiple proposals and openly selected Traction Development Partners because of its vision of retail, residential and office use.

Jane Kinsey, 6703 Hawkins Bend, came forward representing Watchdogs of Lincoln Government to comment on financial issues dealing with the Arena and asked how other obligations will be met. She feels the Arena project only appeals to young professionals/students in a higher income bracket and excludes those of retirement age, young children and the 14% who are in poverty.

Ed Zimmer, Planning Department, came forward to explain that the Preservation Commission and the Urban Design Committee have met jointly on the Arena Project/West Haymarket Project. The members have said their input has been heard and they've seen changes in proposals.

Dan Marvin, West Haymarket JPA Project Manager, came forward to answer questions and discuss issues. He said Lauren Wismer of Gilmore & Bell Bond Counsel and Steve Hubka, Finance Director, would be on hand for questioning. He said the purchase of the A Note would be secured by estimated debt service coverage ratio of 1.45 with additional corporate guarantees by Chief Industries and WRK. Mr. Marvin believes the notes have security and a good rate of interest. He clarified issues with selling of the land. An appraisal from Great Plains Appraisal revealed that the highest value of the raw land was \$11.53 sq. ft. He said there are active, ongoing negotiations for Iron Horse parking lot. Mr. Marvin said, in general, the purchase of land in the West Haymarket area has come in at about \$2 sq. ft. Mr. Marvin clarified that it was in the City's interest in not having a multi-phased agreement so as to protect City interests. To explain the Railroad Transportation Safety District's financial involvement, Mr. Marvin said RTSD is participating in the project to pay for & assist in the removal of railroad tracks. Next year when the Arena is open, it will immediately have basketball events. When the Big 12 schedule is released, SMG will be able to book other events. He clarified the budget to build the Amtrak building.

In response to Council Carroll's question about the time line & availability to build on the north part of Lot A, Mr. Marvin said Lot A, north half, is completely developable at this point and the developer will have access in June or July. The goal is to have completion when the Arena opens.

In response to Council Member Emery's question relating to TIF, Mr. Marvin said the project is not taking property tax away from schools. There is an increment that is created to generate additional property taxes to repay the debt earning 5% for 13 to 15 years. Then all the property goes on the tax rolls.

Bill Schmeekle, 6601 Crooked Creek Dr., came forward in his capacity as Chairman of the Downtown Lincoln Association, in support of the West Haymarket Development Agreement. As the downtown core expands, he supplied the following: studies support residential living in the central business district; traffic patterns were thoroughly analyzed to ensure acceptable flows in/out of West Haymarket; redevelopment of West Haymarket in conjunction with the new Arena provides a west anchor to the central business district just as the Assurity Center & Union Plaza Park establishes an east anchor; he clarified that TIF is a valuable City tool; and finally, he said design guidelines fit in the overall character of the Haymarket.

Terry Uland, Executive Director of DLA, came forward in support. He said while innovation of The Yard and The Cube are very interesting, the planning process has allowed the activity to fit in & complement the Haymarket. Mr. Uland said WRK's track record is excellent and the newly constituted development team is extraordinarily cooperative with the goals of the Mayor, Urban Development and other planning groups.

Council Member Camp questioned the use of TIF to fund The Cube cost and expressed concern that student housing in close proximity to liquor establishments will create a huge police enforcement situation. Mr. Schmeekle stated that in his opinion, he supports the use of TIF to pay for The Cube because it falls under the guise of a public improvement to be enjoyed by all. Mr. Uland said local provisions are in place to safeguard against alcohol problems.

Will Scott, WRK, 440 N. 8th St., Ste. 140, came forward to answer any future Phase questions and assured Council that his team wants to be the master developer on the entire project. His goal is to do the first component correctly and follow through with the next Block. In response to Council Member Camp's question, Mr. Scott said that while there is a Letter of Intent, there is not a 100% guarantee that the hotel will go through. In regard to housing units, Mr. Scott said he will not discriminate in housing - he invited anyone with interest to talk to him. With an equivalent of four & a half blocks to develop, there is a real opportunity to provide something for everyone, both socioeconomic and in a wide range of age groups. Mr. Scott said The Cube is not a billboard but rather a 3-dimensional art piece meant to constantly attract people to a special place.

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Mr. Landis came forward in rebuttal. He reminded Council that the developer is willing to put forth \$50 million dollars of their own money to take a risk with the City, taking more guarantees and restrictions than ever before. He said it is only right to give entrepreneurs a chance to make money without killing the underlying engine that makes it all work. Mr. Landis said this is an end of the beginning. Upon approval of this agreement, the private sector portions will start building what was promised to the public.

Mr. Huston came forward to clarify information. He said there will be four 1-bedroom units; twenty-seven 2-bedroom units; fifteen 3-bedroom units; and twenty-five 4-bedroom units equaling 71 dwelling units for 203 bedrooms. In response to Council Member Eskridge's questions about the entertainment district, Mr. Huston said it is his understanding that Council will have complete control over the implementation of the entertainment district if it happens in the City of Lincoln.

This matter was taken under advisement.

APPROVING MCMORE INC. DBA SPORTSCASTERS BAR & GRILL AS A KENO SATELLITE SITE AT 3048 N. 70TH STREET - Katrina Coffey, Vice President of Marketing for Big Red Keno, 11248 John Galt Blvd., Omaha, NE, came forward to answer questions.

Dave Moreland, 1639 Sunset Road, owner of Sportscasters Bar & Grill came forward to answer questions.

This matter was taken under advisement.

APPROVING A PROJECT PROGRAMMING AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS SETTING OUT THE VARIOUS DUTIES AND FUNDING RESPONSIBILITIES FOR A FEDERAL AID PROJECT FOR THE CONSTRUCTION OF SAFETY IMPROVEMENTS AT THE INTERSECTION OF NORTH 14TH STREET AND THE EAST BOUND ON-RAMP TO U.S. HIGHWAY 6 - Thomas Shafer, Public Works & Utilities Dept., came forward to discuss the project. He said they are starting from scratch as recommended from NDOR. Mr. Shafer said in an effort to address a rear-end collision problem at the site of the ramp as traffic enters Cornhusker Highway, all safety options will be explored in a cost-benefit ratio.

This matter was taken under advisement.

AMENDING THE ARTERIAL STREET IMPACT FEE ECONOMIC DEVELOPMENT INCENTIVE PROGRAM TO ALLOW REIMBURSEMENT ONLY AFTER APPLICANT MEETS ALL PROGRAM REQUIREMENTS AND TO CHANGE PROGRAM REQUIREMENTS RELATING TO PROJECT COMPLETION DEADLINES - Rick Peo, Asst. City Attorney, came forward to clarify changes to the impact fee program. He said it is more practical & effective to defer the reimbursement payment until the criteria has been met. Mr. Peo said that the 18-month time line for completion of a building is actually an obstacle to redevelopment and it is recommended to eliminate that condition entirely.

Mike Lang, Economic Development Aide to the Mayor, came forward to state that before this resolution was brought forward they met with the Lincoln Partnership for Economic Development, Chamber of Commerce, Realtor's Association, Homebuilders Association and LIBA to understand the improvements being made. Mr. Lang said the changes serve a purpose to look out for taxpayer's interests and allow the City to be flexible and prudent with investments.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

LINCOLN-LANCASTER COUNTY PLANNING COMMISSION 2011 ANNUAL REPORT - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MARCH 5, 2012 - 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, APRIL 2, 2012 AT 3:00 P.M. FOR THE APPLICATION OF WORLD EATS COMPANY DBA THE PANTRY FOR A CLASS CK LIQUOR LICENSE LOCATED AT 2548 S. 48TH STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86724 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 2, 2012, 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 World Eats Company dba The Pantry for a Class CK liquor license located at 2548 S. 48th Street.
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 12003 - Requested by the Director of Planning, from I-1 Industrial District to P Public Use District; from I-1 Industrial District to O-2 Suburban Office District; and from H-3 Highway Commercial District to P Public Use District on property generally located at N. 9th Street to N. 1st Street and O Street to Charleston Street.

Use Permit No. 82C - Requested by Optimal Dental, PC, an amendment to modify the land use and parking requirements on property generally located at S. 14th Street and Old Cheney Road.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF FUCOR, INC. DBA VENUE BANQUET ROOM FOR A CLASS I LIQUOR LICENSE AT 4107 PIONEER WOODS DRIVE, STE. #107 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86725 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 Fucor, Inc. dba Venue Banquet Room for a Class "I" liquor license at 4107 Pioneer Woods Drive, Suite 107, Lincoln, Nebraska, for the license period ending April 30, 2012, be approved with the condition that 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 Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

MANAGER APPLICATION OF JUSTIN B. COOKSLEY FOR FUCOR, INC. DBA VENUE BANQUET ROOM AT 4107 PIONEER WOODS DRIVE, STE. #107 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86726 WHEREAS, Fucor, Inc. dba Venue Banquet Room located at 4107 Pioneer Woods Drive, Suite 107, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Justin B. Cooksley be named manager; WHEREAS, Justin B. Cooksley 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 Justin B. Cooksley 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 Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPLICATION OF FUCOR, INC. DBA VENUE FOR A CLASS CK LIQUOR LICENSE AT 4111 PIONEER WOODS DRIVE, STE. #100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86727 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 Fucor, Inc. dba Venue for a Class "CK" liquor license at 4111 Pioneer Woods Drive,

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Suite 100, Lincoln, Nebraska, for the license period ending October 31, 2012, be approved with the condition that 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 Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

MANAGER APPLICATION OF JUSTIN B. COOKSLEY FOR FUCOR, INC. DBA VENUE AT 4111 PIONEER WOODS DRIVE, STE. #100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86728 WHEREAS, Fucor, Inc. dba Venue located at 4111 Pioneer Woods Drive, Suite 100, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Justin B. Cooksley be named manager;

WHEREAS, Justin B. Cooksley 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 Justin B. Cooksley 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 Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

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

ANNEXATION NO. 11004 - AMENDING ORDINANCE NO. 19672 PASSED ON FEBRUARY 6, 2012 TO CORRECT THE LEGAL DESCRIPTION REGARDING THE ANNEXATION OF APPROXIMATELY 418 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 48TH STREET, NORTH OF SUPERIOR STREET, TO CONFORM WITH THE LEGAL DESCRIPTION TO THE CORPORATE LIMITS MAP ATTACHED TO ORDINANCE NO. 19672 - CLERK read an ordinance, introduced by Carl Eskridge, amending Ordinance No. 19672, passed by the City Council of the City of Lincoln, Nebraska, on February 6, 2012 to correct the legal description regarding the annexation of approximately 418 acres of property generally located at North 48th Street, north of Superior Street, to conform the legal description to the Corporate Limits Map amendment shown on Attachment "A" to Ordinance No. 19672, the second time.

APPROVING THE WEST HAYMARKET REDEVELOPMENT AGREEMENT BETWEEN TDP PHASE ONE LLC AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 7TH AND THE FUTURE PINNACLE ARENA DRIVE, AND Q AND R STREETS. (RELATED ITEMS: 12R-39, 12R-40, 12R-41) (ACTION DATE: 3/26/12)

AMENDING THE FY 11/12 CIP TO AUTHORIZE AND APPROPRIATE \$7,385,000 IN TIF FUNDS FOR THE WEST HAYMARKET REDEVELOPMENT PROJECT GENERALLY LOCATED BETWEEN 7TH AND THE FUTURE PINNACLE ARENA DRIVE, AND Q AND R STREETS. (RELATED ITEMS: 12R-39, 12R-40, 12R-41) (ACTION DATE: 3/26/12)

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS IN AN AMOUNT NOT TO EXCEED \$7,385,000 FOR THE CITY OF LINCOLN WEST HAYMARKET REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN (RELATED ITEMS: 12R-39, 12R-40, 12R-41) (ACTION DATE: 3/26/12) - CLERK read an ordinance, introduced by Carl Eskridge, 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 \$7,385,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the City's West Haymarket Redevelopment project area, including acquiring any real estate and/or interests 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 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 second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING MCMORE INC. DBA SPORTSCASTERS BAR & GRILL AS A KENO SATELLITE SITE AT 3048 N. 70TH STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86729 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purpose of providing for a joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of a keno type lottery with EHPV Lottery Services, LLC, a Nebraska limited liability company; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno Contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno Contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of McMore Inc. dba Sportscasters Bar & Grill, 3048 North 70th Street, Lincoln, NE 68507.

The City Clerk is directed to return an executed copy of this Resolution to Sportscasters Bar & Grill.

Introduced by Carl Eskridge

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPROVING A PROJECT PROGRAMMING AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS SETTING OUT THE VARIOUS DUTIES AND FUNDING RESPONSIBILITIES FOR A FEDERAL AID PROJECT FOR THE CONSTRUCTION OF SAFETY IMPROVEMENTS AT THE INTERSECTION OF NORTH 14TH STREET AND THE EAST BOUND ON-RAMP TO U.S. HIGHWAY 6 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86730 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Project Programming Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Highway Safety Improvement Program Funds for the intersection of North 14th Street and the eastbound on-ramp to U.S. Highway 6, Project No. HSIP-5227(7), in accordance with the terms and conditions contained in said Agreement, 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 return the executed copies of the Agreement to Craig Aldridge, Engineering Services Division of the Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Carl Eskridge

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

AMENDING THE ARTERIAL STREET IMPACT FEE ECONOMIC DEVELOPMENT INCENTIVE PROGRAM TO ALLOW REIMBURSEMENT ONLY AFTER APPLICANT MEETS ALL PROGRAM REQUIREMENTS AND TO CHANGE PROGRAM REQUIREMENTS RELATING TO PROJECT COMPLETION DEADLINES - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86731 WHEREAS, Section 27.82.110(h) of the Lincoln Municipal Code, as an incentive to encourage economic development, authorizes the City to reimburse an employer for some or all of the Arterial Street Impact Fees previously paid as part of its building project based on conformance with economic development criteria and qualifications adopted by resolution of the City Council; and

WHEREAS, pursuant to Section 27.82.110(h) the City Council adopted Resolution No. A-83040 establishing the City of Lincoln Program for Payment of Arterial Street Impact Fee to Promote Economic Development to reimburse Arterial Street Impact Fees previously paid by new or existing employers that create new jobs and pay wages equal to or in excess of 110% of the Lancaster County average wage; and

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WHEREAS, the Program provides that the reimbursement incentive payment shall be paid upon approval of the application for reimbursement and prior to the incentive criteria being met upon condition that the employer agrees to repay the reimbursement of Arterial Street Impact Fees in the event the performance criteria are not satisfied within the established time line; and

WHEREAS, the City Council desires to amend said Program to provide that the reimbursement will not be made until after the performance criteria have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that Sections 3, 4, 5, 6, 7 and 8 of the City of Lincoln Program for Payment of Arterial Street Impact Fee to Promote Economic Development be amended to read as provided in Attachment "A" attached hereto.

Introduced by Carl Eskridge

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

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

CHANGE OF ZONE 05004A - APPLICATION OF LENITY GROUP AND REALTY TRUST GROUP TO AMEND THE PINE GARDEN PLANNED UNIT DEVELOPMENT TO REPLACE 28 DWELLING UNITS WITH A 66-BED MEMORY CARE FACILITY AND TO REDUCE THE TOTAL COMMERCIAL FLOOR AREA FROM 25,300 SQUARE FEET TO 17,420 SQUARE FEET, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND OLD CHENEY ROAD - PRIOR to reading:

SCHIMEK Moved to amend Bill No. 12-20 in the following manner:

1. On page 1, lines 2 and 3, strike the language, "to reduce the total commercial floor area from 25,300 square feet to 17,420 square feet."

2. On page 1, lines 14 and 15, strike the language, "to reduce the total commercial floor area from 25,300 square feet to 17,420 square feet".

3. On page 2, line 3, strike "17,420" and insert in lieu thereof 25,300.

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

CLERK Read an ordinance, introduced by Doug Emery, amending the development plan for the Pine Garden Planned Unit Development in order to replace 28 dwelling units with a 66-bed memory care facility, to reduce the total commercial floor area from 25,300 square feet to 17,420 square feet and to reduce the Design Standard turnaround radius for cul-de-sacs from 43.1 feet to 30 feet on property generally located northwest of the intersection of South 84th Street and Old Cheney Road and legally described as: Lot 113 I.T., and Lots 90, 91 I.T. except the east 13 feet thereof, located in the Southeast Quarter of Section 10, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, the third time.

EMERY Moved to pass the ordinance as amended.

Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

The ordinance, being numbered **#19689**, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE 11042 - APPLICATION OF LANCASTER COUNTY SCHOOL DISTRICT #1 FOR A CHANGE OF ZONE FROM R-1 RESIDENTIAL DISTRICT, R-2 RESIDENTIAL DISTRICT, B-1 LOCAL BUSINESS DISTRICT, AND H-2 HIGHWAY BUSINESS DISTRICT TO B-1 LOCAL BUSINESS DISTRICT PUD ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF LYNCREST DRIVE AND O STREET, FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY, AND APPROVAL OF A DEVELOPMENT PLAN TO ALLOW OFFICE AND COMMERCIAL USES NOT EXCEEDING APPROXIMATELY 183,000 SQUARE FEET IN FLOOR AREA - PRIOR to reading:

SCHIMEK Moved to amend Bill No. 12-22 in the following manner:

1. On page 2, strike lines 10 - 12 and renumber the remaining conditions.

2. On page 3, between the lines 15 and 16 add two new revisions to the final plan to read as follows:

viii. Show a future driveway aisle access connection to the property to the west;

- ix. Add a note which states "The actual requirement to construct and operate the future driveway aisle access to the west is contingent upon Lancaster County School District #1 or its successor in interest and the property owner to the west agreeing to such matters in writing."

Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

CLERK Read an ordinance, introduced by Doug Emery, 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.

EMERY Moved to pass the ordinance as amended.

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

The ordinance, being numbered #19690, is recorded in Ordinance Book #27, Page .

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

ANNEXATION NO. 12001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 59 ACRES GENERALLY LOCATED WEST OF NORTH 14TH STREET BETWEEN MORTON STREET AND HILLTOP ROAD - CLERK read an ordinance, introduced by Adam Hornung, 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 first time.

CHANGE OF ZONE NO. 3310A - DESIGNATING THE HAYMARKET PARK SIGN DISTRICT AS AN OVERLAY SPECIAL SIGN DISTRICT AND AMENDING THE EXISTING HAYMARKET PARK SPECIAL SIGN DISTRICT TO EXPAND THE AREA OF THE DISTRICT; TO CLARIFY THAT SIGNAGE WILL BE IN ACCORDANCE WITH THE I-1 INDUSTRIAL DISTRICT; TO ALLOW AN ADDITIONAL SIGN AS PART OF THE SPECIAL SIGN PACKAGE; AND TO CLARIFY THAT OFF-PREMISES SIGNS WILL NOT BE PERMITTED, ON PROPERTY GENERALLY LOCATED AT NORTH 6TH STREET AND CHARLESTON STREET, BETWEEN I-180 AND SUN VALLEY BOULEVARD - CLERK read an ordinance, introduced by Adam Hornung, designating the Haymarket Park Sign District as an Overlay Special Sign District on property generally located at North 6th Street and Charleston Street, between I-180 and Sun Valley Boulevard, in accordance with the provisions of §27.69.300 of the Lincoln Municipal Code and adopting special criteria for signs in said district, the first time.

CHANGE OF ZONE NO. 11044 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-7 RESIDENTIAL DISTRICT, FROM R-7 RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT, AND FROM P PUBLIC USE DISTRICT AND I-1 INDUSTRIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 16 STREET BETWEEN R STREET AND VINE STREET AND AT NORTH 17TH STREET AND VINE STREET - CLERK read an ordinance, introduced by Adam Hornung, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 1 - 15, 2012.

APPOINTING MARK LONG TO THE FIRE SPRINKLER AND CHEMICAL EXAMINING BOARD FOR A TERM EXPIRING NOVEMBER 24, 2013.

REAPPOINTING JIM MCKEE, TIM FRANCIS AND GREG MUNN TO THE HISTORIC PRESERVATION COMMISSION FOR TERMS EXPIRING APRIL 15, 2015.

APPROVING THE RENEWAL OF TWO UNIT PRICE CONTRACTS BETWEEN THE CITY, LANCASTER COUNTY, PUBLIC BUILDING COMMISSION AND IMAGESCAPES, INC. AND LANOHA NURSERIES FOR MISCELLANEOUS LANDSCAPING INSTALLATION AND MAINTENANCE SERVICE FOR ADDITIONAL TWO-YEAR TERMS.

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND O'KEEFE ELEVATOR COMPANY, INC. FOR ELEVATOR SERVICE, MAINTENANCE AND TESTING, PURSUANT TO BID NO. 11-206, FOR A FOUR YEAR TERM WITH AN OPTION TO RENEW FOR AN ADDITIONAL FOUR YEAR TERM.

APPROVING AN ADVERTISING AGREEMENT BETWEEN SMG, AS AGENT FOR THE CITY OF LINCOLN PERSHING MUNICIPAL AUDITORIUM, AND PRESCOTT VENTURES INC. DBA JIMMY JOHN'S FOR ADVERTISING ON ELECTRONIC SIGNS AT PERSHING AUDITORIUM FOR A TWO YEAR TERM.

REGULAR MEETING

March 19, 2012

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APPROVING AN ADVERTISING AGREEMENT BETWEEN SMG, AS AGENT FOR THE CITY OF LINCOLN
PERSHING MUNICIPAL AUDITORIUM, AND LINPEPCO FOR ADVERTISING ON ELECTRONIC SIGNS
AT PERSHING AUDITORIUM FOR A TWO YEAR TERM.

OPEN MICROPHONE - NONE

ADJOURNMENT 5:02 P.M.

CAMP Moved to adjourn the City Council meeting of March 19, 2012.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant