

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MARCH 5, 2012 AT 3:00 P.M.**

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

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

READING OF THE MINUTES

HORNUNG Having been appointed to read the minutes of the City Council proceedings of February 27, 2012 reported having done so, found same correct.

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

PUBLIC HEARING

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$355,000,000 CITY OF LINCOLN, NEBRASKA LINCOLN ELECTRIC SYSTEM REVENUE AND REFUNDING BONDS - Lauren Wismer, Gilmore & Bell, 1248 O St., Ste. 710, and Laura Kaputska, Chief Financial Officer & Vice President of LES, came forward to explain that the issuance of revenue and refunding bonds will be used for new improvements to the electric system and for reimbursement for expenditures that have been made over the past year. The remainder will be used to refinance outstanding indebtedness of LES as was issued primarily in 2002 & 2003, with the possibility of also refinancing bonds that were issued in 2005 & 2007.

Eugene Carroll, Council Chair, stated that more detail was given during a pre-council meeting.

This matter was taken under advisement.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND E.J.C. CORPORATION FOR THE LEASE OF 6.42 ACRES OF PUBLIC PARK PROPERTY AT OAK LAKE PARK FOR A FIVE YEAR TERM WITH AN OPTION TO RENEW FOR THREE ADDITIONAL FIVE YEAR TERMS - Lynn Johnson, Director of Parks & Recreation, came forward to describe the lease agreement with E.J.C. Corporation. This agreement is for an extension of the original lease agreement for a 5 year period. The compensation is approximately \$11,700/year, and they also pay property taxes. The compensation rate is addressed by an escalator provision that increases the lease amount by the constant CPI at the beginning of each 5 year period. In answer to Council questions, Mr. Johnson confirmed that there is no termination provision established in the original lease, therefore, the City is obligated to extend the agreement as long as E.J.C. Corporation makes that request. There is no provision providing for any potential increase in property value. The maximum the City can increase between 5 year periods is 8 percent. The parcel of land is completely within a floodplain and would be expensive to raise for other uses. There has been discussion about landscaping to improve the aesthetics of the property.

Doug Emery, Council Member, voiced his concerns regarding this long-term commitment for the City due to the new arena being constructed near the area.

Randy Hoskins, Assistant City Engineer, came forward to answer questions regarding impact to the property from construction taking place on Highway 6.

Rod Confer, City Attorney, came forward to state that the only option for the City to opt out would be to condemn the lease.

Jocelyn Golden, Assistant City Attorney, came forward to clarify the terms of the original lease. She confirmed that the City is locked-in to renewing this lease, which was established in 1997, and had a limit of 6 additional 5-year renewals.

This matter was taken under advisement.

VACATION NO. 11011 - VACATING A PORTION OF FALLBROOK BOULEVARD ADJACENT TO OUTLOT G, FALLBROOK 18TH ADDITION, GENERALLY LOCATED AT U.S. HIGHWAY 34 AND FALLBROOK BLVD - Tim Gergen, Olsson Associates, came forward representing NEBCO and the Fallbrook Development. The annexation and zoning of more land to Fallbrook to include a Super Saver store were approved. Fallbrook is known for its large boulevards and medians. This boulevard was originally built for a residential expansion to the west. Because this will now be a commercial area, the median needs to be narrowed to make it more conducive to a commercial style roadway.

This matter was taken under advisement.

AMENDING SECTION 6.12.050 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY DOCUMENTATION REQUIRED TO RECEIVE A REDUCED LICENSE FEE FOR ALTERED CATS;

AMENDING SECTION 6.08.040 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY DOCUMENTATION REQUIRED TO RECEIVE A REDUCED LICENSE FEE FOR ALTERED DOGS;

AMENDING SECTION 6.10.090 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY WHEN A DANGEROUS

DOG OR POTENTIALLY DANGEROUS DOG MAY BE CONFISCATED AND DESTROYED - Judy Halstead, Director of Lincoln-Lancaster County Health Dept., came forward to explain that these amendments to the Lincoln Municipal Code clarify that in order for the owner of a cat or dog to receive the reduced rate for an altered animal, they need to provide a veterinary statement confirming the pet has been spayed or neutered. This is similar to the current requirement to show rabies

REGULAR MEETING

March 5, 2012

Page 720

certificates to acquire a pet license and will not place undue burden on pet owners. It will only apply to animals that are newly licensed for the first time as altered and will not apply to the 62,000 cats and dogs already licensed. The third amendment clarifies under what circumstances the animal "must" be confiscated and destroyed, versus all other circumstances when the animal "may" be confiscated and destroyed.

This matter was taken under advisement.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN NEBRASKA NURSERIES, INC. AND THE CITY OF LINCOLN TO ASSURE THAT DIRECT ACCESS TO PIONEERS BLVD. WILL BE RELINQUISHED AND THAT A PUBLIC ACCESS EASEMENT WILL BE GRANTED SHOULD THE PROPERTY GENERALLY LOCATED AT SOUTH 80TH STREET AND PIONEERS BLVD. BE RE-ZONED TO O-2 SUBURBAN OFFICE DISTRICT;

CHANGE OF ZONE 11043 - APPLICATION OF NEBRASKA NURSERIES INC. FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 80TH STREET AND PIONEERS BOULEVARD - Larry Pfeil, 7820 Viburnum Drive, came forward to summarize the position of neighbors. After meeting with City departments, the neighborhood remained opposed to the easement the City suggested on the southern half of the property. In the future, when the adjacent residential lot is sold and rezoned for commercial purposes, there will be more traffic from the entire commercial development. The City departments have not been flexible in their discussions. Both items in question have remained unchanged despite neighborhood concerns.

Larry Rennecker, 7831 Viburnum Drive, came forward to state that it seems unusual for the City to place an easement on 80th Street, which is a private road. Members of the Neighborhood Association and residents of the Preserve area are accountable for all street repair and snow removal, so the City has no involvement. Neighbors are also concerned about the future of the residential lot and the type of business that may eventually open. Lot 1 on Preserve on Antelope Creek is owned by the Grand Lodge. Should they develop a complimentary facility, it will create additional traffic and potential overflow parking on 80th Street. It should be a condition that 80th Street not be used for street parking now or in the future.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JANUARY 31, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, MARCH 19, 2012 AT 3:00 P.M. FOR THE APPLICATION OF FUCOR INC. DBA VENUE FOR A CLASS CK LIQUOR LICENSE LOCATED AT 4111 PIONEER WOODS DRIVE, SUITE #100 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86710 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 19, 2012, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Fucor Inc. dba Venue Class CK Liquor License located at 4111 Pioneer Woods Drive, Suite #100.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MONDAY, MARCH 19, 2012 AT 3:00 P.M. FOR THE APPLICATION OF FUCOR INC. DBA VENUE BANQUET ROOM FOR A CLASS I LIQUOR LICENSE LOCATED AT 4107 PIONEER WOODS DRIVE, SUITE #107 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86711 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 19, 2012, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Fucor Inc. dba Venue Banquet Room Class I liquor license located at 4107 Pioneer Woods Drive, Suite #107.

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

Introduced by Doug Emery

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 12005 to Special Permit No. 1423J, Himark Estates, approved by the Planning Director on February 21, 2012, requested by FEW, Inc., to reduce the setback to the north adjacent to the golf course and increase the setback to the west for property generally located at S. 90th St. and Sandhills Court.

Administrative Amendment No. 11072 to Special Permit No. 1813A, The Preserve on Antelope Creek Community Unit Plan, approved by the Planning Director on February 22, 2012, requested by Manzitto, Inc., to revise the site plan to show reduced side yard setbacks of 3 feet for property at 4619 Hawthorne Drive.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS - NONE

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

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$355,000,000 CITY OF LINCOLN, NEBRASKA LINCOLN ELECTRIC SYSTEM REVENUE AND REFUNDING BONDS - CLERK read an ordinance, introduced by Jonathan Cook, sixth series ordinance adopted under and pursuant to Ordinance No. 17879 Passed July 23, 2001; authorizing the issuance of Lincoln Electric System revenue and refunding bonds of the City of Lincoln, Nebraska in one or more series in an aggregate principal amount not to exceed \$355,000,000; Fixing in part and providing for the fixing in part of the details of such bonds; providing for the sale of such bonds and the application of the proceeds of such sale; taking other action in connection with the foregoing; and related matters, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND E.J.C. CORPORATION FOR THE LEASE OF 6.42 ACRES OF PUBLIC PARK PROPERTY AT OAK LAKE PARK FOR A FIVE YEAR TERM WITH AN OPTION TO RENEW FOR THREE ADDITIONAL FIVE YEAR TERMS - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and E.J.C. Corporation for the lease of 6.42 acres of public park property at Oak Lake Park in Lincoln, Lancaster County, Nebraska for a five year term with options for three additional five year terms, whereby E.J.C. Corporation is leasing the property for parking, storage of trucks, trailers, related equipment and raw materials used in the manufacture of trucks and trailers, the second time.

VACATION NO. 11011 - VACATING A PORTION OF FALLBROOK BOULEVARD ADJACENT TO OUTLOT G, FALLBROOK 18TH ADDITION, GENERALLY LOCATED AT U.S. HIGHWAY 34 AND FALLBROOK BLVD - CLERK read an ordinance, introduced by Jonathan Cook, vacatin a portion of Fallbrook Boulevard adjacent to Outlot G, Fallbrook 18th Addition generally located at U.S. Highway 34 and Fallbrook Boulevard, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

AMENDING SECTION 6.12.050 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY DOCUMENTATION REQUIRED TO RECEIVE A REDUCED LICENSE FEE FOR ALTERED CATS - CLERK read and ordinance, introduced by Jonathan Cook, amending Section 6.12.050 of the Lincoln Municipal Code relating to cat licenses to clarify the documentation required to receive a reduced license fee for altered cats; and repealing Section 6.12.050 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 6.08.040 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY DOCUMENTATION REQUIRED TO RECEIVE A REDUCED LICENSE FEE FOR ALTERED DOGS - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 6.08.040 of the Lincoln Municipal Code relating to dog licenses to clarify the documentation required to receive a reduced license fee for altered dogs; and repealing Section 6.08.040 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 6.10.090 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY WHEN A DANGEROUS DOG OR POTENTIALLY DANGEROUS DOG MAY BE CONFISCATED AND DESTROYED - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 6.10.090 of the Lincoln Municipal Code relating to the confiscation of dangerous or potentially dangerous dogs to revise the code provisions as to when a dangerous dog or potentially dangerous dog shall or may be confiscated and destroyed; and repealing Section 6.10.090 of the Lincoln Municipal Code as hitherto existing, 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 FEBRUARY 1 - 15, 2012 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86712 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 16, 2012, 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:

DENIED CLAIMS		ALLOWED/SETTLED CLAIMS	
John & Diane Kalita	\$ 120.83	Clark Schulte	\$ 59.16
Genevieve Hogg	NAS*	Gary D. White	75.00
James Weathers	1,065.20	Philip Van Ness	12,325.00
Greg Blow	20.32		

* 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 Jonathan Cook

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

PUBLIC HEARING
ORDINANCES 3RD READING & RELATED RESOLUTIONS (as required)

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN NEBRASKA NURSERIES, INC. AND THE CITY OF LINCOLN TO ASSURE THAT DIRECT ACCESS TO PIONEERS BLVD. WILL BE RELINQUISHED AND THAT A PUBLIC ACCESS EASEMENT WILL BE GRANTED SHOULD THE PROPERTY GENERALLY LOCATED AT SOUTH 80TH STREET AND PIONEERS BLVD. BE RE-ZONED TO O-2 SUBURBAN OFFICE DISTRICT. (RELATED ITEMS: 12R-19, 12-10) (2/13/12- CON'T P.H. ON 2/27/12) (ACTION DATE: 2/27/12) (2/27/12 - CON'T P.H. ON 3/5/12) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86713 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the Development and Conditional Zoning Agreement which is attached hereto marked as Attachment "A" and made a part hereof by reference, between the City and Nebraska Nurseries Incorporated, upon the terms and conditions contained in said Agreement to assure that direct access to Pioneers Blvd. will be relinquished and that a public access easement will be granted should the property be rezoned to O-2 Suburban Office District on property generally located at South 80th Street and Pioneers Blvd., legally described as Lot 1, The Preserve on Antelope Creek Addition, Lincoln, Lancaster County, Nebraska, is hereby approved and the Mayor is authorized to execute the Development and Conditional Zoning Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to Nebraska Nurseries Incorporated.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Development and Conditional Zoning Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by Nebraska Nurseries Incorporated.

Introduced by DiAnna Schimek

Seconded by Eskridge & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Schimek; NAYS: Hornung; ABSENT: Camp. COUNCIL gave unanimous consent following discussion to allow Council Member Schimek to reverse her vote.

Resolution carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge; NAYS: Hornung, Schimek; ABSENT: Camp.

CHANGE OF ZONE 11043 - APPLICATION OF NEBRASKA NURSERIES INC. FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 80TH STREET AND PIONEERS BOULEVARD. (RELATED ITEMS: 12R-19, 12-10) (2/13/12- CON'T P.H. ON 2/27/12) (ACTION DATE: 2/27/12) (2/27/12 - CON'T P.H. ON 3/5/12) - CLERK read an ordinance, introduced by DiAnna Schimek, 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.

SCHIMEK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19680, is recorded in Ordinance Book #27, Page .

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

CHANGE OF ZONE 05004A - APPLICATION OF LENITY GROUP AND REALTY TRUST GROUP TO AMEND THE PINE GARDEN PLANNED UNIT DEVELOPMENT TO REPLACE 28 DWELLING UNITS WITH A 66-BED MEMORY CARE FACILITY AND TO REDUCE THE TOTAL COMMERCIAL FLOOR AREA FROM 25,300 SQUARE FEET TO 17,420 SQUARE FEET, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND OLD CHENEY ROAD - CLERK read an ordinance, introduced by Doug Emery, amending the development plan for the Pine Garden Planned Unit Development in order to replace 28 dwelling units with a 66-bed memory care facility, to reduce the total commercial floor area from 25,300 square feet to 17,420 square feet and to reduce the Design Standard turnaround radius for cul-de-sacs from 43.1 feet to 30 feet on property generally located northwest of the intersection of South 84th Street and Old Cheney Road and legally described as: Lot 113 I.T., and Lots 90, 91 I.T. except the east 13 feet thereof, located in the Southeast Quarter of Section 10, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, the first time.

CHANGE OF ZONE 11040 - AMENDING SECTION 27.67.040 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PARKING REQUIREMENTS TO DELETE SPECIAL PARKING REQUIREMENTS FOR ROOMING AND BOARDING HOUSES AND TO REVISE THE PARKING REQUIREMENTS FOR FRATERNITIES AND SORORITIES - CLERK read an ordinance, introduced by Doug Emery, amending Section 27.67.040 of the Lincoln Municipal Code relating to special parking requirements to delete special parking requirements for rooming and boarding houses and to revise the parking requirements for fraternities and sororities; and repealing 27.67.040 Section of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 11042 - APPLICATION OF LANCASTER COUNTY SCHOOL DISTRICT #1 FOR A CHANGE OF ZONE FROM R-1 RESIDENTIAL DISTRICT, R-2 RESIDENTIAL DISTRICT, B-1 LOCAL BUSINESS DISTRICT, AND H-2 HIGHWAY BUSINESS DISTRICT TO B-1 LOCAL BUSINESS DISTRICT PUD ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF LYNCREST DRIVE AND O STREET, FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY, AND APPROVAL OF A DEVELOPMENT PLAN TO ALLOW OFFICE AND COMMERCIAL USES NOT EXCEEDING APPROXIMATELY 183,000 SQUARE FEET IN FLOOR AREA - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

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

APPROVING A REAL ESTATE PURCHASE AGREEMENT AND LEASE AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION ON BEHALF OF THE CITY OF LINCOLN AND LANCASTER COUNTY & ALFRED BENESCH & COMPANY FOR THE PURCHASE AND LEASE BACK OF PROPERTY LOCATED AT 825 J STREET (REQUEST TO CONTINUE P.H. TO 1/30/12) (1/9/12 - P.H. CON'T TO 1/30/12 W/ACTION ON 2/6/12) (2/6/12 - Action Delayed 3 wks. To 2/27/12) (Action Delayed 1 wk to 3/5/12) - PRIOR to reading:

COOK Moved to amend Bill No. 11-191 in the following manner:

On page 1, line 14, at the end of the sentence, insert the following: "provided that, the staff of the Public Building Commission is authorized to explore and negotiate more favorable terms of financing in lieu of the financing terms set forth in said Agreements if such financing is available."

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

CLERK Read an ordinance, introduced by Doug Emery, accepting and approving a Real Estate Purchase Agreement and a Lease Agreement between the Lincoln-Lancaster County Public Building Commission, on behalf of the City of Lincoln and Lancaster County, and Alfred Benesch & Company for the purchase and leaseback of property generally located at 825 J Street, the third time.

EMERY Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19681, is recorded in Ordinance Book #27, Page .

AMENDING CHAPTER 14.75 OF THE LINCOLN MUNICIPAL CODE RELATING TO DRIVEWAY APPROACHES AND CURBS BY AMENDING SECTION 14.75.010 TO AMEND THE DEFINITION OF "REGULATIONS" TO MEAN GUIDELINES AND REGULATIONS UNDER THE CITY OF LINCOLN ACCESS MANAGEMENT POLICY; AMENDING SECTION 14.75.060 TO PROVIDE THAT BEFORE A PERMIT FOR A DRIVEWAY APPROACH MAY BE DENIED, THE BUILDING OFFICIAL OR PUBLIC WORKS OFFICIAL, AS APPLICABLE, SHALL INDICATE THE STANDARDS OR REQUIREMENTS THAT PREVENT APPROVAL OF THE PERMIT APPLICATION; ADDING A NEW SECTION NUMBERED 14.75.065 TO PROVIDE FOR THE SUBMISSION OF A REQUEST FOR DEVIATION BY THE APPLICANT; ADDING A NEW SECTION NUMBERED 14.75.067 TO PROVIDE THE PROCESS FOR APPEALING THE DECISION OF THE BUILDING OFFICIAL OR PUBLIC WORKS DECISION ON A REQUESTED DEVIATION; AND ADDING A NEW SECTION NUMBERED 14.75.069 TO PROVIDE THE PROCESS FOR APPEALING THE DECISION FOR ACCESS ON A STATE OR FEDERAL CONTROLLED ROUTE. (RELATED ITEMS: 12-13, 12R-22, 12R-21) (ACTION DATE: 2/27/12) - CLERK read an ordinance, introduced by DiAnna Schimek, amending Chapter 14.75 of the Lincoln Municipal Code relating to Driveway Approaches and Curbs by amending Section 14.75.010 to amend the definition of "regulations" to mean guidelines and regulations under the City of Lincoln Access Management Policy; amending Section 14.75.060 to provide that before a permit for a driveway approach may be denied, the Building Official or Public Works Official, as applicable, shall indicate the standards or requirements that prevent approval of the permit application; adding a new section numbered 14.75.065 to provide for

REGULAR MEETING

March 5, 2012

Page 724

the submission of a request for deviation by the applicant; adding a new section numbered 14.75.067 to provide the process for appealing the decision of the Building Official or Public Works Decision on a requested deviation; adding a new section numbered 14.75.069 to provide the process for appealing the decision for access on a state or federal controlled route; and repealing Sections 14.75.010 and 14.75.060 of the Lincoln Municipal Code as hitherto existing, the third time.

SCHIMEK Moved to pass the ordinance as read.
Seconded by Cook & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Schimek; NAYS: Hornung; ABSENT: Camp.
The ordinance, being numbered #19682, is recorded in Ordinance Book #27, Page .

ADOPTING THE CITY OF LINCOLN ACCESS MANAGEMENT POLICY TO REPLACE THE EXISTING DRIVEWAY DESIGN STANDARDS. (RELATED ITEMS: 12-13, 12R-22, 12R-21) (ACTION DATE: 2/27/12) (Request to delay action 1 wk to 3/5/12) (2/27/12 - Action delayed 1 wk to 3/5/12) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86714 WHEREAS, the City of Lincoln Access Management Policy recognizes the need to provide reasonable access to property while protecting the effective and safe flow of traffic on the surrounding road system; and
WHEREAS, the City of Lincoln finds that access to a property is appropriate when standards for traffic safety and flow are met in a satisfactory manner; and
WHEREAS, the City of Lincoln recognizes that the goal of the City's Access Management Policy is to set clear guidelines in one accessible document.
NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Lincoln, Nebraska does hereby adopt the City of Lincoln Access Management Policy attached hereto as Attachment A.

Introduced by DiAnna Schimek

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

MISC. 11007 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS TO REPEAL CHAPTER 4.00 DRIVEWAY DESIGN STANDARDS TO ALLOW FOR THE ADOPTION OF THE CITY'S ACCESS MANAGEMENT POLICY AND AMENDING SECTION 1 OF CHAPTER 1.00 AND REPEALING SECTION 2.34 OF CHAPTER 1.00 TO CLARIFY THE NECESSITY OF REPEALING CHAPTER 4.00. (RELATED ITEMS: 12-13, 12R-22, 12R-21) (ACTION DATE: 2/27/12) (2/27/12 - Action Delayed 1 wk. to 3/5/12) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86715 WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Design Standards by Resolution No. A-80518; and
WHEREAS, the repeal of Chapter 4.00, Driveway Design Standards, is necessary to adopt the City's Access Management Policy; and
WHEREAS, an amendment to Section 1 of Chapter 1.00, Request for Waiver, Procedure, and the repeal of Section 2.3 of Chapter 1.00 is necessary to clarify the repeal of Chapter 4.00.

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

1. That Chapter 4.00, Driveway Design Standards, of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same is hereby repealed in its entirety as shown on Attachment "A" which is attached hereto and incorporated herein by reference.

2. That Chapter 1.00, Request for Waiver, Procedure, of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same is hereby amended by amending Section 1, "Purpose," as shown on Attachment "B" which is attached hereto and incorporated herein by reference.

3. That Section 2.3, "Design Standards for Driveways Under Chapter 14.75 of the Lincoln Municipal Code," of Chapter 1.00 of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same is hereby repealed as shown on Attachment "C" which is attached hereto and incorporated herein by reference.

Introduced by Dianna Schimek

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

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -

COOK Moved to extend the Pending List to March 12, 2012.
Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

UPCOMING RESOLUTIONS

COOK Moved to approve the resolutions to have Public Hearing on March 12, 2012.
 Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook,
 Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

ADJOURNMENT 3:44 P.M.

COOK Moved to adjourn the City Council meeting of March 5, 2012.
 Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook,
 Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

Joan E. Ross, City Clerk

Amy H. Huffman, Senior Office Assistant

REGULAR MEETING
March 5, 2012
Page 726