

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, FEBRUARY 25, 2013 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Eskridge; Council Members: Camp, Carroll, Cook, Schimek; City Clerk, Joan E. Ross; Absent: Emery, Hinkley.

Council Chair Eskridge 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**

COOK Having been appointed to read the minutes of the City Council proceedings of February 11, 2013 reported having done so, found same correct.

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

**PUBLIC HEARING**

AUTHORIZING THE ISSUANCE BY THE CITY OF ITS GENERAL OBLIGATION ARENA BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$25,000,000 FOR THE PURPOSE OF PAYING THE COSTS INCIDENT TO ACQUIRING, CONSTRUCTING, EQUIPPING AND FURNISHING THE PINNACLE BANK ARENA AND RELATED FACILITIES AND IMPROVEMENTS; PLEDGING THE INCOME, PROCEEDS, AND REVENUE OF THE ARENA, APPROPRIATIONS FROM THE STATE OF NEBRASKA AND OTHER STATE SOURCES, AND OTHER AVAILABLE REVENUE, INCOME AND RECEIPTS OF THE CITY, INCLUDING CERTAIN SALES, USE, OCCUPATION AND/OR PROPERTY TAX REVENUE, FEES OR RECEIPTS SUFFICIENT TO PAY THE PRINCIPAL OF AND THE INTEREST ON SAID BONDS AS THEY BECOME DUE AND PAYABLE; AND RELATED MATTERS - Steve Hubka, Director of Finance Department, came forward with Scott Keene, Ameritas Investment Corp. Also available for questioning was Steven C. Likes, Kutak Rock, LLP, bond counsel for this issue. Director Hubka stated that the main revenue source that will be used to pay these bonds is the turnback of state sales tax which will be captured from primary and secondary box office sales at the arena and from hotels within a 450 yard radius of the arena. When the initial estimates were put together, the number of hotel rooms was estimated at 200, but it is believed that number will be closer to 500, so it is hoped that the estimates will turn out to have been very conservative. We will probably collect a full year of the turnback tax revenue in 2015. We would like to get these bonds issued while interest rates are so favorable.

Scott Keene, Ameritas Investment Corp., came forward to state that these bonds will be repaid from the State turnback taxes, but they are ultimately secured by the unlimited taxing authority of the City since it was approved by the electorate in May of 2010. We expect to achieve our regular Triple A credit ratings. The ordinance provides that these bonds be sold at a competitive sale. The Finance Director has the ability to approve the final terms and conditions of this sale so long as they do not exceed \$25 million, that the underwriters' discount does not exceed 1%, that the issuance date is not later than December 31, 2013, that the final maturity is not later than December 1, 2037, and as long as true interest cost does not exceed 4%. Because the current market is so favorable for financing of this type, we expect to see a true interest cost of approximately 2.75-3.00%. We hope to get to market by mid-April.

This matter was taken under advisement.

AUTHORIZING THE ISSUANCE BY THE CITY OF ITS GENERAL OBLIGATION STORMWATER BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,900,000 FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING AND EXTENDING THE CITY'S STORMWATER DRAINAGE AND FLOOD MANAGEMENT SYSTEM, THE LEVYING OF A TAX ON ALL TAXABLE PROPERTY WITHIN THE CITY TO PAY THE PRINCIPAL, PREMIUM AND INTEREST ON SUCH BONDS, AND RELATED MATTERS - Steve Hubka, Director of Finance Department, came forward to state that this is a general obligation bond of the City pledging full faith and credit. This was voted on by the electorate in November of 2012. It is \$7.9 million dollars and will be paid by property tax revenue. The first principle payment will be delayed because a tax rate that includes these bonds has not yet been adopted.

Scott Keene, Ameritas Investment Corp., came forward to state that the parameters are basically the same the previous agenda item. The principal amount is not to exceed \$7.9 million. This financing will only have a 20 year amortization and therefore will have a true interest cost of 3.5% or lower. Current market conditions will allow for this financing to have a rate somewhere between 2.5-2.75% so we are trying to go to market as soon as possible to capture this favorable rate. We expect to have our ratings affirmed by March 13th and plan to go to market with a competitive sale on March 20<sup>th</sup>.

This matter was taken under advisement.

**REGULAR MEETING**  
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CHANGE OF ZONE 12021 - APPLICATION OF INTERSTATE LAND, LLC FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PLANNED UNIT DEVELOPMENT TO ALLOW A CAMPGROUND, MULTI-FAMILY RESIDENTIAL AND ANY USE ALLOWED IN THE I-1 INDUSTRIAL DISTRICT ON THE UNDERLYING R-3 RESIDENTIAL ZONED AREA ON PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND CORNHUSKER HIGHWAY - Peter Katt, Baylor Evnen, came forward representing Interstate Land, LLC. to describe the area in question and to give the reasons for this request for Change of Zone. The original PUD requested the I-1 Zoning as well as the addition of multifamily and recreational development. Planning Commission rejected this plan. Before Council now is the modification to the PUD with the changes and conditions that have been agreed upon by the Planning and Health Departments, including the elimination the multifamily designation and retention of the I-1 uses with only one additional use, the campground for recreational vehicles. The reason for the PUD is to create the ability to work administratively with staff to be able to subdivide, grade and plat the ground should projects arise. Having the flexibility to go forward quickly is a real advantage to the property owners.

In answer to Council questions, Mr. Katt responded that he is not involved in litigation between the two railroads over a very old crossing agreement. Access is limited on this property with the railroad, the creek and the interstate. There will be an ongoing effort to see if additional access can be added. Discussions have occurred about the availability of access routes for emergency vehicles.

Austin L. McKillip, 233 S. 13<sup>th</sup>., came forward representing Union Pacific Railroad, who is opposed to any additional at-grade crossing as part of this development. The railroad also maintains minimum guidelines which call for a 1,000 foot setback for residential type uses.

Charles Gotch, 9290 W. Dodge Rd., Ste. 302, Omaha, NE, came forward representing Pfizer and its successor entity. The application originally showed a road across Pfizer's property which the company opposes.

Rich Esquivel, 733 West Cuming, came forward as a citizen who resides in the area with concerns over safety and additional traffic.

Peter Katt returned for rebuttal. He stated that in terms of land use, nothing has changed other than the addition of the recreational use. The crossings that are of concern to Pfizer and Union Pacific are only preliminary concepts. There is a potential for an increase in traffic.

This matter was taken under advisement.

APPROVING THE MANOR OF LINCOLN DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN MANOR OF LINCOLN, INC. AND THE CITY OF LINCOLN TO LIMIT USES ON THE PROPERTY TO OFFICE, VETERINARY FACILITY AND THOSE B-1 USES ALSO ALLOWED IN THE R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND KNOX STREET SHOULD THE PROPERTY BE RE-ZONED FROM R-2 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT. (RELATED ITEMS: 13R-40, 13-23) (ACTION DATE: 3/4/13);

CHANGE OF ZONE 12040 - APPLICATION OF MANOR OF LINCOLN FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND KNOX STREET. (RELATED ITEMS: 13R-40, 13-23) (ACTION DATE: 3/4/13) - Derek Zimmerman, Baylor Evnen, came forward representing the applicant and Dr. Terry Roberts, the proposed purchaser of the property. This Change of Zone will allow Dr. Roberts to operate his veterinary facility in an existing building on this property. His clients have agreed to the facility office uses and B-1 uses allowed under the R-2 District, as well as a few other limitations included in the zoning agreement.

This matter was taken under advisement.

APPROVING A LEASE BETWEEN THE CITY OF LINCOLN AND CONSTELLATION STUDIOS, LLC FOR THE LEASE OF CITY PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 21ST AND O STREETS FOR A FIVE YEAR TERM WITH OPTIONS TO RENEW FOR TWO ADDITIONAL FIVE YEAR TERMS - David Landis, Director of Urban Development Department, came forward to describe this property and the associated lease with nationally renowned artist, Karen Kunc, who seeks to use it as her studio and teaching facility. As it stands, the property is somewhat dilapidated and would be difficult to develop, except as part of a larger project. The income from the lease will exceed the current income derived from the rental of a billboard on the property. Ms. Kunc will also make improvements to the property such as installing crushed rock for a parking lot, greening the space and potentially painting a mural. Should the property become critical to for a larger project in the future, the City has an escape clause in order to break this lease and participate in the more comprehensive project. In answer to Council questions, Mr. Landis responded that the City will not pay for improvements except for supplying paint for the mural.

Karen Kunc came forward to describe her vision for this property and her business. This could be an anchor for the improvements that can happen in Antelope Valley.

This matter was taken under advisement.

AMENDING THE 2012/2013 - 2017/2018 CAPITAL IMPROVEMENTS PROGRAM BUDGET TO ADD A NEW PROJECT TO THE PUBLIC WORKS & UTILITIES/WATER TO INCLUDE THE DESIGN OF TWO HORIZONTAL WELLS, TWO WELL HOUSES AND RAW WATER PIPELINE AND TO INITIALLY CONSTRUCT ONE HORIZONTAL WELL, ONE WELL HOUSE AND RAW WATER PIPELINE IN LINCOLN'S WELL FIELD NEAR ASHLAND, NEBRASKA - Miki Esposito, Director of Public Works, came forward to describe this resolution to amend the 6-year water CIP and to provide for the appropriation of 12 million dollars to design two horizontal wells, two well houses, and raw water pipeline. During periods of drought, the horizontal wells are essential for maximizing the water volume taken into the system and will allow for 8-10 million gallons per day during low flow conditions. If the construction goes ahead, the well will be fully operational by June 1<sup>st</sup>, 2014. 7 million dollars will come from water revenue and another 5 million will come from funding from the State.

Nick McElvain, Public Works and Utilities, was available to answer technical questions. The City currently has two horizontal wells which are designed for 17.5 million gallons per day during normal flow conditions. The existing wells function well and give us a good idea of the costs and maintenance involved.

This matter was taken under advisement.

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE IV, SECTION 19 OF THE CHARTER, RELATING TO GROUNDS FOR RECALL, TO CLARIFY THAT THE CITY COUNCIL SHALL FOLLOW PROCEDURES AS SET FORTH BY ORDINANCE FOR NOMINATING AND ELECTING A PERSON TO FILL A CITY COUNCIL VACANCY - Rod Confer, City Attorney, came forward to state that this Charter amendment would be part of the May 7<sup>th</sup> general election ballot, if approved by Council. Recent vacancies on the Council revealed that the rules of the Council for filling a vacancy were in conflict with State law. This Charter amendment will allow the City to set its own procedure for filling a vacancy.

Coby Mach, Lincoln Independent Business Association, came forward in support of this Charter amendment. LIBA feels that this amendment provides much needed clarification and guidance to our local government.

This matter was taken under advisement.

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE VII, SECTION 5 OF THE CHARTER, RELATING TO CONTRACTS AND PURCHASES, TO PROHIBIT THE MAYOR, COUNCIL MEMBERS AND CITY DEPARTMENT HEADS FROM ENTERING INTO OR HAVING CONTRACTS WITH THE CITY, TO HARMONIZE PROCEDURES FOR VOIDING CONTRACTS WITH STATE LAW, AND TO GENDER NEUTRALIZE EXISTING LANGUAGE - Rod Confer, City Attorney, came forward to introduce this Charter amendment which, if passed by City Council, would appear on the May 7<sup>th</sup> election ballot. This measure was proposed by the Administration in order to eliminate or avoid conflicts of interest, to ensure that local business owners do not have to compete for contracts against City officials, and to eliminate any public perception that elected officials or directors might put their private interests ahead of the public interest in policy decision making because they have a contract with the City. The Charter amendment is more of a policy statement generally opposing elected officials having private, significant financial interests with the City by whom they are employed. In response to questions from Council Member Camp, Mr. Confer clarified various legal definitions. He stated that a differentiation should be made between the Charter amendment and the Code provisions.

Sam Sampson, 3901 S. 27<sup>th</sup> Street, came forward in opposition to this resolution stating that anyone who is capable and has the leadership skills to run a large company would be an asset as a member of the City Council. In answer to Council questions, Mr. Sampson replied that he does not believe there is any corruption in Lincoln.

Doug Lienemann, 3336 Crestridge Rd., came forward as a local business owner opposed to this resolution. He stated that community leaders have a high level of personal integrity, and when that is combined with public scrutiny and procedures currently in place to safeguard against conflicts of interest, the public has been adequately protected. This resolution, if passed, places an undue restriction on our ability to participate in our own local government.

Council Member Jon Camp stated that historically, speakers have alternated between those in favor of and those opposed to items. He made a request to follow that procedure.

Council Chair Eskridge replied that they were following the exact same procedure that the former Council Chair followed at the last large public hearing.

Mr. Camp stated, for the record, that he respectfully made his request, which is to do what has typically been done in the 14 years he has served on Council, and he objects to the way this public hearing is being conducted.

Todd Hall, 7421 Forbes Dr., came forward as a citizen in opposition to this resolution. This is unnecessary legislation for a problem that does not exist; Lincoln does not have a history of unethical or corrupt behavior.

Kyle Fischer, 1135 M Street, came forward representing the Lincoln Chamber of Commerce in opposition to this resolution. This Charter amendment sends a message to our community and to the entire country that we do not trust our leaders to own a business and to be a public servant. The City should not make someone choose between the two.

Kathleen Neary, 1903 Lake St., came forward in support of this resolution. She has served on the City of Lincoln Charter Revision Committee since 2007. Five years ago, that committee worked very thoughtfully in drafting a Charter amendment that is nearly identical to this one. The attitude that we should deny the citizens the right to vote on this important issue is cause for

concern. In answer to Council questions, Ms. Neary stated that officials are elected to deal with the public good and operating the business of the City of Lincoln; anything that detracts from those general goals is divisive. If there is not problem with corruption, then the citizens will not vote in favor of the amendment, but they should not be denied the right to vote.

Adam Morfeld, 1339 N. 14<sup>th</sup> St., Director and founder of Nebraskans for Civic Reform, came forward in support of this resolution. There is a clear correlation between public participation in democracy and the perception that the democracy is fair, just and effectively serves the public. Prohibiting elected officials from having any significant financial interest in City business eliminates conflicts of interest and more importantly, the public perception of these conflicts between the elected officials and the decisions they make using tax dollars. In answer to Council questions, Mr. Morfeld stated he would be in support of City employees being covered by this legislation. Even if a Council member or the Mayor declares a conflict, there could still be indirect influence on decisions, and public perception of this is important.

Rick Esquivel, 733 Cuming, came forward in opposition to this resolution, stating that it portrays elected officials as being corrupt. There are checks and balances in place and citizens are able to elect different officials if they are unsatisfied.

Mary Boschult, 950 S. 49<sup>th</sup> St., came forward representing the League of Women Voters in Lincoln and Lancaster County in favor of this resolution. In a community of our size, there are ample opportunities to bid on contracts to provide goods and services to private and governmental entities other than the City of Lincoln. This is good public policy and assures fair competition for those who are seeking to do business with the City. Written copies of testimony in favor of the Charter amendment from Rebecca L. Gould, Executive Director of Nebraska Appleseed, were submitted for the record by Ms. Boschult.

Patte Newman, 1110 Lamplighter Ln., came forward as a former member of the City Council in favor of this resolution. The government exists to serve citizens and taxpayers and the public must have confidence in the integrity of City government. They deserve to be represented by public officials who maintain the highest ethical principles in avoiding any conflict of interest, real or perceived. Ms. Newman read from an email from Peggy Struwe, who was unable to attend, in favor of the Charter amendment. When a high ranking City official has a contract with the City, other people employed by the government may be afraid to enforce contract. Ms. Struwe described a situation in which this occurred. In answer to Council questions, she stated this issue is about defining conflict of interest and allowing the voter to make the final decision.

John Cederberg, 7425 Red Oak Rd., came forward in opposition to this resolution. This Charter amendment is not ready for public vote because the public is not aware of what is included or the definitions behind it; many details of this legislation are unclear. In answer to Council questions, Mr. Cederberg stated that the Charter is the Constitution of the City; he is not comfortable amending the Constitution with all of the definitions remaining in the Municipal Code where they can be changed.

Rod Confer returned to answer questions. He stated that some of the interpretations of legal definitions made by speakers have been incorrect and he made clarifications.

Ann Post and Coby Mach, Lincoln Independent Business Association came forward in opposition to this resolution. LIBA believes this Charter amendment casts business owners as greedy and unscrupulous, even though the goal of the City is to attract business. It prohibits good people from running for office, and it prevents the City from doing business with good companies. In answer to Council questions, Mr. Mach stated that LIBA likes the idea of an independent committee that would be in charge of investigating potential conflicts of interest and contract performance issues. This measure is too broad and could have unforeseen effects.

Mark Hunzeker, 600 Wells Fargo Center., came forward in opposition to this resolution, stating that the definitions are too unclear and there are many circumstances that have not been considered. There is also the matter of disclosure of private financial information in making the determination if a potential official has a significant financial interest. In answer to Council questions, Mr. Hunzeker stated that he found no differentiation in the type or size of the company involved.

Rod Confer returned to clarify definitions and to state that there are some specific definitions which apply only to the section dealing with City contracts. Some confusion is coming from the use of definitions taken from the general Municipal Code.

Roger Holmes, 2427 Ryons St., came forward as a small businessman and representing Common Cause Nebraska in favor of this resolution. He described his experience with the tightknit communities of locally owned small businesses that he has been a part of. The efforts of LIBA and the Chamber of Commerce should be respected, but it is important to know that they only represent about 10% of businesses in Lincoln. There are a lot of people who do not trust government and they do not believe they will get a fair deal from the City. This amendment is a signal to those people that they get a chance to get a fair deal and do not have to compete against high ranking officials should they choose to do business with the City.

Rick Hoppe, Chief of Staff, came forward to address concerns. This amendment, as proposed, does not cover spouses and children. This is an issue of public perception and assuring the public that the decision making and policy of this City is in their best interest, and not for individual financial interests. The issue of dealing with liquidated damages puts our Mayor in a very difficult position. It makes sense to have definitions in the Code to give Council the

ability to reflect changes in the value of money and the flexibility to take into account new forms of business that may not exist yet. Finally, Mayor Beutler supports the efforts to ban employee City contracts, but it is currently not clear in State law if the City has the authority to do that. For now, those at the highest level should be held to a higher standard as a matter of public policy in our Charter.

Rod Confer returned to explain that the contracts with the Joint Public Agency are not covered by this because the JPA is a separate political subdivision. Any ambiguities in definitions can be cleaned up via ordinance. This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE HEALTH DEPARTMENT'S AIR QUALITY PROGRAM 105 GRANT WORKPLAN TO PROVIDE AN ADDITIONAL \$60,000.00 FOR THE REPLACEMENT OF THE HEALTH DEPARTMENT'S OZONE MONITOR AND EXPENSES RELATED TO SAID REPLACEMENT. (REQUEST TO PLACE ON CONSENT AGENDA FOR P.H. ON 2/25) - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87210 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Workplan Amendment between the Nebraska Department of Environmental Quality and the Lincoln Lancaster County Health Department regarding the FFY 2011-2012 Workplan for Lincoln Lancaster County Health Department Section 105 Air Quality Program, as approved by Resolution No. A-86361 and amended by Resolution No. A-87130, to extend the term to September 30, 2013, and to reflect funding for the period of October 1, 2012 to September 30, 2013 in the amount of \$157,000.00 which includes \$60,000.00 for the replacement of the Health Department's ozone monitor and expenses related to said replacement, in accordance with the terms, conditions and assurances contained in said Amendment to Agreement, is hereby approved and the Mayor is authorized to execute said Amendment to Agreement on behalf of the City.

The City Clerk is directed to return an executed copy of the Amendment to Agreement to Judy Halstead, Director of the Lincoln/Lancaster County Health Department for transmittal to the Nebraska Department of Environmental Quality.

Introduced by Eugene Carroll

Seconded by Cook and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR A \$19,000.00 GRANT FOR THE LITTER REDUCTION AND RECYCLING GRANT PROGRAM - KEEP LINCOLN - LANCASTER COUNTY BEAUTIFUL PROGRAM - CLEANUP ACTIVITIES, FOR A TERM OF JANUARY 1, 2013 THROUGH JUNE 30, 2014. (REQUEST TO PLACE ON CONSENT AGENDA FOR P.H. ON 2/25) - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87211 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Grant Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and the Nebraska Department of Environmental Quality for the Litter Reduction and Recycling Grant Program -- Keep Lincoln-Lancaster County Beautiful Program, Cleanup Activities, in the amount of \$19,000.00, for a term of January 1, 2013 through June 30, 2014, upon the terms and conditions as set forth in said Grant Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Grant Agreement on behalf of the City.

The City Clerk is directed to send a copy of this Resolution and one fully executed Agreement to Judy Halstead, Lincoln-Lancaster County Health Department Director for transmittal to the Nebraska Department of Environmental Quality.

Introduced by Eugene Carroll

Seconded by Cook and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

REPORT FROM THE CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JANUARY 31, 2013 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(5-21)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON FEBRUARY 4, 2013 - 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 THE CITY COUNCIL ON FEBRUARY 11, 2013 - 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, MARCH 11, 2013 AT 3:00 P.M. FOR THE APPLICATION OF OLD FEDERAL PLACE, LLC DBA WAREHOUSE NO. 4 FOR A CLASS CK LIQUOR LICENSE LOCATED AT 228 NORTH 12<sup>TH</sup> STREET - LOWER LEVEL - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87212 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 11, 2013, 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 Old Federal Place, LLC dba Warehouse No. 4 for a Class CK liquor license located at 228 North 12<sup>th</sup> Street - Lower Level.

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

Introduced by Jonathan Cook

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

SETTING THE HEARING DATE OF MONDAY, MARCH 11, 2013 AT 3:00 P.M. FOR THE APPLICATION OF COYOTE WILLY'S, INC. DBA COYOTE WILLY'S FOR A CLASS I LIQUOR LICENSE LOCATED AT 2137 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87213 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 11, 2013, 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 Coyote Willy's, Inc. dba Coyote Willy's for a Class I liquor license located at 2137 Cornhusker Highway.

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

Introduced by Jonathan Cook

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

SETTING THE HEARING DATE OF MONDAY, MARCH 11, 2013 AT 3:00 P.M. FOR THE APPLICATION OF RAWHUBS, LLC DBA LINCOLN MEADOWS FOR A CLASS I LIQUOR LICENSE LOCATED AT 3235 NORTH 35 STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87214 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 11, 2013, 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 Rawhubs, LLC dba Lincoln Meadows for a Class I liquor license located at 3235 North 35<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 Jonathan Cook

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

SETTING THE HEARING DATE OF MONDAY, MARCH 11, 2013 AT 3:00 P.M. FOR THE APPLICATION OF LINCOLN NORTH, LLC DBA PEPPER JAX GRILL FOR A CLASS A LIQUOR LICENSE LOCATED AT 1339 O STREET, SUITE 2 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87215 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 11, 2013, 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 Lincoln North, LLC dba Pepper Jax Grill for a Class A liquor license located at 1339 O Street, Suite 2.

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

Introduced by Jonathan Cook

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 13003 - Requested by Scott Tollefsen to designate Sigma Alpha Epsilon Fraternity as a Historic Landmark on property legally described as Little & Alexanders Subdivision of Lot 18 of Littles Subdivision, Lot A and Lot B except the west 35 feet, located in the SW 1/4 of Section 24-10-6, Lancaster County, Nebraska, generally located at 635 N. 16th Street.

Special Permit No. 13001 - Requested by Southeast Rural Fire Protection District for the expansion of a nonconforming use with adjustments to setbacks and parking on property legally described as a portion of Lot 42, Pine Lake Addition, located in the SE 1/4 of Section 15-9-7, Lancaster County, Nebraska, generally located at Highway 2 and Eiger Drive.

Special Permit No. 13006 - Requested by ESP, Inc., Scout's Tower Addition Community Unit Plan, for approximately 20 single family lots with requests to waive front yard setbacks, storm water detention facilities, and recreation facility on property legally described as Lots 1 and 2, Scout's Tower Addition, located in the NW 1/4 of Section 34-10-6, Lancaster County, Nebraska, generally located at 1800 SW 8th Street.

Change of Zone No. 05068C - Requested by CALRUBY, LLC, for an amendment to The Woodlands at Yankee Hill Planned Unit Development, for a change of zone from AG Agriculture District to R-3 Residential PUD District, for expansion of the area of the PUD by approximately 25 acres, more or less, on property legally described as Lot 65 I.T., located in the SW 1/4 of Section 27-9-7, Lancaster

County, Nebraska, generally located at S. 70th Street and Yankee Hill Road; for a Planned Unit Development district designation; and for approval of a revised development plan which proposes certain modifications to the Zoning and Land Subdivision Ordinances to allow an additional approximately 60 dwelling units in the underlying R-3 zoned area.

Special Permit No. 1816C - Requested by Chadd Construction, Inc., for soil excavation, on property legally described as a portion of Lot 59 I.T., located in the SW 1/4 of Section 20-10-6, Lancaster County, Nebraska, generally located at NW 40th Street & W. Vine Street. The Planning Commission action is final, unless appealed to the City Council.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 13002 to Special Permit No. 06046, Dakota Springs Community Unit Plan, approved by the Planning Director on February 5, 2013, requested by Andrew Beil, to amend the building envelopes and the location of the future utility easement on Lot 6, Block 1, Dakota Springs 1<sup>st</sup> Addition, on property generally located at W. Santee Ct. and W. Dakota Springs Dr.

Administrative Amendment No. 13004 to Special Permit No. 590, Salvation Army, approved by the Planning Director on February 6, 2013, requested by Archi + Etc., LLC, for an addition to the existing building to be used for storage and rescind Special Permit No. 49 and Special Permit No. 970, on property generally located at N. 27<sup>th</sup> St. and Potter St.

Administrative Amendment No. 13009 to Combined Special Permit/Use Permit No. 10B, East Park Plaza, approved by the Planning Director on February 13, 2013, requested by Design Associates, to revise the building envelope and reduce the setback from 37 feet to 30 feet along "O" St. for one building and add Note #5, on property generally located at N. 66<sup>th</sup> St. and "O" St.

**MISCELLANEOUS REFERRALS - NONE**

**LIQUOR RESOLUTIONS - NONE**

**ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

AUTHORIZING THE ISSUANCE BY THE CITY OF ITS GENERAL OBLIGATION ARENA BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$25,000,000 FOR THE PURPOSE OF PAYING THE COSTS INCIDENT TO ACQUIRING, CONSTRUCTING, EQUIPPING AND FURNISHING THE PINNACLE BANK ARENA AND RELATED FACILITIES AND IMPROVEMENTS; PLEDGING THE INCOME, PROCEEDS, AND REVENUE OF THE ARENA, APPROPRIATIONS FROM THE STATE OF NEBRASKA AND OTHER STATE SOURCES, AND OTHER AVAILABLE REVENUE, INCOME AND RECEIPTS OF THE CITY, INCLUDING CERTAIN SALES, USE, OCCUPATION AND/OR PROPERTY TAX REVENUE, FEES OR RECEIPTS SUFFICIENT TO PAY THE PRINCIPAL OF AND THE INTEREST ON SAID BONDS AS THEY BECOME DUE AND PAYABLE; AND RELATED MATTERS - CLERK read an ordinance, introduced by Eugene Carroll, authorizing and providing for the issuance, sale and delivery of General Obligation Arena Bonds, Series 2013, of the City of Lincoln, Nebraska, in an aggregate principal amount not to exceed \$25,000,000 (The "Bonds"), for the purpose of paying a portion of the costs of acquiring, constructing, equipping and furnishing a Sports/Entertainment Arena and related facilities and improvements (The "Project"); prescribing certain terms of the Bonds; delegating, authorizing and directing the Finance Director to exercise his independent judgment and absolute discretion in determining certain other terms of the Bonds; pledging the income, proceeds, and revenue of the project, any state appropriations and sources, and available revenue, income, and receipts of the City, including certain City sales, use, occupation and/or property tax revenue, fees or receipts, in an amount sufficient to pay the principal of and the interest on said bonds as they become due and payable; and authorizing and approving certain other related matters, the second time.

AUTHORIZING THE ISSUANCE BY THE CITY OF ITS GENERAL OBLIGATION STORMWATER BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,900,000 FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING AND EXTENDING THE CITY'S STORMWATER DRAINAGE AND FLOOD MANAGEMENT SYSTEM, THE LEVYING OF A TAX ON ALL TAXABLE PROPERTY WITHIN THE CITY TO PAY THE PRINCIPAL, PREMIUM AND INTEREST ON SUCH BONDS, AND RELATED MATTERS - CLERK read an ordinance, introduced by Eugene Carroll, authorizing and providing for the issuance, sale and delivery of General Obligation Stormwater Bonds, Series 2013, of the City of Lincoln, Nebraska, in an aggregate principal amount not to exceed \$7,900,000 (The "Bonds"), for the purpose of paying the costs of constructing improvements and extensions to the City's stormwater drainage and flood management system; prescribing certain terms of the Bonds; delegating, authorizing and directing the Finance Director to exercise his independent judgment and absolute discretion in determining certain other terms of the Bonds; providing for the payment of the principal of and interest on the Bonds by the levy of a tax on all of the taxable property within the City; and authorizing and approving certain other related matters, the second time.

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CHANGE OF ZONE 12021 - APPLICATION OF INTERSTATE LAND, LLC FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PLANNED UNIT DEVELOPMENT TO ALLOW A CAMPGROUND, MULTI-FAMILY RESIDENTIAL AND ANY USE ALLOWED IN THE I-1 INDUSTRIAL DISTRICT ON THE UNDERLYING R-3 RESIDENTIAL ZONED AREA ON PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND CORNHUSKER HIGHWAY - CLERK read an ordinance, introduced by Eugene Carroll, 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 second time.

APPROVING THE MANOR OF LINCOLN DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN MANOR OF LINCOLN, INC. AND THE CITY OF LINCOLN TO LIMIT USES ON THE PROPERTY TO OFFICE, VETERINARY FACILITY AND THOSE B-1 USES ALSO ALLOWED IN THE R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND KNOX STREET SHOULD THE PROPERTY BE RE-ZONED FROM R-2 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT. (RELATED ITEMS: 13R-40, 13-23) (ACTION DATE: 3/4/13)

CHANGE OF ZONE 12040 - APPLICATION OF MANOR OF LINCOLN FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND KNOX STREET (RELATED ITEMS: 13R-40, 13-23) (ACTION DATE: 3/4/13) - CLERK read an ordinance, introduced by Eugene Carroll, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

APPROVING A LEASE BETWEEN THE CITY OF LINCOLN AND CONSTELLATION STUDIOS, LLC FOR THE LEASE OF CITY PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 21ST AND O STREETS FOR A FIVE YEAR TERM WITH OPTIONS TO RENEW FOR TWO ADDITIONAL FIVE YEAR TERMS - CLERK read an ordinance, introduced by Eugene Carroll, accepting and approving the Lease Agreement between the City of Lincoln, Nebraska and Constellation Studios, LLC for the lease of property generally located at the southwest corner of 21<sup>st</sup> and O streets for a five year term with options to renew said Lease for two additional five year terms, the second time.

**PUBLIC HEARING - RESOLUTIONS**

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 16 - 31, 2013. CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87216 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 February 1, 2013, 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>	
State Farm Insurance a/s/o David Tarrence	\$ 17,615.65	Darin Beckley	\$ 600.00
Ben & Leigh Lewis o/b/o Nathan Lewis	220,000.00	Ketan Patel	3,250.00
Ingenix Subrogation Services		Troy Sorenson	8,210.95
a/s/o United Health Care/Lee Enterprises	NAS*	Mike Shapoval	1,042.34
Janice Burkey	NAS*	Joe Payne	489.32
Cody Ward	NAS*		
State Farm Insurance a/s/o Guy Diller	3,108.48		
Joe Jaworski	115.94		
Beverly Konz	NAS*		
Rose Lyle	100.00		

\* 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 Eugene Carroll

Seconded by Cook and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

AMENDING THE 2012/2013 - 2017/2018 CAPITAL IMPROVEMENTS PROGRAM BUDGET TO ADD A NEW PROJECT TO THE PUBLIC WORKS & UTILITIES/WATER TO INCLUDE THE DESIGN OF TWO HORIZONTAL WELLS, TWO WELL HOUSES AND RAW WATER PIPELINE AND TO INITIALLY CONSTRUCT ONE HORIZONTAL WELL, ONE WELL HOUSE AND RAW WATER PIPELINE IN LINCOLN'S WELL FIELD NEAR ASHLAND, NEBRASKA - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87217 WHEREAS, Resolution No. A-86975, adopted by the City Council of Lincoln, Nebraska on August 20, 2012, adopted the fiscal year 2012-2013 and 2013-2014 annual budgets for the City of Lincoln and further adopted the Capital Improvement Program attached to Resolution No. A-85975 as Schedule No. 5; and WHEREAS, Resolution No. A-85975 appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as from any grants, donations, or contributions received for public purposes and the interest thereon notwithstanding any sum limitation set forth in the annual budget; and

WHEREAS, a capital improvement project for a Lincoln Water System project to construct two Horizontal Wells, two Well Houses and Raw Water Pipeline was not included within Schedule No. 5 of the Annual Budget as a capital improvement project to be funded in fiscal year 2012-2013 and/or 2013-2014; and

WHEREAS, the City desires to amend the first year (2012-2013) and/or second year (2013-2014) of the Fiscal Year 2012/2013 - 2017/2018 Six Year Capital Improvement Program (CIP) to establish a project for the construction of two Horizontal Wells, two Well Houses and Raw Water Pipeline Project, and initially construct one Horizontal Well, Well House, and Pipeline, and establish appropriations for that project; and

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

WHEREAS, the Lincoln City-Lancaster County Planning Commission has reviewed the Water System Project for two Horizontal Wells, two Well Houses and Raw Water Pipeline for conformity or nonconformity with the Comprehensive Plan as a capital improvement project and the Planning Commission found the proposed Water System Project to be in conformity with the Comprehensive Plan.

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

That the implementation of the Water System Project for two Horizontal Wells, two Well Houses and Raw Water Pipeline is hereby established as a capital improvement project within the Capital Improvement Program.

BE IT FURTHER RESOLVED that the Capital Improvement Program on Schedule 5 of Resolution No. A-86975 be amended by adding the Water System Project for construction of two Horizontal Wells, two Well Houses and Raw Water Pipeline to the Public Works & Utilities Department/Water list of capital improvement projects on Schedule 5.

BE IT FURTHER RESOLVED that the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget in the amount of \$12,000,000.00 in Public Works & Utilities Department/Water for this construction of one Horizontal Well, one Well House and Raw Water Pipeline Project.

Introduced by Eugene Carroll

Seconded by Cook and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE IV, SECTION 19 OF THE CHARTER, RELATING TO GROUNDS FOR RECALL, TO CLARIFY THAT THE CITY COUNCIL SHALL FOLLOW PROCEDURES AS SET FORTH BY ORDINANCE FOR NOMINATING AND ELECTING A PERSON TO FILL A CITY COUNCIL VACANCY - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87218 WHEREAS, under the provisions of Article XI, Section 4, of the Constitution of the State of Nebraska, a proposed Charter amendment may be submitted to a vote of the qualified electors at the city general election as proposed by the City Council of the City of Lincoln, Nebraska:

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

1. That at the city general election to be held on Tuesday, the seventh day of May, 2013, there shall be submitted to a vote of the qualified electors of the City of Lincoln, Nebraska, for adoption or rejection, the following proposed amendment to the Charter of the City of Lincoln:

CHARTER AMENDMENT

Amend Article IV, Section 19 of the Charter relating to Grounds for Recall to provide that the city council shall nominate and elect a person to fill any vacancy on the council according to procedures as set forth by ordinance.

ARTICLE IV  
ELECTION AND ORGANIZATION OF ADMINISTRATION  
RECALL, INITIATIVE AND REFERENDUM

Sec. 19. Recall, Grounds for. The mayor may be removed from office by recall. The mayor shall forfeit such office upon any of the following grounds:

- (1) Ceasing to be a resident of the city.
- (2) Failure to take the oath of office.
- (3) Conviction of a felony or any crime involving violation of the official oath.
- (4) Being absent from regular council meetings for six consecutive months regardless of whether the absences are excused.
- (5) Accepting appointment or being elected to a public office other than an office that is incidental to the duties of the mayor.

In addition to the foregoing, the office of mayor shall become vacant upon the death or resignation of an incumbent or upon an adjudication of incompetency. The council in the event of the mayor's unwillingness or failure to resign, shall be responsible for bringing charges and taking other actions necessary to remove the mayor from office for any of the reasons designated in this section.

When a vacancy is created in the office of mayor, the council shall, within thirty days, elect, by affirmative vote of four of its members, a new mayor to serve for the unexpired term. The council may

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select the new mayor from among its members or from among the electors of the city having the qualifications for the office.

Any council member may be removed from office by recall. A council member shall forfeit such office upon any of the following grounds:

(1) Ceasing to be a resident of the city, and in the case of a district council member, ceasing to be a resident of the district from which such person was elected; provided, that this subsection shall not apply in the case of cessation of residency in the district solely by virtue of redistricting.

(2) Failure to take the oath of office.

(3) Conviction of a felony or any crime involving violation of the official oath.

(4) Being absent from regular council meetings for two consecutive calendar months without being excused by the council.

(5) Being absent from regular council meetings for six consecutive months regardless of whether the absences are excused.

(6) Accepting appointment or being elected to a public office other than an unpaid office that is incidental to the duties of council member or on which such person serves with council approval.

In addition to the foregoing, the office of council member shall become vacant upon the death or resignation of an incumbent or upon an adjudication of incompetency. The council shall be the judge of the qualifications of its members and shall be responsible for removing by resolution a council member from office for any of the reasons designated in this section.

When a vacancy is created in the office of council member, nominations may be made by any council member, and the council shall elect, by affirmative vote of four of its members, a person having the qualifications for the office of council member, to fill the vacancy until a successor has been duly elected and qualified. The council shall follow nomination and election procedures, time limits, and any other election-related details as set forth by city ordinance. If the unexpired term of office continues for two years from the time of the next general city election, and if the vacancy shall occur more than twenty days prior to the next city primary election, a successor shall be elected to serve for the remainder of the unexpired term.

Said amendment shall be submitted to the qualified electors as a Charter amendment of Article IV, Section 19 on the ballot and shall be printed on said ballot in the following form:

**"VACANCY ON CITY COUNCIL**

**CHARTER AMENDMENT -- AMEND ARTICLE IV, SECTION 19 OF THE CHARTER TO CLARIFY THAT THE CITY COUNCIL SHALL FOLLOW PROCEDURES AS SET FORTH BY ORDINANCE FOR NOMINATING AND ELECTING A PERSON TO FILL A COUNCIL VACANCY.**

**SHALL ARTICLE IV, SECTION 19 OF THE CHARTER OF THE CITY OF LINCOLN BE AMENDED TO CLARIFY THAT THE CITY COUNCIL SHALL FOLLOW PROCEDURES AS SET FORTH BY ORDINANCE FOR NOMINATING AND ELECTING A PERSON TO FILL A COUNCIL VACANCY?**

**VOTE FOR or AGAINST**

I vote FOR the proposed amendment.

I vote AGAINST the proposed amendment."

2. That the City Clerk of the City of Lincoln is hereby directed to publish with her official certification, three times, and a week apart, the full text of the proposed amendments to be voted upon, as required by law, all as required by the Constitution of the State of Nebraska.

3. That the Mayor be and hereby is directed to proclaim and give notice that at the general election to be held in the City of Lincoln, Nebraska, on Tuesday, the seventh day of May, 2013, there will be submitted to the qualified electors of the City of Lincoln, Nebraska, for adoption or rejection, the proposition set forth in Section 1 hereof, and the City Clerk is directed to publish the said proclamation as provided by law.

4. That the City Clerk of the City of Lincoln is further directed to notify the Election Commissioner of Lancaster County of the submission of this proposition, and to procure the necessary ballots and make all other necessary arrangements for the same.

Introduced by Eugene Carroll

Seconded by Cook and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE VII, SECTION 5 OF THE CHARTER, RELATING TO CONTRACTS AND PURCHASES, TO PROHIBIT THE MAYOR, COUNCIL MEMBERS AND CITY DEPARTMENT HEADS FROM ENTERING INTO OR HAVING CONTRACTS WITH THE CITY, TO HARMONIZE PROCEDURES FOR VOIDING CONTRACTS WITH STATE LAW, AND TO GENDER NEUTRALIZE EXISTING LANGUAGE - PRIOR to reading:

CAMP Moved to place Bill No. 13R-45 on Indefinite Pending.  
The Motion failed due to lack of a Second.

CAMP Moved MTA #1 to amend Bill No. 13R-45 to included all City employees and their families.

The Motion failed due to lack of a Second.

CAMP Moved MTA #2 to amend Bill No. 13R-45 to make an exception for members of a recognized minority class.

The Motion failed due to lack of a Second.

CAMP Moved MTA #3 to amend Bill No. 13R-45 to make an exception for situations when it is deemed in the best interest of the community to waive the prohibition of the Mayor, Council Members and City Department Heads.

The Motion failed due to lack of a Second.

CAMP Moved MTA #4 to amend Bill No. 13R-45 to make an exception in situations when the least impact to the environment could be provided by a member of the prohibited class covered by this resolution.

The Motion failed due to lack of a Second.

CAMP Moved MTA #5 to amend Bill No. 13R-45 to make an exception if the exclusion of the prohibited individuals leaves only a single local entity to compete for bids.

The Motion failed due to lack of a Second.

CAMP Moved MTA #6 to amend Bill No. 13R-45 to prohibit City employees from serving on boards of other entities which determine how tax dollars of the City are spent for salaries.

The Motion failed due to lack of a Second.

CAMP Moved MTA #7 to amend Bill No. 13R-45 stating that in lieu of the prohibition of certain individuals from entering into contracts, a 5 member, neutral committee will be created and empowered to review questions of performance of a contract.

The Motion failed due to lack of a Second.

CAMP Moved to Delay Bill No. 13R-45 in order to clarify definitions.

The Motion failed due to lack of a Second.

CLERK Read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87219 WHEREAS, under the provisions of Article XI, Section 4, of the Constitution of the State of Nebraska, a proposed Charter amendment may be submitted to a vote of the qualified electors at the city general election as proposed by the City Council of the City of Lincoln, Nebraska:

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

1. That at the city general election to be held on Tuesday, the 7th day of May, 2013, there shall be submitted to a vote of the qualified electors of the City of Lincoln, Nebraska, for adoption or rejection, the following proposed amendment to the Charter of the City of Lincoln:

CHARTER AMENDMENT

Amend Article VII, Section 5 of the Charter relating to conflicts of interests in city contracts to prohibit the mayor and council members and city department directors from entering into or having contracts with the city in any amount; to harmonize procedures for voiding contracts with state law; and to gender-neutralize the existing language.

ARTICLE VII

CONTRACTS AND PURCHASES

Sec. 5. ~~No Officer Interested in City Contract - Conflict of Interest.~~

A council member or the mayor or any city department director shall not have a significant financial interest in any contract or other business dealing with the city. This section shall not apply to officials in office on June 7, 2013, for interests that existed prior to that date, except that all such interests of those officials shall be disclosed by filing a sworn disclosure statement, and he or she shall refrain from voting upon or otherwise participating in the administration of the contract in which he or she has a financial interest.

~~If any councilman, the mayor or officer or any~~ employee of the city not described in the prior paragraph of this section has a significant financial interest, direct or indirect or by reason of ownership of stock, in any contract or other business dealings with the city, or in any action of the city government relating to the public or private development of land, or if any member of any city board or commission has a significant financial interest, direct or indirect or by reason of ownership of stock, in any matter before the body on which he that person serves, ~~he then that~~ person shall declare that interest by filing a sworn disclosure statement and shall refrain from voting upon or otherwise participating in the making of the contract or the taking of the action, in which he or she has a financial interest.

Procedures for the making and filing of declarations of financial interest shall be established by ordinance.

Any officer or employee designated in this section who willfully violates the requirements of this section shall forfeit her or his office or position and shall be guilty of a misdemeanor, punishable by a fine not to exceed \$100 or by imprisonment for not to exceed six months. Any violation of this section with the actual knowledge of any person or corporation contracting with the city shall render the unfulfilled portion of the contract voidable by ~~the council~~ a court of competent jurisdiction.

No officer or employee of the city shall receive any pay from the city other than his or her salary. The council shall not appropriate or pay any money or other valuable thing to any person not an officer or employee for the performance of any act, service, or duty, the performance of which is within the proper scope of the duties of an officer or employee of the city, unless the same is specially appropriated and ordered by majority vote of the council.

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Said amendment shall be submitted to the qualified electors as a Charter amendment of Article VII, Section 5 on the ballot and shall be printed on said ballot in the following form:

"CONFLICTS OF INTEREST IN CITY CONTRACTS  
CHARTER AMENDMENT -- AMEND ARTICLE VII, SECTION 5 OF THE CHARTER TO PROHIBIT THE MAYOR AND COUNCIL MEMBERS AND CITY DEPARTMENT DIRECTORS FROM ENTERING INTO OR HAVING CONTRACTS WITH THE CITY; TO HARMONIZE PROCEDURES FOR VOIDING CONTRACTS WITH STATE LAW; AND TO GENDER-NEUTRALIZE THE EXISTING LANGUAGE.

SHALL ARTICLE VII, SECTION 5 OF THE CHARTER OF THE CITY OF LINCOLN BE AMENDED TO PROHIBIT THE MAYOR AND COUNCIL MEMBERS AND CITY DEPARTMENT DIRECTORS FROM ENTERING INTO OR HAVING CONTRACTS WITH THE CITY; TO HARMONIZE PROCEDURES FOR VOIDING CONTRACTS WITH STATE LAW; AND TO GENDER-NEUTRALIZE THE EXISTING LANGUAGE?

VOTE FOR or AGAINST

- I vote FOR the proposed amendment.
- I vote AGAINST the proposed amendment."

2. That the City Clerk of the City of Lincoln is hereby directed to publish with her official certification, three times, and a week apart, the full text of the proposed amendments to be voted upon, as required by law, all as required by the Constitution of the State of Nebraska.

3. That the Mayor be and hereby is directed to proclaim and give notice that at the city general election to be held in the City of Lincoln, Nebraska, on Tuesday, the 7th day of May, 2013, there will be submitted to the qualified electors of the City of Lincoln, Nebraska, for adoption or rejection, the proposition set forth in Section 1 hereof, and the City Clerk is directed to publish the said proclamation as provided by law.

4. That the City Clerk of the City of Lincoln is further directed to notify the Election Commissioner of Lancaster County of the submission of this proposition and to procure the necessary ballots and make all other necessary arrangements for the same.

Introduced by Eugene Carroll

Seconded and Carroll and carried by the following vote: AYES: Carroll, Cook, Eskridge, Schimek, NAYS: Camp; ABSENT: Emery, Hinkley.

**ORDINANCE - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)**

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "M" BY CREATING THE CLASSIFICATION OF "PUBLIC WORKS AND UTILITIES ASSISTANT DIRECTOR" (2/11/14 - ACTION DELAYED 2 WKS TO 2/25/13) (REQUEST TO CON'T ACTION ONE WEEK TO 03/04/13)- PRIOR to reading:

COOK Moved to Delay Action on Bill No. 13-7 one week to March 4, 2013.  
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

CLERK Read an ordinance, introduced by DiAnna Schimek, amending Section 1 of Ordinance No. 19776 passed September 17, 2012, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M," by creating the job classification of "Public Works and Utilities Assistant Director", the third time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND GOODWILL INDUSTRIES FOR THE SUBLEASE OF OFFICE SPACE LOCATED AT 1010 N STREET TO PROVIDE JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF JANUARY 1, 2013 THROUGH DECEMBER 31, 2014 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln, Nebraska and Goodwill Industries for the sublease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2013 through December 31, 2014 whereby the City of Lincoln is subleasing space to Goodwill Industries to provide job training and employment services under the Workforce Investment Act, the third time.

CAMP Moved to pass the ordinance as read.  
Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

The ordinance, being numbered **#19831**, is recorded in Ordinance Book #28, Page .

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND NEBRASKA DAS/STATE BUILDING DIVISION ON BEHALF OF THE DEPARTMENT OF LABOR FOR THE SUBLEASE OF OFFICE SPACE LOCATED AT 1010 N STREET, TO PROVIDE JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln and DAS/State Building Division, on behalf of the Nebraska Department of Labor, for the sublease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2013 through December 31, 2013 whereby the City of Lincoln is subleasing space to the Nebraska Department of Labor to provide job training and employment services under the Workforce Investment Act, the third time.

CAMP Moved to pass the ordinance as read.  
Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

The ordinance, being numbered **#19832**, is recorded in Ordinance Book #28, Page .

APPROVING A GROUND LEASE BETWEEN THE CITY OF LINCOLN AND ACTIVE LIVING CENTER CONDOMINIUM ASSOCIATION FOR THE LEASE OF THE ACTIVE LIVING CENTER AT 250 N. 21ST STREET FOR A 30 YEAR TERM. (RELATED ITEMS: 13-9, 13-21) (ACTION DATE: 2/25) - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Ground Lease between the City of Lincoln and the Active Living Center Condominium Association for the lease of real property generally located at 250 North 21st Street, Lincoln, Nebraska, for use for the Active Living Center Building consisting of three condominium units for a period of 30 years, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

The ordinance, being numbered **#19833**, is recorded in Ordinance Book #28, Page .

APPROVING THE CONVEYANCE BY QUITCLAIM DEED OF UNIT 3 OF THE ACTIVE LIVING CENTER FROM THE CITY OF LINCOLN TO THE NEBRASKA TRAILS FOUNDATION ON PROPERTY LOCATED AT 250 N. 21ST STREET, SUITE 3. (RELATED ITEMS: 13-9, 13-21) (ACTION DATE: 2/25) - CLERK read an ordinance, introduced by Jon Camp, that pursuant to the Memorandum of Understanding authorized by Executive Order No. 84336 between the City of Lincoln, the Community Health Endowment and the Nebraska Trails Foundation Inc., to accomplish the construction and operation of a mixed use building known as the Active Living Center, generally located at 21st and Q Streets, the transfer of Unit 3 of the Active Living Center Condominium to Nebraska Trails Foundation Inc. is hereby authorized and approved and the Mayor is authorized to execute the Quitclaim Deed attached hereto for such transfer on behalf of the City of Lincoln, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Carroll and carried by the following vote: AYES: Carroll, Cook, Eskridge, Schimek; NAYS: Camp; ABSENT: Emery, Hinkley.

The ordinance, being numbered **#19834**, is recorded in Ordinance Book #28, Page .

COMP. PLAN CONFORMANCE 12024 - APPROVING AN AMENDMENT TO THE ANTELOPE VALLEY REDEVELOPMENT PLAN TO ADD "THE WRAP PROJECT" FOR APPROXIMATELY 160 DWELLING UNITS AND A 1,600 STALL PARKING GARAGE ON PROPERTY GENERALLY LOCATED BETWEEN Q STREET, R STREET, N. 18TH STREET AND N. ANTELOPE VALLEY PARKWAY. (RELATED ITEMS: 13R-33, 13-15, 13-16) (ACTION DATE: 2/25/13) - CLERK read the following resolution, introduced Jon Camp, who moved its adoption:

A-87220 WHEREAS, the City Council on July 21, 2003, adopted Resolution No. A-2222 finding an area generally bounded by C Street on the south, 17th Street on the west, the Burlington Northern Railroad on the north, and 28th Street on the east (comprising parts of the Near South, Woods Park, Malone, Clinton, Hawley, Hartley, and Downtown neighborhoods), and an area generally bounded by the Burlington Railroad on the south, Interstate 180 on the west, Salt Creek on the north, and 14th Street on the east (comprising the North Bottoms neighborhood) to be blighted and substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, the City Council has previously adopted the Antelope Valley Redevelopment Plan and amendments thereto (hereinafter the "Antelope Valley Redevelopment Plan" or "Plan") including plans for various redevelopment projects within said blighted and substandard area in accordance with the requirements and procedures of the Nebraska Community Development Law; and now desires to modify said plan by establishing the "The Wrap Project" for construction of 160 dwelling units and a 1,600 stall parking garage on property generally located between Q Street, R Street, North 18th Street and North Antelope Valley Parkway; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk modifications to the Redevelopment Plan contained in the document entitled "Proposed Amendments to the Antelope Valley Redevelopment Plan (The Wrap Project)" which is attached hereto, marked as Attachment "A", and made a part hereof by reference, and has reviewed said plan and has found that it meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 2007); and

WHEREAS, on January 11, 2013, a notice of public hearing was mailed postage prepaid to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place and purpose of the public hearing to be held on January 23, 2013 before the Lincoln City - Lancaster County Planning Commission regarding the proposed Wrap Redevelopment Project, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, on January 25, 2013 a notice of public hearing was mailed postage prepaid to the foregoing registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on February 11, 2013 regarding the proposed Wrap Redevelopment Project, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on January 25, 2013 and February 1, 2013 a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place and purpose of the public hearing to be held on February 11, 2013 regarding the proposed Wrap Redevelopment Project for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

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WHEREAS, said proposed Amendments to the Antelope Valley Redevelopment Plan to add The Wrap Redevelopment Project have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and said Planning Commission on January 15, 2013 found the Plan Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on February 11, 2013 in the City Council chambers of the County-City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed modifications to the Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed modifications to the redevelopment plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed modifications to the redevelopment plan.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That The Wrap Redevelopment Project is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will promote the general health, safety and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That incorporating The Wrap Redevelopment Project into the Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.

3. That the substandard and blighted conditions in The Wrap Redevelopment Project Area are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing.

4. That elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

5. That The Wrap Redevelopment Project would not be economically feasible without the use of tax-increment financing.

6. That the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

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

1. That the document entitled "Proposed Amendments to the Antelope Valley Redevelopment Plan for The Wrap Redevelopment Project" attached hereto as Attachment "A", establishing and adding The Wrap Redevelopment Project to the Antelope Valley Redevelopment Plan (to be listed as Project M), is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan as they relate to the above-described modifications.

3. That the Redevelopment Project Area for The Wrap Redevelopment Project as described and depicted in the Plan Amendments is the Redevelopment Project Area comprising the property to be included in the area subject to the tax increment provision authorized in the Nebraska Community Development Law.

4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents needed for the authorization to provide necessary funds including Community Improvement Financing in accordance with the Community Development Law to finance related necessary and appropriate public acquisitions, improvements and other activities set forth in said Plan Amendment to the Antelope Valley Redevelopment Plan.

Introduced by Jon Camp

Seconded by Carroll and carried by the following vote: AYES: Carroll, Cook, Eskridge, Schimek; NAYS: Camp; ABSENT: Emery, Hinkley.

COMP. PLAN CONFORMANCE 12023 - DECLARING APPROXIMATELY 0.20 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF N. 18TH STREET AND Q STREET AS SURPLUS PROPERTY. (RELATED ITEMS: 13R-33, 13-15, 13-16) (ACTION DATE: 2/25/13) - CLERK read an ordinance, introduced by Jon Camp, declaring approximately 0.20 acres of city owned property generally located at the northeast corner of North 18th Street and Q Street as surplus, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

The ordinance, being numbered **#19835**, is recorded in Ordinance Book #28, Page .

VACATION NO. 12011 - VACATING NORTH 18TH STREET BETWEEN Q AND R STREET; THE NORTH 4 FEET OF Q STREET BETWEEN NORTH 18TH STREET AND N. ANTELOPE VALLEY PARKWAY; AND THE SOUTH 4 FEET OF R STREET BETWEEN NORTH 18TH STREET AND N. ANTELOPE VALLEY PARKWAY. (RELATED ITEMS: 13R-33, 13-15, 13-16) (ACTION DATE: 2/25/13) - PRIOR to reading:

CARROLL Moved to Amend Bill No. 13-16 by accepting the substitute ordinances attached as Bill No. 13-16A and 13-16B.  
Seconded by Cook and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

CLERK Read an ordinance, introduced by Jon Camp, vacating North 18th Street between Q & R Streets and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

CARROLL Moved to Pass Substitute Bill No. 13-16A as read.  
Seconded by Schimek and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

The ordinance, being numbered **#19836**, is recorded in Ordinance Book #28, Page .

CARROLL Moved to place Substitute Bill No. 13-16B on Indefinite Pending.  
Seconded by Schimek and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

CHANGE OF ZONE 12037 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT AND I-1 INDUSTRIAL DISTRICT; AND FROM B-4 LINCOLN CENTER BUSINESS DISTRICT, R-4 RESIDENTIAL DISTRICT, R-6 RESIDENTIAL DISTRICT, I-1 INDUSTRIAL DISTRICT AND H-3 HIGHWAY COMMERCIAL DISTRICT TO P PUBLIC USE DISTRICT, ON PROPERTY GENERALLY BOUNDED BY CORNHUSKER HIGHWAY TO P STREET AND NORTH 10TH STREET TO NORTH 23RD STREET - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted 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.

CAMP Moved to pass the ordinance as read.  
Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

The ordinance, being numbered **#19837**, is recorded in Ordinance Book #28, Page .

COMP. PLAN AMENDMENT 12003 - AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION FROM RESIDENTIAL TO COMMERCIAL AND TO DESIGNATE A NEW COMMUNITY CENTER ON PROPERTY GENERALLY LOCATED AT NORTH 1ST STREET AND CORNHUSKER HIGHWAY. (RELATED ITEMS: 13R-34, 13R-35, 13R-36, 13-14) (ACTION DATE: 2/25/13) - CLERK read the following resolution, introduced Jon Camp, who moved its adoption:

A-87221 WHEREAS, the Planning Director, on behalf of Countryside Mobile Home Park, has made application to amend the 2040 Lincoln-Lancaster County Comprehensive Plan to change the land use designation in the Lancaster County Future Land Use Plan and the Lincoln Area Future Land Use Plan from Residential to Commercial on approximately 27 acres of land generally located at North 1st Street and Cornhusker Highway, to designate the general area as a new community center and to make associated amendments to the Comprehensive Plan; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of the requested amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2040 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the Lancaster County Future Land Use Plan on pages 1.8 and 12.2, and the Lincoln Area Future Land Use Plan on pages 1.9 and 12.3 to reflect Commercial land use on approximately 27 acres of land generally located at North 1st Street and Cornhusker Highway as shown on Attachment "A".

2. Amend Map 5.1: Existing and Proposed Commercial Centers on page 5.6 to identify a new "Community Center" northeast of the intersection of North 1st Street and Cornhusker Highway as shown on Attachment "B".

BE IT FURTHER RESOLVED that all other maps, figures, and plans where the land use map is displayed and other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendments.

Introduced by Jon Camp

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

COMP. PLAN CONFORMANCE 12020 - APPROVING THE 1ST AND CORNHUSKER REDEVELOPMENT PLAN CONSISTING OF AN ESTIMATED 78 ACRES COMPRISED OF MOBILE HOME RESIDENTIAL LAND USE, GENERALLY BOUNDED BY CORNHUSKER HIGHWAY, N. 4TH STREET, ADAMS STREET AND N. 1ST STREET. (RELATED ITEMS: 13R-34, 13R-35, 13R-36, 13-14) (ACTION DATE: 2/25/13) - PRIOR to reading:

SCHIMEK Stated, for the record, she is voting in support of this based on assurances that Council has been given that consideration will be given to the mobile home residents who are on this property now, should it be developed in the future.

CLERK Read the following resolution, introduced Jon Camp, who moved its adoption:

A-87222 WHEREAS, the City Council on October 19, 2012, adopted Resolution No. A-7072 finding an area generally bounded by Cornhusker Highway, North 4th Street, Adams Street and North 1st Street to be blighted and substandard as defined in the Nebraska Community Development Law (Neb.Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

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WHEREAS, the Director of the Urban Development Department has filed with the City Clerk a Redevelopment Plan entitled "1st & Cornhusker Redevelopment Plan" which is attached hereto, marked as Attachment "A", and made a part hereof by reference, and has reviewed said plan and has found that it meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 2007); and

WHEREAS, on November 30, 2012, a notice of public hearing was mailed postage prepaid to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place and purpose of the public hearing to be held on December 12, 2012 before the Lincoln City - Lancaster County Planning Commission regarding the proposed 1st & Cornhusker Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, on January 25, 2013 a notice of public hearing was mailed postage prepaid to the foregoing registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on February 11, 2013, regarding the proposed 1st & Cornhusker Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on January 25, 2013 and February 1, 2013 a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place and purpose of the public hearing to be held on February 11, 2013 regarding the proposed 1st & Cornhusker Redevelopment Plan for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, said proposed 1st & Cornhusker Redevelopment Plan has been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and said Planning Commission on December 12, 2012 found the Plan Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on February 11, 2013 in the City Council chambers of the County-ity Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed modifications to the Redevelopment Plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed Redevelopment Plan.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the 1st & Cornhusker Redevelopment Plan is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will promote the general health, safety and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.
2. That the 1st & Cornhusker Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.
3. That the substandard and blighted conditions in the 1st & Cornhusker Redevelopment Plan Area are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing.
4. That elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.
5. That the 1st & Cornhusker Redevelopment Plan would not be economically feasible without the use of tax-increment financing.
6. That the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

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

1. That the document entitled "1st & Cornhusker Redevelopment Plan" attached hereto as Attachment "A", establishing the 1st & Cornhusker Redevelopment Plan, is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.
  2. WHEREAS, the City Council on October 19, 2012, adopted Resolution No. A-87072 finding an area generally bounded by Cornhusker Highway, North 4th Street, Adams Street and North 1st Street to be blighted and substandard as defined in the Nebraska Community Development Law (Neb.Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and
- WHEREAS, the Director of the Urban Development Department has filed with the City Clerk a Redevelopment Plan entitled "1st & Cornhusker Redevelopment Plan" which is attached hereto, marked as Attachment "A", and made a part hereof by reference, and has reviewed said plan and has found that it meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 2007); and
- WHEREAS, on November 30, 2012, a notice of public hearing was mailed postage prepaid to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the

time, date, place and purpose of the public hearing to be held on December 12, 2012 before the Lincoln City - Lancaster County Planning Commission regarding the proposed 1st & Cornhusker Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and postage prepaid to the foregoing registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on February 11, 2013, regarding the proposed 1st & Cornhusker Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on January 25, 2013 and February 1, 2013 a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place and purpose of the public hearing to be held on February 11, 2013 regarding the proposed 1st & Cornhusker Redevelopment Plan for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, said proposed 1st & Cornhusker Redevelopment Plan has been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and said Planning Commission on December 12, 2012 found the Plan Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on February 11, 2013 in the City Council chambers of the County-city Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed modifications to the Redevelopment Plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed Redevelopment Plan.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the 1st & Cornhusker Redevelopment Plan is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will promote the general health, safety and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.
2. That the 1st & Cornhusker Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.
3. That the substandard and blighted conditions in the 1st & Cornhusker Redevelopment Plan Area are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing.
4. That elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.
5. That the 1st & Cornhusker Redevelopment Plan would not be economically feasible without the use of tax-increment financing.
6. That the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

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

1. That the document entitled "1st & Cornhusker Redevelopment Plan" attached hereto as Attachment "A", establishing the 1st & Cornhusker Redevelopment Plan, is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.
2. That the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan.
3. That the Redevelopment Plan Area for the 1st & Cornhusker Redevelopment Plan as described and depicted in the Plan is the Redevelopment Plan Area comprising the property to be included in the area subject to the tax increment provision authorized in the Nebraska Community Development Law.
4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents for the authorization to provide necessary funds including Community Improvement Financing in accordance with the Community Development Law to finance related necessary and appropriate public acquisitions, improvements and other activities set forth in said 1st & Cornhusker Redevelopment Plan.

Introduced by Jon Camp

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

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APPROVING A DIRECTED ARTERIAL STREET IMPACT FEE TRANSPORTATION IMPROVEMENT AGREEMENT BETWEEN THE CITY AND ASCENTIA REAL ESTATE INVESTMENT COMPANY TO IDENTIFY DEVELOPER'S COST RESPONSIBILITIES REGARDING THE CONSTRUCTION OF THE ARTERIAL STREET IMPACT FEE FACILITY IMPROVEMENTS RELATED TO MIXED-USE DEVELOPMENT, INCLUDING AN APARTMENT COMPLEX, HOTEL, OFFICE SPACE AND RETAIL SPACE, GENERALLY LOCATED AT 1ST AND CORNHUSKER HIGHWAY. (RELATED ITEMS: 13R-34, 13R-35, 13R-36, 13-14) (ACTION DATE: 2/25/13) - CLERK read the following resolution, introduced Jon Camp, who moved its adoption:

A-87223 WHEREAS, the Planning Director, on behalf of Countryside Mobile Home Park, has made application to amend the 2040 Lincoln-Lancaster County Comprehensive Plan to change the land use designation in the Lancaster County Future Land Use Plan and the Lincoln Area Future Land Use Plan from Residential to Commercial on approximately 27 acres of land generally located at North 1st Street and Cornhusker Highway, to designate the general area as a new community center and to make associated amendments to the Comprehensive Plan; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of the requested amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2040 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the Lancaster County Future Land Use Plan on pages 1.8 and 12.2, and the Lincoln Area Future Land Use Plan on pages 1.9 and 12.3 to reflect Commercial land use on approximately 27 acres of land generally located at North 1st Street and Cornhusker Highway as shown on Attachment "A".

2. Amend Map 5.1: Existing and Proposed Commercial Centers on page 5.6 to identify a new "Community Center" northeast of the intersection of North 1st Street and Cornhusker Highway as shown on Attachment "B".

BE IT FURTHER RESOLVED that all other maps, figures, and plans where the land use map is displayed and other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendments.

Introduced by Jon Camp

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

CHANGE OF ZONE 12029 - APPLICATION OF COUNTRYSIDE MOBILE HOME PARK LLP AND LINCOLN MOBILE HOME PARKS LLP FOR A CHANGE OF ZONED FROM H-3 HIGHWAY COMMERCIAL DISTRICT AND R-2 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PUD, ON PROPERTY GENERALLY LOCATED AT N. 1ST STREET AND CORNHUSKER HIGHWAY; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR A DEVELOPMENT PLAN WITH MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW 391,100 SQ. FT. OF COMMERCIAL FLOOR AREA, A HOTEL AND 450 DWELLING UNITS ON THE UNDERLYING R-3 ZONED AREA. (RELATED ITEMS: 13R-34, 13R-35, 13R-36, 13-14) (ACTION DATE: 2/25/13) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 07.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

The ordinance, being numbered **#19838**, is recorded in Ordinance Book #28, Page .

COMP. PLAN CONFORMANCE 12022 - DECLARING APPROXIMATELY 1.56 ACRES OF PROPERTY GENERALLY LOCATED AT WEST B STREET AND S. FOLSOM STREET AS SURPLUS PROPERTY. (RELATED ITEMS: 13-18, 13-19, 13-20) (ACTION DATE: 2/25/13) - CLERK read an ordinance, introduced by Jon Camp, declaring approximately 1.56 acres of City owned property generally located at West B Street and South Folsom Street as surplus, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

The ordinance, being numbered **#19839**, is recorded in Ordinance Book #28, Page .

CHANGE OF ZONE 12039 - APPLICATION OF THE DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT WEST B STREET AND S. FOLSOM STREET. (RELATED ITEMS: 13-18, 13-19, 13-20) (ACTION DATE: 2/25/13) - CLERK read an ordinance, introduced by Jon Camp, 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.

CAMP Moved to pass the ordinance as read.

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

The ordinance, being numbered **#19840**, is recorded in Ordinance Book #28, Page .

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY AND WILLARD COMMUNITY CENTER FOR PROPERTY GENERALLY LOCATED AT 1245 S. FOLSOM STREET. (RELATED ITEMS: 13-18, 13-19, 13-20) (ACTION DATE: 2/25/13) - CLERK read an ordinance, introduced by Jon Camp, approving a Real Estate Sales Agreement between the City of Lincoln and Willard Community Center authorizing the sale of surplus property generally located at 1245 South Folsom Street, the third time.

CAMP Moved to pass the ordinance as read.  
Seconded by Carroll and carried by the following vote: AYES: Camp,  
Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.  
The ordinance, being numbered #19841, is recorded in Ordinance Book #28, Page .

**RECONSIDERATION - ORDINANCE NO. 19827**

CHANGE OF ZONE 12033 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE (ZONING ORDINANCE) TO REFORMAT CHAPTER 27.72 (HEIGHT AND LOT REGULATIONS) AND TO INCLUDE REGULATIONS THAT WERE NOT CARRIED OVER FROM CHAPTER 27.71 TO 27.72; TO PROVIDE CLARIFICATION AS TO HOW USES ARE REGULATED BY AMENDING CHAPTERS 27.02 DEFINITIONS, 27.06 USE GROUPS, 27.39 H-1 INTERSTATE COMMERCIAL DISTRICT, 27.62 CONDITIONAL USES, 27.63 SPECIAL PERMITS, 27.69 SIGNS, 27.72 HEIGHT AND LOT REGULATIONS. (RELATED ITEMS: 13-5, 13R-29) (ACTION DATE: 2/11/13) (MTA #1 ADOPTED, 7-0; PASSED AS AMENDED, 7-0; #19827) - PRIOR to reading:

COOK Moved to Reconsider Ordinance #19827.  
Seconded by Schimek and carried by the following vote: AYES: Camp,  
Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.  
COOK Made MTA#2 to amend Bill No. 13-5, as amended, in the following manner:  
1. On page 61, lines 21-23, strike all of Section 49 and insert in lieu thereof the following language:

Section 49. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall be posted on the official bulletin board of the City, located on the wall across from the City Clerk's office at 555 S. 10<sup>th</sup> Street, in lieu of and in place of newspaper publication with notice of passage and such posting to be given by publication one time in the official newspaper by the City Clerk. This ordinance shall take effect and be in force from and after its passage and publication as herein and in the City Charter provided.

Seconded by Schimek and carried by the following vote: AYES: Camp,  
Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.  
The Reconsidered Ordinance was passed as amended by the following vote:  
AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery,  
Hinkley.

The ordinance, being numbered #19827, is recorded in Ordinance Book #28, Page .

**ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required)**

VACATION NO. 12009 - VACATING THE NORTH-SOUTH ALLEY BETWEEN WEST O STREET AND WEST MONROE STREET, EAST OF S.W. 44TH STREET - CLERK read an ordinance, introduced by Jonathan Cook, vacating the north-south alley between West O Street and West Monroe Street, east of S.W. 44<sup>th</sup> Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE 2012 AND DECEMBER 2012 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Jonathan Cook, adopting the supplements to the Lincoln Municipal Code dated June 2012 and December 2012 as part of the official Lincoln Municipal Code, the first time.

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED AMOUNT OF \$2,248,347 FOR THE CITY OF LINCOLN, WEST HAYMARKET REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN. (RELATED ITEMS: 13-29, 13R-54, 13-R-55) (ACTION DATE: 3/11/13) - CLERK read an ordinance, introduced by Jonathan Cook, 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 \$2,206,662 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the City's P Street and Canopy Street 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 first time.

APPROVING AN AMENDMENT TO THE FY 12/13 CIP TO AUTHORIZE AND APPROPRIATE \$2,248,347 IN TIF FUNDS FOR THE P STREET AND CANOPY STREET REDEVELOPMENT PROJECT ON PRIVATE PROPERTY GENERALLY LOCATED ON THE NORTHEAST QUARTER OF THE BLOCK BETWEEN THE FUTURE CANOPY STREET AND THE FUTURE PINNACLE ARENA DRIVE, AND O AND P STREET, AND PUBLIC PROPERTY AND RIGHTS OF WAY IN WEST HAYMARKET IN DOWNTOWN LINCOLN. (RELATED ITEMS: 13-29, 13R-54, (13R-55) (ACTION DATE: 3/11/13)

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APPROVING THE WEST HAYMARKET P STREET AND CANOPY STREET REDEVELOPMENT PROJECT REDEVELOPMENT AGREEMENT BETWEEN PROJECT OSCAR, LLC AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY ON PRIVATE PROPERTY GENERALLY LOCATED ON THE NORTHEAST QUARTER OF THE BLOCK BETWEEN THE FUTURE CANOPY STREET AND THE FUTURE PINNACLE ARENA DRIVE, AND O AND P STREET, AND PUBLIC PROPERTY AND RIGHTS OF WAY IN WEST HAYMARKET IN DOWNTOWN LINCOLN. (RELATED ITEMS: 13-29, 13R-54, (13R-55) (ACTION DATE: 3/11/13)

AUTHORIZING THE PURCHASE AGREEMENT FOR THE SALE OF SURPLUS PROPERTY GENERALLY LOCATED AT 18TH AND Q STREETS IN DOWNTOWN LINCOLN TO THE UNIVERSITY OF NEBRASKA BOARD OF REGENTS. (RELATED ITEMS: 13-30, 13-31, 13R-56, (13R-57) (ACTION DATE: 3/11/13) - CLERK read an ordinance, introduced by Jonathan Cook, approving a Property Transfer Agreement between the City of Lincoln and the Board of Regents of the University of Nebraska authorizing the transfer of City owned property within the block bounded by 18<sup>th</sup> Street, Antelope Valley Parkway, Q Street, and R Street, more commonly known as the 18<sup>th</sup> and R Block, the first time.

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED AMOUNT OF \$4,304,577 FOR THE CITY OF LINCOLN, 18TH AND Q REDEVELOPMENT PROJECT IN GREATER DOWNTOWN LINCOLN. (RELATED ITEMS: 13-30, 13-31, 13R-56, (13R-57) (ACTION DATE: 3/11/13) - CLERK read an ordinance, introduced by Jonathan Cook, 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 \$4,304,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the City's 18<sup>th</sup> and Q 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 first time.

APPROVING AN AMENDMENT TO THE FY 12/13 CIP TO AUTHORIZE AND APPROPRIATE \$4,304,577 IN TIF FUNDS FOR THE 18TH AND Q REDEVELOPMENT PROJECT ON PRIVATE PROPERTY GENERALLY LOCATED IN THE BLOCK BOUNDED BY 18TH STREET AND ANTELOPE VALLEY PARKWAY, AND Q AND R STREET, AND ADJACENT RIGHTS OF WAY IN GREATER DOWNTOWN LINCOLN. (RELATED ITEMS: 13-30, 13-31, 13R-56, (13R-57) (ACTION DATE: 3/11/13)

APPROVING THE 18TH AND Q REDEVELOPMENT PROJECT AGREEMENT BETWEEN AF-18R-LINCOLN AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY ON PRIVATE PROPERTY GENERALLY LOCATED ON THE BLOCK BOUNDED BY 18TH STREET AND ANTELOPE VALLEY PARKWAY, AND Q AND R STREETS, AND ADJACENT RIGHTS OF WAY IN GREATER DOWNTOWN LINCOLN. (RELATED ITEMS: 13-30, 13-31, 13R-56, (13R-57) (ACTION DATE: 3/11/13)

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

REAPPOINTING JASON CHRISTENSON TO THE AUDIT ADVISORY BOARD FOR A TERM EXPIRING MARCH 1, 2016.

REAPPOINTING JOHN KAY AND TOM LAGING TO THE NEBRASKA CAPITOL ENVIRONS COMMISSION FOR TERMS EXPIRING JANUARY 9, 2016.

REAPPOINTING FRANCIS MOUL TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A TERM EXPIRING MARCH 17, 2016.

REAPPOINTING MICHELE TILLEY AND MARY ANN WELLS TO THE URBAN DESIGN COMMITTEE FOR TERMS EXPIRING FEBRUARY 1, 2016.

APPOINTING DR. MARTHA SHULSKI TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2015.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 1 - 15, 2013.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBRASKA ENVIRONMENTAL PRODUCTS FOR THE ANNUAL REQUIREMENTS OF METAM BASED FOAMING SEWER ROOT CONTROL, PURSUANT TO QUOTE NO. 4350, FOR A FOUR YEAR TERM.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, AGING PARTNERS, AND NEWS LINK FOR PRODUCTION OF "LIVING WELL" MAGAZINE, PURSUANT TO BID NO. 12-118, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, AGING PARTNERS, AND MOORE WALLACE NORTH AMERICA, INC. FOR PRINTING AND MAILING OF "LIVING WELL" MAGAZINE, PURSUANT TO BID NO. 12-119, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM.

APPROVING A CONTRACT FOR THE OPERATION OF A KENO TYPE LOTTERY BETWEEN THE CITY OF LINCOLN AND EHPV LOTTERY SERVICES LLC, FOR A FIVE-YEAR TERM COMMENCING MARCH 10, 2013.

APPROVING THE ISSUANCE OF NOT TO EXCEED \$30,000,000 OF GENERAL OBLIGATION FACILITY BONDS OF THE WEST HAYMARKET JOINT PUBLIC AGENCY FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTING TWO PARKING GARAGES (DECK 2 AND DECK 3) IN THE WEST HAYMARKET REDEVELOPMENT AREA OF THE CITY OF LINCOLN.

#### **MISCELLANEOUS BUSINESS**

CHANGE OF ZONE 09003 - APPLICATION OF YANKEE HILL TOWNHOMES, LLC, FOR A CHANGE OF ZONE FROM AG AGRICULTURAL, R-3 RESIDENTIAL AND R-4 RESIDENTIAL TO R-4 RESIDENTIAL DISTRICT PLANNED UNIT DEVELOPMENT FOR 84 TOWNHOMES, 348 APARTMENTS AND 30,000 SQUARE FEET OF COMMERCIAL LAND USES, WITH WAIVERS TO ADJUST THE MINIMUM AVERAGE LOT, THE MINIMUM LOT AREA, THE FRONT, SIDE AND REAR SETBACKS, AND THE 3:1 WIDTH TO DEPTH RATIO, ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND YANKEE HILL ROAD. (REQUEST TO PLACE ON INDEFINITE PENDING & TO HAVE P.H. WHEN REMOVED FROM PENDING) (1/25/10 - PLACED ON INDEFINITE PENDING & TO HAVE P.H. WHEN REMOVED FROM PENDING) (REQUEST TO WITHDRAW):

SCHIMEK Moved to Withdraw Bill No. 10-8.

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hinkley.

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4631 and was placed on file in the Office of the City Clerk.

#### **OPEN MICROPHONE**

Coby Mach, LIBA, came forward to urge Council members send a letter to State Senator Danielle Conrad asking her to withdraw LB-531, which would eliminate funding for the Lincoln South Beltway.

This matter was taken under advisement.

#### **ADJOURNMENT 9:20 P.M.**

CAMP Moved to adjourn the City Council meeting of February 25, 2013.

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

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Joan E. Ross, City Clerk

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Amy Hana Huffman, Senior Office Assistant

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