

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, NOVEMBER 18, 2013 AT 3:00 P.M.**

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

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**

CHRISTENSEN Having been appointed to read the minutes of the City Council proceedings of November 4, 2013, reported having done so, found same correct.

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

**PUBLIC HEARING**

APPOINTING MAJA VIKLANDS HARRIS TO THE LINCOLN CITY-LANCASTER COUNTY PLANNING COMMISSION FOR A TERM EXPIRING AUGUST 31, 2019 - Maja Viklands Harris came forward to speak about her interest in the Planning Commission and about herself. City Planning can have a impact on quality of life and economic development, much of the positive growth and momentum here in Lincoln is the result of a productive dialog between the City, County, residents and stake holders of this community. Planning commission is an important part of that process and she would like to contribute to that. Maja has a degree in Journalism and mass communications, served on the City of Lincoln Library board for 5 years and worked on the Foundation of the Lincoln City Libraries. Discussion followed.

This matter taken under advisement.

APPLICATION OF SMALL TOWN BAR INC. DBA ROADHOUSE BAR AND GRILL FOR A CLASS I LIQUOR LICENSE AT 1501 CENTER PARK ROAD, SUITE 300;  
MANAGER APPLICATION OF TIMOTHY ROWLAND FOR SMALL TOWN BAR INC. DBA ROADHOUSE BAR AND GRILL AT 1501 CENTER PARK ROAD, SUITE 300 - Timothy Rowland came forward to take the oath and answer questions. Road House Bar and Grill has been in business for 14 years and the current owner is now retiring. Timothy Rowland will be taking over and has experience with liquor licenses from Pioneers and Holmes golf course. He currently holds both of those licenses and runs the bar area at both locations.

This matter taken under advisement.

APPLICATION OF YAMI KOREAN CUISINES LLC DBA YAMI KOREAN CUISINE FOR A CLASS C LIQUOR LICENSE AT 2840 SOUTH 70TH STREET, SUITE 145;  
MANAGER APPLICATION OF AMY KIM FOR YAMI KOREAN CUISINES LLC DBA YAMI KOREAN CUISINE AT 2840 SOUTH 70TH STREET, SUITE 145 - Amy Kim came forward to take the oath and answer questions. Yami Korean Cuisine will be the first Korean restaurant in Lincoln and will be serving Korean beer, Soju and spirits only served during the dinner hours. Discussion followed.

This matter taken under advisement.

APPLICATION OF WFM NEBRASKA LLC DBA WHOLE FOODS MARKET FOR A CLASS C LIQUOR LICENSE AT 6055 O ST;  
MANAGER APPLICATION OF SHERRY L. MOORE FOR WFM NEBRASKA LLC DBA WHOLE FOODS MARKET AT 6055 O STREET - Tim Oniell, Harding and Shultz Lawfirm, 121 S. 13<sup>th</sup> St, representing Sherry L. Moore from Whole Foods Market came forward to take the oath and answer questions. They are the worlds largest retailer of organic and natural foods. The manager has completed all of the city requirements for training and is aware of the serving training and all the necessary parts for that. Whole Foods is getting ready to open on December 11, 2013.

Sherry L. Moore came forward to take the oath and answer questions. Sherry has been with Whole Foods Market for 8 years and prior to that 27 years with Bakers Food Market in Omaha. She is aware of the requirements and training regarding the liquor licenses and has already completed the necessary training. The staff is in the processing of completing their server training as well. Discussion followed.

This matter taken under advisement.

AMENDING SECTION 5.04.210 OF THE LINCOLN MUNICIPAL CODE TO CORRECT THE AMOUNT OF THE OCCUPATION TAX TO BE CHARGED FOR ENTERTAINMENT DISTRICT LIQUOR LICENSES - Rod Confer, City Attorney, came forward to testify and answer questions. Under State law we're permitted to have occupation taxes on liquor establishments which are twice the amount of the State

**REGULAR MEETING  
NOVEMBER 18, 2013  
PAGE 98**

Liquor License. The State license for Entertainment District says \$300.00 dollars. There is a typographical error , we intended that the occupational taxes be \$600.00 dollars and in error it was entered in as \$500.00 dollars . We are here to correct that error by this amendment to the ordinance. Discussion followed.

This matter taken under advisement.

APPROVING AN ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND KIRKHAM, MICHAEL AND ASSOCIATES, INC. FOR THE JAMAICA NORTH TRAIL PHASE II, NDOR PROJECT NO. ENH-55(160), CONTROL NO. 12879. (RELATED ITEMS: 13R-259, 13R-262); APPROVING THE FUNDING OBLIGATION, SELECTION OF CONTRACTOR AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACTS OF A FEDERAL AID PROJECT FOR THE FINAL PHASE OF THE JAMAICA NORTH TRAIL FROM APPROXIMATELY 4TH AND CALVERT STREETS TO 4TH AND J STREETS ALONG THE ABANDONED UNION PACIFIC CORRIDOR. NDOR PROJECT NO. ENH-55(160), CN 12879. (RELATED ITEMS: 13R-262, 13R-259) - Terry Genrich, Parks and Recreation came forward to answer questions. The challenge that we have with moving it to a second reading today was that the construction bid was let on October 24, 2013 and we have to award the contract within 30 days following that. Due to the fact of us receiving the paper work late from the State to get this on the November 4th Agenda, and the Holiday last week, we had to have the resolution approved today to be able to meet the deadline. Regarding this resolution and Jamaican North Trail project has been a long time coming. We have been working on this since 2006. This is a major link to complete this trail that will go up to 4th and A Street on the North with the eventual connection up to the Arena Trail and Pinnacle Bank, on the South the trail has been completed connects from the Homestead all the way to Beatrice. Funding has been arranged by the Nebraska Trails Foundation to complete the trail down to Kansas. The Federal funding has been provided but all the matching funds are provided from the Great Plains Trail Network totaling \$227,000.00 dollars in donations, there is no City tax dollars in this project. Discussion followed. Discussion followed.

This matter taken under advisement.

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

APPOINTING JENNIFER LESOING-LUCS TO THE STARTRAN ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 20, 2016 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-87646 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointment of Jennifer Lesoing-Lucs to the StarTran Advisory Board for a term expiring October 20, 2016, is hereby approved.

Introduced by Lerion Gaylor Baird

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

APPOINTING MAJA VIKLANDS HARRIS TO THE LINCOLN CITY-LANCASTER COUNTY PLANNING COMMISSION FOR A TERM EXPIRING AUGUST 31, 2019 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-87647 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointment of Maja Vicklands Harris to the Lincoln City-Lancaster County Planning Commission for a term expiring August 31, 2019, is hereby approved.

Introduced by Leirion Gaylor Baird

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

REAPPOINTING KEN WEBER TO THE LINCOLN CITY-LANCASTER COUNTY PLANNING COMMISSION FOR A TERM EXPIRING SEPTEMBER 24, 2019 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-87648 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of Ken Weber to the Lincoln City-Lancaster County Planning Commission for a term expiring September 24, 2019, is hereby approved.

Introduced by Leirion Gaylor Baird

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

RESOLUTION ASSESSING SPECIAL TAXES FOR THE COSTS OF THE IMPROVEMENTS IN THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, THE CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY AND THE DOWNTOWN MAINTENANCE DISTRICT - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87649 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:  
The special taxes assessed October 28, 2013, to pay the costs of the improvements in the Downtown Business Improvement District, the Core Business Improvement District Overlay and the Downtown Maintenance District are hereby levied and that the period of time in which the assessments are to be paid shall be one (1) year.

Introduced by Roy Christensen

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

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTHS ENDED JULY 31, AUGUST 31, SEPTEMBER 30, 2013 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87650 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That during the months ended July 31, August 31, September 30, 2013 \$111,102.36 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata bases using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Roy Christensen

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

AFFIDAVIT OF MAILING FOR THE ASSESSMENT OF WEED ABATEMENT BY THE COUNTY WEED CONTROL AUTHORITY FOR THE CALENDAR YEAR JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 - CLERK presented said report which was placed on file in the office of the City Clerk.

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS SEPTEMBER 30, 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 OCTOBER 28, 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 NOVEMBER 04, 2013 - CLERK presented said report which was placed on file in the office of the City Clerk. (27-1)

#### PETITIONS & COMMUNICATIONS

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 13063 to Special Permit No. 1674, Cheney Ridge Community Unit Plan, approved by the Planning Director on October 23, 2013 requested by Flats at 84, LLC to revise the apartment site layout, to add Note #32 to allow stacked parking on a driveway approach leading to a garage and to adjust the maximum building height to 45' for the apartment buildings on Lot 48, Block 1, on property generally located near S. 84th Street and Cheney Ridge Rd.

Administrative Amendment No. 13067 to Final Plat No. 96011, approved by the Planning Director on October 30, 2013 requested by University of Nebraska Foundation to extend the time for two years to install sidewalks and street trees for University of Nebraska Technology Park Original Addition. The improvements shall be completed by October 30, 2015. Property is generally located at NW 1st Street and Highland Blvd.

Administrative Amendment No. 13069 to Final Plat No. 06109, approved by the Planning Director on October 30, 2013 requested by University of Nebraska Foundation to extend the time for two years to install sidewalks and street trees for University of Nebraska Technology Park 2nd Addition. The improvements shall be completed by October 30, 2015. Property is generally located at NW 1st Street and Highland Blvd.

Administrative Amendment No. 13075 to Special Permit No. 07041, Fox Trail Estates Community Unit Plan, was denied by the Planning Director on October 29, 2013 requested by Vladimir Gorelyy and Nataliya Chorna, to reduce the setbacks on outlots on property generally located at SW 56th Street and W. Old Cheney Rd.

LIQUOR RESOLUTIONS

APPLICATION OF SMALL TOWN BAR INC. DBA ROADHOUSE BAR AND GRILL FOR A CLASS I LIQUOR LICENSE AT 1501 CENTER PARK ROAD, SUITE 300 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-87651 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Small Town Bar Inc. dba Roadhouse Bar and Grill for a Class "I" liquor license at 1501 Center Park Road, Suite 300, Lincoln, Nebraska, for the license period ending April 30, 2014, be approved with the condition that:

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

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

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

Introduced by Doug Emery

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

MANAGER APPLICATION OF TIMOTHY ROWLAND FOR SMALL TOWN BAR INC. DBA ROADHOUSE BAR AND GRILL AT 1501 CENTER PARK ROAD, SUITE 300 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-87652 WHEREAS, Small Town Bar Inc. dba Roadhouse Bar and Grill located at 1501 Center Park Road, Suite 300, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Timothy Rowland be named manager;

WHEREAS, Timothy Rowland appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Timothy Rowland be approved as manager of this business for said licensee.

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

Introduced by Doug Emery

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

APPLICATION OF YAMI KOREAN CUISINES LLC DBA YAMI KOREAN CUISINE FOR A CLASS C LIQUOR LICENSE AT 2840 SOUTH 70TH STREET, SUITE 145 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-87653 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Yami Korean Cuisines LLC dba Yami Korean Cuisine for a Class "C" liquor license at 2840 South 70th Street, Suite 145, Lincoln, Nebraska, for the license period ending October 31, 2014, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage manager training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

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

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

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

Introduced by Doug Emery

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

MANAGER APPLICATION OF AMY KIM FOR YAMI KOREAN CUISINES LLC DBA YAMI KOREAN CUISINE AT 2840 SOUTH 70TH STREET, SUITE 145 - CLERK read the following resolution , introduced by Doug Emery, who moved its adoption for approval:

A-87654 WHEREAS, Yami Korean Cuisines LLC dba Yami Korean Cuisine located at 2840 South 70<sup>th</sup> Street, Suite 145, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Amy Kim be named manager;

WHEREAS, Amy Kim appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Amy Kim be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Doug Emery

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

APPLICATION OF WFM NEBRASKA LLC DBA WHOLE FOODS MARKET FOR A CLASS C LIQUOR LICENSE AT 6055 O ST - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-87655 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of WFM Nebraska LLC dba Whole Foods Market for a Class "C" liquor license at 6055 O Street, Lincoln, Nebraska, for the license period ending October 31, 2014, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage manager training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
3. The premises must comply in every respect with all city and state regulations.

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

Introduced by Doug Emery

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

MANAGER APPLICATION OF SHERRY L. MOORE FOR WFM NEBRASKA LLC DBA WHOLE FOODS MARKET AT 6055 O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-87656 WHEREAS, WFM Nebraska LLC dba Whole Foods Market located at 6055 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Sherry L. Moore be named manager;

WHEREAS, Sherry L. Moore appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Sherry L. Moore be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Doug Emery

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

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

AMENDING SECTION 5.04.210 OF THE LINCOLN MUNICIPAL CODE TO CORRECT THE AMOUNT OF THE OCCUPATION TAX TO BE CHARGED FOR ENTERTAINMENT DISTRICT LIQUOR LICENSES - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Section 5.04.210 of the Lincoln Municipal Code relating to annual occupation taxes on businesses conducted in the city licensed under the Nebraska State Liquor Control Act to increase the current occupation tax for entertainment district liquor licenses from \$500.00 to \$600.00; and repealing Section 5.04.210 of the Lincoln Municipal Code as hitherto existing, the second time.

#### **PUBLIC HEARING - RESOLUTIONS**

APPROVING AN ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND KIRKHAM, MICHAEL & ASSOCIATES, INC. FOR THE JAMAICA NORTH TRAIL PHASE II PROJECT, NDOR PROJECT NO. ENH-55 (160), STATE CN-12879 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-87657 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Construction Engineering Agreement between the City of Lincoln and Kirkham, Michael & Associates, Inc. for engineering services for the Jamaica North Trail Phase II Project, NDOR Project No. ENH-55(160), State CN-12879, generally located between 4th and Calvert Streets and 4th and

**REGULAR MEETING  
NOVEMBER 18, 2013  
PAGE 102**

A Streets and along the abandoned Union Pacific Railroad Corridor, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement and an executed copy of this Resolution to Terry Genrich, Parks and Recreation Department, for transmittal and execution by the State Department of Roads.

Introduced by Leirion Gaylor Baird

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

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

A-87658 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 October 31, 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 CLAIM</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Sue Thornton	\$ 251.60	Continental Western Group	
Sean Jones	98.08	a/s/o BGNE, Inc.	\$ 8,174.89
Farmers Insurance Group		Jeremy Hoshor	200.00
a/s/o Kelli Kraft	4,264.79	Kristy & Chad Christensen	820.85
		Kevin Monismith	296.83
		Lacy Thomas	316.72
		Krystle Park	43,805.92

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Leirion Gaylor Baird

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

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

CHANGE OF ZONE 13019 - APPLICATION OF PIEDMONT SHOPPING CENTER, LLC FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO B-3 COMMERCIAL DISTRICT PUD ON PROPERTY GENERALLY LOCATED AT COTNER BLVD. AND A ST.; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR APPROVAL OF A DEVELOPMENT PLAN WITH MODIFICATIONS TO THE DESIGN STANDARDS, ZONING ORDINANCE, AND LAND SUBDIVISION ORDINANCE TO ALLOW IMPROVEMENTS AND B-3 USES ON THE UNDERLYING B-3 ZONED AREA. (10/14/13 - PUBLIC HEARING DELAYED TO 11/4/13) - PRIOR TO READING:

COOK Moved Motion to Amend No. 1 to amend Bill No. 13-128 by accepting the substitute ordinance attached hereto as Bill No. 13-128S and the attached Exhibit "A" (Piedmont Shops PUD Development Plan).

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

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

CHRISTENSEN Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19948, is recorded in Ordinance Book #28, Page .

CHANGE OF ZONE 13023 - APPLICATION OF MBA APARTMENTS, LLC FOR A CHANGE OF ZONE FROM R-1 RESIDENTIAL TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHWEST OF S. 56TH ST. AND HWY. 2 - CLERK read an ordinance, introduced by

Trent Fellers, amending the Lincoln Zoning Districts 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.

FELLERS Moved to pass the ordinance as read.

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

The ordinance, being numbered #19949, is recorded in Ordinance Book #28, Page .

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

CREATING SPECIAL ASSESSMENT WATER DISTRICT NO. ~~1204~~ 1205 FOR THE PURPOSE OF CONSTRUCTING AN 8-INCH DIAMETER WATER MAIN IN W. PROSPECTOR CT. FROM S. FOLSOM STREET TO S.W. 6TH STREET, A 6-INCH DIAMETER WATER MAIN IN S.W. 6TH STREET FROM W. PROSPECTOR CT. TO APPROXIMATELY 400 FEET SOUTH OF W. HIGH STREET, AND A 6-INCH DIAMETER WATER MAIN IN W. HIGH STREET FROM S. FOLSOM STREET TO S.W. 6TH STREET, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Roy Christensen, creating Water District No. ~~1204~~ 1205, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

COMP. PLAN AMENDMENT NO. 13002 - AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE APPROXIMATELY 477 ACRES OF LAND FROM PUBLIC AND SEMI-PUBLIC TO INDUSTRIAL, TO ADD A MODERATE TO HEAVY INDUSTRIAL CENTER TO THE EXISTING AND PROPOSED INDUSTRIAL CENTERS MAP, AND TO CHANGE APPROXIMATELY 395 ACRES FROM TIER I, PRIORITY C, TO TIER I, PRIORITY A, ON PROPERTY GENERALLY LOCATED AT N.W. 27TH STREET AND HIGHWAY 34. (RELATED ITEMS: 13R-263, 13R-264, 13-136, 13-137) - CLERK read a resolution, introduced by Roy Christensen, whereas, the Planning Director, on behalf of the Lincoln Airport Authority, 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 Public and Semi Public to Industrial on approximately 477 acres of land generally located south of U.S. Highway 34 and N.W. 31<sup>st</sup> Street to add a Moderate to Heavy Industrial Center to Existing and Proposed Industrial Centers map, and to change approximately 395 acres from Tier I Priority C to Tier I Priority A and to make associated amendments to the Comprehensive Plan, the first time.

APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LINCOLN AND THE AIRPORT AUTHORITY OF THE CITY OF LINCOLN OUTLINING THE INFRASTRUCTURE REQUIREMENTS RELATED TO THE ANNEXATION OF APPROXIMATELY 435 ACRES OF PROPERTY, TO BE KNOWN AS RAILPARK, GENERALLY LOCATED AT N.W. 27TH STREET AND HIGHWAY 34. (RELATED ITEMS: 13R-264, 13R-263, 13-136, 13-137) - CLERK read a resolution, introduced by Roy Christensen, the Memorandum of Understanding ( Annexation of Railpark), which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln, Nebraska and the Airport Authority of the City of Lincoln, Nebraska outlining certain conditions and understandings relating to the annexation of approximately 435 acres of property generally located at N. W. 27<sup>th</sup> Street and Highway 34, is approved, the first time.

ANNEXATION NO. 13005 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 435 ACRES GENERALLY LOCATED AT N.W. 27TH STREET AND HIGHWAY 34. (RELATED ITEMS: 13-136, 13-137, 13R-263, 13R-264) - CLERK read an ordinance, introduced by Roy Christensen, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 13022 - APPLICATION OF LINCOLN AIRPORT AUTHORITY FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT AND AG AGRICULTURE DISTRICT TO I-1 INDUSTRIAL DISTRICT, AND FROM P PUBLIC USE DISTRICT, AG AGRICULTURE DISTRICT AND B-1 LOCAL BUSINESS DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT N.W. 27TH STREET AND HIGHWAY 34. (RELATED ITEMS: 13-137, 13-136, 13R-263, 13R-264) - CLERK read an ordinance, introduced by Roy Christensen, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

**REGULAR MEETING  
NOVEMBER 18, 2013  
PAGE 104**

TEXT AMENDMENT NO. 13006 - AMENDING CHAPTER 27.72 OF THE LINCOLN MUNICIPAL CODE, HEIGHT AND LOT REGULATIONS, BY AMENDING SECTION 27.72.020 TO REDUCE THE REQUIRED REAR YARD IN THE R-1 THROUGH R-4 ZONING DISTRICTS FOR SINGLE- AND TWO-FAMILY DWELLINGS AS SET FORTH IN TABLE 27.72.020(A); BY AMENDING SECTION 27.72.060 TO MODIFY THE PROVISIONS REGARDING THE PROJECTION OF PATIOS, TERRACES, UNCOVERED DECKS, AND ORNAMENTAL FEATURES INTO A REQUIRED YARD; AND ADDING A NEW SECTION NUMBERED 27.72.190 GRANTING THE PLANNING DIRECTOR AUTHORITY TO APPROVE MINOR MODIFICATIONS TO THE REAR YARD SETBACK UNDER SPECIFIED CONDITIONS - CLERK read an ordinance, introduced by Roy Christensen, amending Chapter 27.72 of the Lincoln Municipal Code, Height and Lot Regulations, by amending Section 27.72.020 to reduce the required rear yard in the R-1 through R-4 zoning districts for single- and two-family dwellings as set forth in Table 27.72.020(a); by amending Section 27.72.060 to modify the provisions regarding the projection of patios, terraces, uncovered decks, and ornamental features into a required yard; adding a new modifications to the rear yard setback under specified conditions; and repealing Sections 27.72.020 and 27.72.060 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 13024 - APPLICATION OF CHARLES EARLEY FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 4926 GARLAND STREET - CLERK read an ordinance, introduced by Roy Christensen, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

VACATION NO. 12007 - VACATING THE EAST-WEST ALLEY BETWEEN S. 1ST AND S. 2ND STREETS AND BETWEEN N AND O STREETS; VACATING N STREET BETWEEN S. 1ST AND S. 2ND STREET AND VACATING THE WEST 14 FEET OF S. 2ND STREET BETWEEN O AND M STREETS - CLERK read an ordinance, introduced by Roy Christensen, vacating the east-west alley between South 1st Street and South 2nd Street, and between N Street and O Street; vacating N Street between south 1st Street and South 2nd Street; and vacating the west 14 feet of South 2nd Street between O Street and M Street and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ADMINISTRATIVE SERVICES ON BEHALF OF THE NEBRASKA DEPARTMENT OF EDUCATION VOCATIONAL REHABILITATION SERVICES AND THE CITY OF LINCOLN FOR THE SUBLEASE BY NEBRASKA DEPARTMENT OF ADMINISTRATIVE SERVICES OF 160 SQUARE FEET OF SPACE AT 1111 O STREET, SUITE 205, FOR PURPOSES OF WORKFORCE INVESTMENT ACT SERVICES AND THE AMERICAN JOB CENTER FOR A FOUR YEAR TERM OF OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2017 - CLERK read an ordinance, introduced by Roy Christensen, accepting and approving a Sublease Agreement between the City of Lincoln, Nebraska and Nebraska Department of Administrative Services on behalf of the Nebraska Vocational Rehabilitation for the sublease of space at 1111 O Street, Suite 205, Lincoln, Lancaster county, Nebraska for a term of October 1, 2013 through September 30, 2017 whereby the City of Lincoln is subleasing space to Nebraska Department of Administrative Services on behalf of Nebraska Vocational Rehabilitation for the purposes of Workforce Investment Act Services and the American Job Center; and rescinding Ordinance No. 19925 passed on September 30, 2013, the first time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ADMINISTRATIVE SERVICES ON BEHALF OF THE NEBRASKA DEPARTMENT OF LABOR, OFFICE OF UNEMPLOYMENT INSURANCE AND THE CITY OF LINCOLN FOR THE SUBLEASE BY NEBRASKA DEPARTMENT OF ADMINISTRATIVE SERVICES OF 53.75 SQUARE FEET OF SPACE AT 1111 O STREET, SUITE 205, FOR PURPOSES OF WORKFORCE INVESTMENT ACT SERVICES AND THE AMERICAN JOB CENTER FOR A FOUR YEAR TERM OF OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2017 - CLERK read an ordinance, introduced by Roy Christensen, accepting and approving a Sublease Agreement between the City of Lincoln, Nebraska and the State of Nebraska Department of Administrative Services on behalf of the Department of Labor, Office of Unemployment Insurance for the sublease of space at 1111 O Street, Lincoln, Lancaster County, Nebraska for a term of October 1, 2013 through September 30, 2017, where by the City of Lincoln is subleasing space to the Nebraska Department of Administrative Services on behalf of the Nebraska Department of Labor for the purposes of Workforce Investment Act Services and the American Job Center, the first time.

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

DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA CERTIFICATES OF PARTICIPATION IN CONNECTION WITH THE ACQUISITION, PURCHASE AND INSTALLATION OF LIGHT POLES.

APPROVING THE FUNDING OBLIGATION, SELECTION OF CONTRACTOR AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACTS OF A FEDERAL AID PROJECT FOR THE FINAL PHASE OF THE JAMAICA NORTH TRAIL FROM APPROXIMATELY 4TH AND CALVERT STREETS TO 4TH AND J STREETS ALONG THE ABANDONED UNION PACIFIC CORRIDOR. NDOR PROJECT NO. ENH-55(160), CN 12879. (RELATED ITEMS: 13R-262, 13R-259) - PRIOR TO READING:

GAYLOR BAIRD Moved to waive the Council Rules for Bill No. 13R-262 to have 1st and 2nd reading with action on this date.

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

CLERK Read a resolution, introduced by Roy Christensen, who moved its adoption:

A-87659 WHEREAS, the City of Lincoln adopted Resolution No. A-84289 on March 19, 2007 approving an Agreement for the use of Federal Transportation Enhancement Program Funds for Phase II of the Jamaica North Trail from approximately 4th and Calvert Streets to 4th and J Streets, NDOR No. ENH-55(160), Control No. 12879; and

WHEREAS, the State and City received bids for the construction of the proposed work and selected Constructors, Inc. as the low bidder to whom the contract should be awarded.

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

That the City concurs in the selection of the above mentioned contractor; that the City does not desire to perform the work with its own forces in lieu of performing the work by the contract method; and hereby authorizes the Mayor to execute the construction contract on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreements to Terry Genrich, Department of Parks and Recreation, for transmittal and execution by the State Department of Roads.

Introduced by Roy Christensen

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

COMP. PLAN CONFORMANCE NO. 13010 - APPROVING THE YOLANDE AVENUE REDEVELOPMENT PLAN TO ADD "PROJECT 1" FOR THE REDEVELOPMENT OF TWO PARCELS ON THE SOUTH SIDE OF YOLANDE AVENUE COMMONLY KNOWN AS 1735 AND 1801 YOLANDE AVENUE, FOR A 100,000 SQ. FT. BUILDING WITH APPROXIMATELY 30,000 SQ. FT. OF MANUFACTURING, 30,000 SQ. FT. OF WAREHOUSE SPACE AND 40,000 SQ. FT. OF OFFICE SPACE IN THE AREA GENERALLY BOUNDED BY N. 14TH STREET TO N. 24TH STREET BETWEEN CORNHUSKER HIGHWAY AND SALT CREEK.

AMENDING RESOLUTION NO. A-87210 FOR THE AIR QUALITY PROGRAM GRANT (105 FUNDS) TO EXTEND THE TERM OF THE GRANT FROM SEPTEMBER 30, 2013 TO DECEMBER 31, 2013.  
**(CONSENT)**

APPOINTING JOE RUPP TO THE CITY PERSONNEL BOARD FOR A TERM EXPIRING JUNE 22, 2018.

APPOINTING PAT KAHM TO THE CITY PERSONNEL BOARD FOR A TERM EXPIRING JUNE 22, 2016.

APPOINTING KENT MATTSON TO THE CITY PERSONNEL BOARD FOR A TERM EXPIRING JUNE 22, 2015.

**OPEN MICROPHONE**

Don Arena, 1930 Surfside Drive, came forward to discuss some issues and concerns regarding the new construction and expansion of The Foxy.

This matter was taken under advisement.

**ADJOURNMENT**

**3:36 P.M.**

COOK            Moved to adjourn the City Council Meeting of November 18, 2013.  
                    Seconded by Cook & carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge,  
                    Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

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Teresa J. Meier, City Clerk

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Soulinnee Mychackavane, Office Specialist