

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, JUNE 11, 2012 AT 3:00 P.M.**

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

Council Vice 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**

CARROLL Having been appointed to read the minutes of the City Council proceedings of June 4, 2012 reported having done so, found same correct.

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

**PUBLIC HEARING**

APPOINTING NICK CUSICK TO THE LINCOLN AIRPORT AUTHORITY BOARD TO FULFILL AN UNEXPIRED TERM, EXPIRING UPON THE ELECTION OF MAY, 2013 - Nick Cusick came forward to introduce himself. He expressed his vision for potential economic development and the use of airport space in encouraging business and in helping to support the air service.

This matter was taken under advisement.

APPOINTING DON HERZ TO THE STARTRAN ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 20, 2014 - Don Herz came forward to introduce himself and answer questions.

This matter was taken under advisement.

Council Vice Chair Eskridge recognized a delegation of young professionals visiting from Russia and welcomed them to Lincoln.

APPLICATION OF TRES JALISQUILLOS INC. DBA LA FIESTA SPORT BAR, TO MOVE THEIR PRESENTLY LICENSED CLASS C LIQUOR LICENSE FROM 1037 L STREET, SUITE A TO 935 O STREET - Allan Eurek, 3901 Normal Blvd., #203, attorney for the applicant, came forward to take the oath and answer questions. This matter was set for hearing last Council meeting. Councilman Eskridge had some questions and concerns which have now been investigated.

Vice Chair Eskridge confirmed that after speaking directly with Mr. Eurek and the Lincoln Police Department, it was clear that incidents that occurred near their prior location did not take place within the facility and were not perpetrated by individuals associated directly with the business.

This matter was taken under advisement.

APPLICATION OF FAMOUS BRANDS GROUP, LLC, DBA TILTED KILT FOR A CLASS I LIQUOR LICENSE AT 6100 O STREET, SUITE 406;

MANAGER APPLICATION OF MAJDY BADER FOR FAMOUS BRANDS GROUP, LLC, DBA TILTED KILT AT 6100 O STREET, SUITE 406 - Allen Eurek, attorney for the applicant, came forward to take the oath and answer questions. Famous Brands is an Illinois LLC doing business throughout the Midwest. Tilted Kilt is a themed Irish Pub and sports bar franchise and Lincoln will be the first of 5 locations opened in Nebraska. The company prides itself on its local hiring practices and for community involvement with their employees. Mr. Eurek introduced owner/manager applicant Majdy "Mike" Bader.

Majdy Bader, 6100 O Street, Suite 406, came forward to take the oath and answer questions. He replied that at other locations, he was not required to sell or serve liquor as owner or general manager. Lincoln will be different. Due to the fact that he will be here as developer of the region, it was decided it would be best for him to assume the responsibilities of manager. He has already begun the required training. Mr. Bader described the atmosphere and theme of the Tilted Kilt franchise.

This matter was taken under advisement.

CREATING PAVING DISTRICT NO. 2631 IN GLADSTONE FROM 35TH STREET TO 36TH STREET AND IN 36TH STREET FROM GLADSTONE TO HARTLEY STREET AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - Holly Lionberger, Engineering Services, came forward to describe the request for a paving district made by Ayars & Ayars. They request the paving of 36<sup>th</sup> from Gladstone up to Hartley, including the finishing of pavement in Gladstone, which is currently a gravel street and stops on the east side of 35<sup>th</sup>. It will go over to 36<sup>th</sup> and then up to Hartley. 36<sup>th</sup> street is currently grass. We are proposing a 35 foot wide roadway in this commercially zoned area. The current estimate for the total project is \$295,000.00 which would be assessed back to the property owners. This equates to approximately \$179.00 per equivalent front foot. In answer to Council questions, Ms. Lionberger clarified that if Council approves this paving district, it would only be the first step in the process. The property owners then have approximately one year to gather greater than 50% of those on the bordering front feet of the roadway to petition. It would then come before Council again and would be ordered designed and constructed at that time.

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The grass area is still street right-of-way owned by the City. There have been no requests to repave the intersection of 36<sup>th</sup> and Hartley. Only the owners on the south side of Hartley at 36<sup>th</sup> Street were notified.

Mike Ayars, 1125 n. 52<sup>nd</sup>, came forward in support of this paving district. He purchased the 5 acre parcel of property in 1995. It is bordered by a mix of gravel and asphalt roads. They have been working to get the 51% needed to move forward with this project and have also resumed the installation of water lines.

Jim Woita, 3430 n. 35<sup>th</sup> Circle, J & J Diesel Services, came forward in opposition to this paving district due to the added assessment on his property, which borders on 36<sup>th</sup> Street. He would also install a fence to prevent people from driving through his property to get to 35<sup>th</sup> Street. He believes there is a potential for increased crime if the area is opened up.

This matter was taken under advisement.

CREATING SANITARY SEWER DISTRICT NO. 1187 FOR THE PURPOSE OF CONSTRUCTING AN 8-INCH DIAMETER SANITARY SEWER IN ALMIRA LANE APPROXIMATELY 925 FEET WEST OF THE WEST RIGHT-OF-WAY LINE OF 70TH STREET, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - Holly Lionberger, Engineering Services, came forward to describe this request from property owner Terry Williams to provide sanitary sewer along Almira Lane. Mr. Williams has worked with plumbing professionals and he feels his only viable long-term solution is to connect to the City system. Engineering is proposing to extend the sanitary sewer line to his east property line so if people farther to the east have problems in the future, the line could be extended to serve them. Currently, this project would impact four neighboring properties. Sanitary sewer districts have a maximum assessment rate of \$34.00 per front foot. The total cost for this projects is estimated at \$51,000.00. The special assessment would be \$30,700.00 with the City subsidy from Lincoln Wastewater of around \$20,300.00. In answer to Council questions, Ms. Lionberger stated that creating a utility district is a single-step process which, if passed, would create and order construction at the same time. Until such time, no detailed engineering design information is available beyond lidar contour information, which is typically accurate within a few feet. With current information, it appears that properties would be able to gravity drain their service to a sewer line, but that is something that would be discussed with owners as they worked through projects. It will also be a priority to minimize impacts to mature landscapes in the area.

Terry Williams, 6701 Almira Lane, came forward to state that they purchased their property approximately 2 years ago. The septic system passed a certified inspection at that time, but immediately after the investigation, was not working properly. When they exposed the septic tank, they discovered it is totally collapsed, has a hole, and has no distribution box. Only one of 2 dozen percolation test wells on the property percolated. The soil is highly clay. The size of the lot does not allow for a lagoon. Their only other option is to install an engineered system which is extremely expensive to install and maintain. In answer to Council questions, Mr. Williams replied that reactions from neighbors are mixed. One couple is against the expense. Another neighbor has concerns about disturbing the landscape.

Tracy Baker, 6621 Almira Lane, came forward to state that they are in favor of connecting to the City's system because they are experiencing similar problems with their septic system. Her home was constructed in 1973 and is one of the oldest homes in the area. It is her belief that other neighbors are not experiencing problems because their systems are not as old.

Keith Ivey, 6700 Almira Lane, came forward in opposition to hooking up to the City's sewer line because his system has been working perfectly since they purchased the property 27 years ago. He has concerns about paying for this expense and requests a waiver that excludes him from the hook-up requirement.

Holly Lionberger stated that it is her understanding that when public sewer comes within 300 feet of a residence, they are required to hook onto that public system. She is unaware of a waiver process but will check into it. She clarified the dollar amounts that property owners would be responsible for. The 4<sup>th</sup> property owner is concerned about impacts to his mature landscaping but also recognizes the peace of mind in connecting to the City's service. An assessment is done when the entire project is completed. The interest rate is set at that time. Property owners are then able to pay over a 20 year period. If a household hooks up to the system later, they pay a hook-up fee which is calculated in a similar manner to the assessment district charge. The sewer will be taken to the edge of the Williams' property line to ensure that his property is completely within the district. This will eliminate any future questions as to whether his property paid for sewer line should properties farther east eventually choose to connect or if these large lots are ever subdivided.

This matter was taken under advisement.

COMP. PLAN CONFORMANCE NO. 12006 - DECLARING APPROXIMATELY 4.4 ACRES OF PROPERTY GENERALLY LOCATED EAST OF SOUTH 21ST STREET AND M STREET AS SURPLUS;  
CHANGE OF ZONE NO. 12011 - APPLICATION OF THE URBAN DEVELOPMENT DIRECTOR FOR A CHANGE OF ZONE FROM B-4 LINCOLN CENTER BUSINESS DISTRICT TO P PUBLIC USE DISTRICT AND FROM P PUBLIC USE DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED EAST OF SOUTH 21ST STREET, SOUTH OF N STREET - David Landis, Director of Urban Development, came forward to describe the City owned property and the request to change areas zoned as P to B-4. This area is attractive for potential developers due to its proximity to the public improvements in Antelope Valley. It is large for a parcel of land for a downtown area and provides significant space for development. The invitation for redevelopment proposals

encourages developers to preserve historic buildings, including the municipal pool bath house, and identifies a preference for high quality office, residential, and mixed use development, though neither of these is an absolute requirement. In answer to Council questions, Mr. Landis discussed the potential for tax increment financing and the transition of the land from public use to private sector ownership and onto the tax rolls.

Council Member Cook expressed concern over prematurely including the historic pool house in the surplus land area and the Parks Board had a unanimous vote against its inclusion. He requested an amendment excluding this area be prepared before the vote occurs.

This matter was taken under advisement.

CHANGE OF ZONE NO. 12010 - AMENDING SECTION 27.63.685 OF THE LINCOLN MUNICIPAL CODE RELATING TO SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES TO ALLOW THE CITY COUNCIL TO WAIVE THE 100-FOOT SEPARATION REQUIREMENT SET FORTH IN SUBSECTION 27.63.685(C) UNDER SPECIFIED CONDITIONS - Mark Hunzeker came forward representing Walgreens. This amendment serves the purpose of trying to return to this body a small degree of discretion in the issuance of special permits for the sale of alcohol off premises. In the beginning of this ordinance, there was a provision which allowed the City Council to waive the 100-foot separation requirements in the ordinance, based upon a finding that there was adequate mitigation of the area separating the two uses. The current ordinance allows for no discretion. Therefore, Council never sees these applications; either the 100 feet is met, or an application simply isn't filed. That creates some inequities across the city. The B-2 and the B-5 districts allow for establishments that have the sale of alcohol both on and off premises closer than the 100 foot requirement. Arguments have been made that the standards proposed are a little vague. They do not take into account the language that is required to be considered by the Planning Department and Council. Vagaries relating to surrounding neighborhoods, compliance with the comprehensive plan, the community as a whole and other matters relating to public health, safety and welfare are common. This ordinance includes a narrowly drawn exception that allows Council the same kind of discretion that is exercised in virtually every permit approved by the City.

This matter was taken under advisement.

APPROVING A STARTRAN TRANSPORTATION AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNIVERSITY OF NEBRASKA-LINCOLN FOR THE ROUTE #24 - HOLDREGE INTER-CAMPUS BUS SERVICE ROUTE FOR A FIVE YEAR TERM - Chris Connolly, Assistant City Attorney, came forward to present this ordinance. This financing arrangement will allow StarTran to acquire new buses while giving University of Nebraska students the opportunity to take advantage of the expanded service. In answer to Council questions, Mr. Connolly discussed variables associated with either party terminating the contract. Any termination would require considerable time to work through details such the amount still owed on the busses, operating costs, and providing service to students, among other things. Route 24 will always be there, regardless of the University's involvement. StarTran needs the new buses, so they would not be surplus capital investments. Mr. Connolly agreed that from a budget standpoint, this is cost neutral for the City; although new drivers will be hired, the University will reimburse the City.

Scott Tharnish, StarTran Division of Public Works & Utilities, came forward to answer questions. Route 24 is a public route. Though it is primarily for the students, any citizen can ride using normal fare devices. Right now, there is a small fraction of income generated from the existing routes which could potentially be replicated with expanded service.

This matter was taken under advisement.

APPROVING THE NEBRASKA LOCAL PUBLIC AGENCY INTERLOCAL COOPERATION ACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN PUBLIC SCHOOLS TO PROVIDE A RESPONSIBLE CHARGE PERSON IN SUPPORT OF THE FEDERALLY FUNDED PROJECT "LET'S ALL PEDAL TO PRESCOTT" TO CREATE A SAFE, SECURE AND ATTRACTIVE BICYCLE COURT AT THE MAIN ENTRANCE OF PRESCOTT ELEMENTARY SCHOOL - Jon Carlson, Manager of Mayor's Stronger, Safer Neighborhood Program, came forward to describe this interlocal project, which is part of a larger collaboration between the school, businesses, faith based communities, neighborhoods and the private sector, to create a large, park-like space on the Prescott Elementary campus. 80% of the planned improvements for the Prescott Park Project have been completed since the start of the project 3 years ago. The neighborhood associations collaborated with LPS and were awarded a \$128,000.00 grant from the Safe Routes to School Program, which is a Federal program to create safer walking and biking opportunities in communities. This funding will be used to create a new bicycle entry court with new bike racks and surface area, new benches to help contain children for drop-off and pick-up, and a better defined entrance. The intention is to create an architectural design that will augment, enhance and reflect the historic nature of the school. As part of the federal funding that comes through the Department of Roads, the City is required to designate a Responsible Charge Person to oversee the paperwork and the funds. This individual's responsibilities are included in the Federal funding so there is no cost requirement for the City. This is a community revitalization project and we are here today to ask for the approval of Council for this interlocal agreement with LPS and to designate Ernie Castillo as the Responsible Charge.

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Ernie Castillo, Urban Development, came forward as a qualified Responsible Charge to the Nebraska Department of Roads. He stated that his function will be to oversee the project from procurement through completion, ensuring that all State and Federal regulations are followed. His duties will include approving invoices, day to day visits, decision making, and working with the Department of Roads.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND TRIBOLOGIK CORPORATION FOR PROVIDING OIL ANALYSIS, REPORTING AND RELATED SUPPLIES FOR STARTRAN, PURSUANT TO QUOTE 3900, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM - Bob Walla, Assistant Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND ARAMARK UNIFORM SERVICES FOR PROVIDING RENTAL AND CLEANING OF FLOOR MATS, MOPS AND VARIOUS CLEANING TOWELS FOR STARTRAN, PURSUANT TO QUOTE 3902, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM - Bob Walla, Assistant Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA GAME AND PARKS COMMISSION TO CONSTRUCT AND OPERATE A SHOOTING SPORTS COMPLEX WITHIN A PORTION OF HELEN BOOSALIS PARK AT 44TH AND SUPERIOR STREET - Steve Hiller, Parks and Recreation Department, came forward to answer questions. Last autumn, an agreement was made with the Lincoln Trap & Skeet Club in the northern portion of the park. This agreement pertains to the southern portion and to the development of an indoor facility.

Jeff Rawlinson, Nebraska Game and Parks Commission, came forward to state that in 2005, Council approved an agreement between the City and the State to develop the Lincoln Archery range at Helen Boosalis Park. It has been a phenomenal success. Now they would like to enhance that facility with an indoor shooting sports complex that would address the needs of various hunting and outdoor education and outreach programs, shooting practice in all weather, and will be large enough to facilitate leagues and competitions. In answer to Council questions, Mr. Rawlinson stated that indoor shooting facilities are common. He briefly described the estimated dimensions and layout of the facility. Traffic will be event driven and will be intermittent. A typical tournament could draw anywhere from 30 to over 100 people. A new parking lot is included with the new structure and a nearby business has indicated they would allow their parking area to be used for overflow.

This matter was taken under advisement.

APPLICATION OF KATIE CLORAN DBA GRATITUDE CAFÉ & BAKERY FOR A USE OF PUBLIC RIGHT-OF-WAY FOR THE INSTALLATION OF AN ADA ACCESSIBLE RAMP ON PROPERTY GENERALLY LOCATED AT 1551 NORTH COTNER BOULEVARD - Miki Esposito came forward to introduce Byron "Barney" Blum, the new Sidewalks Coordinator for the Public Works and Utilities Department.

Byron Blum came forward to describe this request for a use of public right-of-way to install an ADA accessible ramp for the building at 1551 North Cotner.

Maralee Cloran came forward to state their desire to be an active part of Bethany community. Having a wheelchair accessible ramp will help them welcome guests from nearby Cotner Center Condominiums.

APPROVING A PROJECT PROGRAMMING AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA DEPARTMENT OF ROADS TO ESTABLISH VARIOUS DUTIES AND FUNDING RESPONSIBILITIES FOR A FEDERAL AID PROJECT FOR THE CONSTRUCTION OF SAFETY IMPROVEMENTS AT SUPERIOR STREET AND I-180 EAST RAMP - Craig Aldrich, Engineering Services, came forward to state that the Department of Roads has asked for an updated project programming agreement for this project based on 2 changes. The first is to officially designate Mr. Aldrich as the Responsible Charge for the project. The second is in regard to the way that federal funds will be distributed from the Federal Highway Administration to the City. The way the funds are distributed between FHWA to the City will change slightly, but the total project costs and the responsibilities of the City will not. In answer to Council questions, Mr. Aldrich described the project, which includes adding a second designated right turn lane and telecommunications infrastructure at the Superior Street and I-180 east ramp.

This matter was taken under advisement.

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE UNIVERSITY OF NEBRASKA-LINCOLN COUNTY EXTENSION NUTRITION EDUCATION PROGRAM TO PROVIDE NUTRITION EDUCATION SERVICES AT THE LINCOLN MEDICAL EDUCATION PARTNERSHIP AT 4600 VALLEY ROAD FOR THE HEALTH DEPARTMENT'S WOMEN, INFANTS & CHILDREN (WIC) PROGRAM FOR A THREE YEAR TERM - Judy Halstead, Lincoln-Lancaster County Health Department, came forward to state that this contract has a 3 year term, which is why it is before Council. There are no dollars attached to this contract. The County Extension Nutrition staff is providing services to clients at 2 locations as part of their duties.

This matter was taken under advisement.

## COUNCIL ACTION

## REPORTS OF CITY OFFICERS

APPOINTING DON HERZ TO THE STARTRAN ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 20, 2014 - CLERK read the following resolution, introduced by Carl Eskridge. Eugene Carroll moved its adoption:

A-86842 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Don Herz to the StarTran Advisory Board for a term expiring October 20, 2014 is hereby approved.

Introduced by Carl Eskridge

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

APPOINTING NICK CUSICK TO THE LINCOLN AIRPORT AUTHORITY BOARD TO FULFILL AN UNEXPIRED TERM, EXPIRING UPON THE ELECTION OF MAY, 2013 - CLERK read the following resolution, introduced by Carl Eskridge. Eugene Carroll moved its adoption:

A-86843 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the temporary appointment of Nick Cusick to the Lincoln Airport Authority Board to fill an unexpired term until a successor is elected at the general election in May, 2013, is hereby approved.

Introduced by Carl Eskridge

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

REPORT OF SETTLEMENT AGREEMENT UNDER NEB. REV. STAT. §84-713 (NON-TORT CLAIMS) - CLERK presented said report which was placed on file in the Office of the City Clerk.

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED APRIL 30, 2012 - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86844 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended April 30, 2012, \$308,606.03 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis 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 DiAnna Schimek

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

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS APRIL 30, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

## PETITIONS &amp; COMMUNICATIONS

REFERRALS TO THE PLANNING DEPARTMENT:

Combined Special/Use Permit No. 10B - Requested by Design Associates of Lincoln, to reduce the minimum required parking on Lot 260 I.T., located in the SE 1/4 of Section 21-10-7, Lancaster County, Nebraska, generally located at N. 66th Street and "O" Street (East Park Plaza).

Special Permit No. 12024 - Requested by Firststar Fiber, for authority to operate a scrap processing and salvage yard, on property legally described as Lot 7, Block 1, Meadowlark North Industrial Park, located in the SW ¼ of Section 33-11-07 Lancaster County, Nebraska, generally located at N. 60th Street and Fletcher Avenue. The Planning Commission action is final action, unless appealed to the City Council.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 12015 - to Special Permit No. 1385, approved by the Planning Director on June 1, 2012, requested by USA Roller Sports, to install a three-sided sign on the southeast part of the property, generally located at S. 48th St. and South St.

Administrative Amendment No. 12021 - to Use Permit No. 64, Kensington Plaza, to change Lot 3 from 7,000 square feet to 3,470 square feet; Lot 4 from 11,000 square feet to 5,400 square feet and Lot 5 from 11,000 square feet to 20,130 square feet and to include conceptual drive through lanes, on property generally located at S. 14th St. and Old Cheney Rd.

## MISCELLANEOUS REFERRALS - NONE

## LIQUOR RESOLUTIONS

APPLICATION OF TRES JALISQUILLOS INC. DBA LA FIESTA SPORT BAR, TO MOVE THEIR PRESENTLY LICENSED CLASS C LIQUOR LICENSE FROM 1037 L STREET, SUITE A TO 935 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

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A-86845 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, including Neb. Rev. Stat. § 53-129, and the pertinent City ordinances, the City Council recommends that the application of Tres Jalisquillos Inc. dba La Fiesta Sport Bar to move its presently licensed premises and existing Class "C" liquor license from 1037 L Street, Suite A, to 935 O Street, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF FAMOUS BRANDS GROUP, LLC, DBA TILTED KILT FOR A CLASS I LIQUOR LICENSE AT 6100 O STREET, SUITE 406 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86846 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 Famous Brands Group, LLC, dba Tilted Kilt for a Class "I" liquor license at 6100 O Street, Suite 406, Lincoln, Nebraska, for the license period ending April 30, 2013, be approved with the condition that:

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

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 Jon Camp

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

MANAGER APPLICATION OF MAJDY BADER FOR FAMOUS BRANDS GROUP, LLC, DBA TILTED KILT AT 6100 O STREET, SUITE 406 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86847 WHEREAS, Famous Brands Group, LLC, dba Tilted Kilt located at 6100 O Street, Suite 406, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Majdy Bader be named manager;

WHEREAS, Majdy Bader 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 Majdy Bader be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

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

CREATING PAVING DISTRICT NO. 2631 IN GLADSTONE FROM 35TH STREET TO 36TH STREET AND IN 36TH STREET FROM GLADSTONE TO HARTLEY STREET AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Carl Eskridge, creating Paving District No. 2631, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and laying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, 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 second time.

CREATING SANITARY SEWER DISTRICT NO. 1187 FOR THE PURPOSE OF CONSTRUCTING AN 8-INCH DIAMETER SANITARY SEWER IN ALMIRA LANE APPROXIMATELY 925 FEET WEST OF THE WEST RIGHT-OF-WAY LINE OF 70TH STREET, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Carl Eskridge, creating Sewer District No. 1187, 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 second time.

VACATION 12001 - VACATING A PORTION OF 4TH STREET RIGHT-OF-WAY, A PORTION OF R STREET RIGHT-OF-WAY, A PORTION OF THE EAST/WEST ALLEY WITHIN BLOCKS 266, 267, 248 AND ALL OF THE EAST/WEST ALLEY WITHIN BLOCK 249, ORIGINAL PLAT OF LINCOLN, RETAINING TITLE THERETO IN THE CITY OF LINCOLN, DECLARING THE VACATED RIGHT-OF-WAYS SURPLUS AND AUTHORIZING THE CONVEYANCE THEREOF TO THE WEST HAYMARKET JOINT PUBLIC AGENCY - CLERK read an ordinance, introduced by Carl Eskridge, vacating a portion of 4<sup>th</sup> Street right-of-way, a portion of R Street right-of-way, a portion of the east/west alley within Blocks 266, 267, 248 and all of the east/west alley within Block 249, Original Plat of Lincoln, retaining title thereto in the City of Lincoln, Nebraska declaring the vacated right-of-ways surplus and authorizing the conveyance thereof to the West Haymarket Joint Public Agency, the second time.

COMP. PLAN CONFORMANCE NO. 12006 - DECLARING APPROXIMATELY 4.4 ACRES OF PROPERTY GENERALLY LOCATED EAST OF SOUTH 21ST STREET AND M STREET AS SURPLUS (RELATED ITEMS: 12-60, 12-61) (ACTION DATE: 6/18/12) - CLERK read an ordinance, introduced by Carl Eskridge, declaring approximately 4.4 acres of City owned property generally located east of South 21<sup>st</sup> Street and M Street as surplus, the second time.

CHANGE OF ZONE NO. 12011 - APPLICATION OF THE URBAN DEVELOPMENT DIRECTOR FOR A CHANGE OF ZONE FROM B-4 LINCOLN CENTER BUSINESS DISTRICT TO P PUBLIC USE DISTRICT AND FROM P PUBLIC USE DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED EAST OF SOUTH 21ST STREET, SOUTH OF N STREET (RELATED ITEMS: 12-60, 12-61) (ACTION DATE: 6/18/12) - CLERK read an ordinance, introduced by Carl Eskridge, 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.

CHANGE OF ZONE NO. 12010 - AMENDING SECTION 27.63.685 OF THE LINCOLN MUNICIPAL CODE RELATING TO SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES TO ALLOW THE CITY COUNCIL TO WAIVE THE 100-FOOT SEPARATION REQUIREMENT SET FORTH IN SUBSECTION 27.63.685(C) UNDER SPECIFIED CONDITIONS - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 27.63.685 of the Lincoln Municipal Code to allow the City Council to waive the 100-foot separation requirement set forth in subsection 27.63.685(c) under specified conditions; and repealing Section 27.63.685 of the Lincoln Municipal Code as hitherto existing, the second time.

APPROVING A STARTRAN TRANSPORTATION AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNIVERSITY OF NEBRASKA-LINCOLN FOR THE ROUTE #24 - HOLDREGE INTER-CAMPUS BUS SERVICE ROUTE FOR A FIVE YEAR TERM - CLERK read an ordinance, introduced by Carl Eskridge, approving a StarTran Transportation Agreement between the City of Lincoln and the University of Nebraska-Lincoln for the Route #24 - Holdrege inter-campus bus service route for a five year term, the second time.

#### PUBLIC HEARING - RESOLUTIONS

APPROVING THE NEBRASKA LOCAL PUBLIC AGENCY INTERLOCAL COOPERATION ACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN PUBLIC SCHOOLS TO PROVIDE A RESPONSIBLE CHARGE PERSON IN SUPPORT OF THE FEDERALLY FUNDED PROJECT "LET'S ALL PEDAL TO PRESCOTT" TO CREATE A SAFE, SECURE AND ATTRACTIVE BICYCLE COURT AT THE MAIN ENTRANCE OF PRESCOTT ELEMENTARY SCHOOL - CLERK read the following resolution, introduced by Eugene Carrol, who moved its adoption:

A-86848 WHEREAS, the City of Lincoln has a full-time public employee on staff, who is fully qualified and has time and interest in serving as "Responsible Charge" (RC); and

WHEREAS, Lincoln Public Schools has requested to enter into a Nebraska Local Public Agency Interlocal Cooperation Act Agreement with the City of Lincoln for the services of a qualified "Responsible Charge" (RC) for a Federal-Aid project located in Lancaster County; and

WHEREAS, the City of Lincoln and Lincoln Public Schools have agreed on the terms and conditions of said Interlocal Cooperative Agreement as submitted.

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

That Mayor Chris Beutler is hereby authorized to sign the attached Nebraska Local Public Agency Interlocal Cooperative Act Agreement on behalf of the City of Lincoln, the Assisting Public Entity, for a Federal-Aid project in Lancaster County.

NDOR Project Number: SRTS-55 (176)

NDOR Control Number: 13187

Project Name: SRTS Pedal to Prescott-Infra

The City Clerk is directed to transmit a copy of this resolution and the attached documents to Ernie Castillo, Urban Development Department, for inclusion with the application to the State of Nebraska Department of Roads.

Introduced by Eugene Carroll

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

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ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 16 - 31, 2012 - CLERK read the following resolution, introduced by Carl Eskridge. DiAnna Schimek moved its adoption:

A-86849 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 May 31, 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 |
|----------------------------------------------|------------------------|
| State Farm Insurance<br>(Claim #27-04Z5-062) | None                   |
| Brenda Roseberry                             | NAS*<br>\$241.12       |

\*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 Carl Eskridge

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND TRIBOLOGIK CORPORATION FOR PROVIDING OIL ANALYSIS, REPORTING AND RELATED SUPPLIES FOR STARTRAN, PURSUANT TO QUOTE 3900, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM - CLERK read the following resolution, introduced by Carl Eskridge. Eugene Carroll moved its adoption:

A-86850 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the Contract Agreement between the City of Lincoln and Tribologik Corporation for Oil Analysis Reporting and Related Supplies - StarTran, pursuant to Quote 3900, for a two year term with the option to renew for one additional two year term, upon the terms and conditions as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Carl Eskridge

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND ARAMARK UNIFORM SERVICES FOR PROVIDING RENTAL AND CLEANING OF FLOOR MATS, MOPS AND VARIOUS CLEANING TOWELS FOR STARTRAN, PURSUANT TO QUOTE 3902, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM - CLERK read the following resolution, introduced by Carl Eskridge. DiAnna Schimek moved its adoption:

A-86851 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the Contract Agreement between the City of Lincoln and Aramark Uniform Services for providing Rental and Cleaning of Floor Mats, Mops and Various Cleaning Towels for StarTran, pursuant to Quote 3902, for a two year term with the option to renew for one additional two year term, upon the terms and conditions as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Carl Eskridge

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA GAME AND PARKS COMMISSION TO CONSTRUCT AND OPERATE A SHOOTING SPORTS COMPLEX WITHIN A PORTION OF HELEN BOOSALIS PARK AT 44TH AND SUPERIOR STREET - CLERK read the following resolution, introduced by Carl Eskridge. Eugene Carroll moved its adoption:

A-86852 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the Interlocal Agreement between the City of Lincoln and the Nebraska Game and Parks Commission to construct and operate a Shooting Sports Complex at Helen Boosalis Park generally located at 44th and Superior Streets for a term ending May 1, 2039, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is hereby directed to transmit a copy of the executed original Interlocal Agreement to Steve Hiller, Parks and Recreation Department, for transmittal to the Nebraska Game and Parks Commission.

Introduced by Carl Eskridge

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

APPLICATION OF KATIE CLORAN DBA GRATITUDE CAFÉ & BAKERY FOR A USE OF PUBLIC RIGHT-OF-WAY FOR THE INSTALLATION OF AN ADA ACCESSIBLE RAMP ON PROPERTY GENERALLY LOCATED AT 1551 NORTH COTNER BOULEVARD - CLERK read the following resolution, introduced by Carl Eskridge. Eugene Carroll moved its adoption:

A-86853 WHEREAS, Katie Cloran dba Gratitude Café & Bakery has submitted an application for a permit to use the public right-of-way on the east side of the building at 1551 North Cotner Boulevard for construction of an ADA accessible ramp into the building to meet ADA requirements; and

WHEREAS, said applicant has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this resolution by reference, to use the public right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

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

That the application aforesaid of Katie Cloran dba Gratitude Café & Bakery to use the public right-of-way on the east side of the building at 1551 North Cotner Boulevard for the purpose of constructing an ADA accessible ramp into the building, be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence, and the payment of the annual fee for the use of the surface of the public right-of-way.

2. That said use shall be in full accordance with the aforesaid application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The applicant, its heirs, successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

4. All work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln. Prior to the start of any construction activities, the applicant shall or shall cause her contractor to contact Diggers Hotline of Nebraska for all utilities locations. In addition, prior to the start of any construction activities, the applicant shall or shall cause her contractor to request and receive all required permits for construction of the ADA accessible ramp.

5. The use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the above-named applicant, its successors and assigns.

6. Within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon automatically terminate.

Introduced by Carl Eskridge

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

APPROVING A PROJECT PROGRAMMING AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA DEPARTMENT OF ROADS TO ESTABLISH VARIOUS DUTIES AND FUNDING RESPONSIBILITIES FOR A FEDERAL AID PROJECT FOR THE CONSTRUCTION OF SAFETY IMPROVEMENTS AT SUPERIOR STREET AND I-180 EAST RAMP - CLERK read the following resolution, introduced by Carl Eskridge. DiAnna Schimek moved its adoption:

A-86854 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Project Programming Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Highway Safety Improvement Program Funds for the Superior Street and I-180 East Ramp, NDOR Project No. HSP-5254(8), NDOR Control No. 12928, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to Craig Aldridge, Engineering Services Division of the Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Carl Eskridge

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

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE UNIVERSITY OF NEBRASKA-LINCOLN COUNTY EXTENSION NUTRITION EDUCATION PROGRAM TO PROVIDE NUTRITION EDUCATION SERVICES AT THE LINCOLN MEDICAL EDUCATION PARTNERSHIP AT 4600 VALLEY ROAD FOR THE HEALTH DEPARTMENT'S WOMEN, INFANTS & CHILDREN (WIC) PROGRAM FOR A THREE YEAR TERM - CLERK read the following resolution, introduced by Carl Eskridge. Eugene Carroll moved its adoption:

A-86855 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Service Agreement between the City of Lincoln and the University of Nebraska-Lincoln County Extension Nutrition Education Program to provide nutrition education services at the Lincoln Medical Education Partnership at 4600 Valley Road for the Lincoln-Lancaster County Health Department's Special Supplemental Nutrition Program for Women, Infants & Children (WIC) for a term of July 1, 2012 through June 30, 2015, in accordance

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with the terms, conditions and assurances contained in said Agreement is hereby approved and the Mayor is hereby authorized to execute the Service Agreement on behalf of the City.

The City Clerk is directed to return an executed copy of the Agreement to Judy Halstead, Director of the Lincoln Lancaster County Health Department.

Introduced by Carl Eskridge

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

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

AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF LINCOLN, NEBRASKA TO REFUND OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY AND RELATED MATTERS - CLERK read an ordinance, introduced by Eugene Carroll, authorizing the issuance of not to exceed \$8,800,000 principal amount of general obligation refunding bonds, series 2012; prescribing the form of the bonds; fixing in part and providing for the fixing in part of the terms of the bonds; providing for the levy and collection of an annual tax to pay the principal of and interest on such bonds; authorizing certain other documents and actions in connection therewith; and related matters, the third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19722**, is recorded in Ordinance Book #27, Page .

APPROVING THE SALE OF CITY OWNED SURPLUS PROPERTY DESCRIBED AS THE EAST FOUR FEET OF LOT 14 AND ALL OF LOT 15, SHELDON AND ERNST'S SUBDIVISION, COMMONLY KNOWN AS 2420 VINE STREET, TO RICHARD AND HEIDI TAST FOR A SUM OF \$20,000.00 - CLERK read an ordinance, introduced by Eugene Carroll, authorizing the sale of a surplus property at 2420 Vine Street legally described as the east four feet of Lot 14 and all of Lot 15, Sheldon and Ernst's Subdivision, Lincoln, Lancaster County, Nebraska, the third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19723**, is recorded in Ordinance Book #27, Page .

AMENDING CHAPTER 10.14 OF THE LINCOLN MUNICIPAL CODE, RULES OF THE ROAD, BY AMENDING SECTION 10.14.290 RELATING TO CARELESS AND RECKLESS DRIVING TO ADD LANGUAGE TO HARMONIZE THE SECTION WITH STATE STATUTE LANGUAGE; ADDING A NEW SECTION NUMBERED 10.14.295 TO HARMONIZE THE PENALTY FOR VIOLATION OF SECTION 10.14.290(B), RECKLESS DRIVING, WITH STATE STATUTE; BY AMENDING SECTION 10.14.300 RELATING TO WILLFUL NEGLIGENT, CARELESS, AND RECKLESS DRIVING TO DELETE THE VIOLATIONS OF WILLFUL NEGLIGENT AND WILLFUL CARELESS DRIVING AND TO ADD LANGUAGE TO HARMONIZE THE SECTION AND PENALTY WITH STATE STATUTES - CLERK read an ordinance, introduced by Eugene Carroll, amending Lincoln Municipal Code Chapter 10.14, Rules of the Road, by amending Section 10.14.290 relating to careless and reckless driving to add language to harmonize the section with state statute language; adding a new section numbered 10.14.295 to harmonize the penalty for violation of Section 10.14.290(b), reckless driving, with state statute; by amending Section 10.14.300 relating to willful negligent, careless, and reckless driving to delete the violations of willful negligent and willful careless driving and to add language to harmonize the section and penalty with state statutes; and repealing Sections 10.14.290 and 10.14.300 of the Lincoln Municipal Code as hitherto existing, the third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19724**, is recorded in Ordinance Book #27, Page .

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

AMENDING CHAPTER 8.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO BODY ART ESTABLISHMENTS TO UPDATE REGULATIONS OF HEALTH AND SANITATION TO REFLECT THE CURRENT STATE OF INDUSTRY PRACTICE AND TO CLARIFY PROVISIONS BY AMENDING SECTION 8.08.030 TO REQUIRE AT LEAST ONE PERSON WITH A PRACTITIONER PERMIT TO BE PRESENT AT ALL TIMES THE ESTABLISHMENT IS OPEN; AMENDING SECTION 8.08.100 RELATING TO THE DISPLAY OR POSTING OF THE PRACTITIONER PERMIT; AMENDING SECTION 8.08.200 TO CLARIFY SINK REQUIREMENTS; AMENDING SECTION 8.08.230 TO ALLOW AUTOCLAVED INSTRUMENTS TO BE USED FOR UP TO 90 DAYS FROM THE DATE AUTOCLAVED; AND AMENDING SECTION 8.08.310 TO CHANGE A RECORD KEEPING REQUIREMENT - CLERK read an ordinance, introduced by DiAnna Schimek, amending Chapter 8.08 of the Lincoln Municipal Code relating to Body Art Establishments to update regulations of health and sanitation to reflect the current state of industry practice and to clarify provisions by amending Section 8.08.030 to require at least one person with a practitioner permit to be present at all times the establishment is open; amending Section 8.08.100 relating to the display or posting of the practitioner permit; amending Section 8.08.200 to clarify sink requirements;

amending Section 8.08.230 to allow autoclaved instruments to be used for up to 90 days from the date autoclaved; amending Section 8.08.310 to change a record keeping requirement; and repealing Sections 8.08.030, 8.08.100, 8.08.200, 8.08.230 and 8.08.310 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 12008 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE ("ZONING CODE") GENERALLY TO REFORMAT AND STREAMLINE THE ZONING CODE TO REDUCE THE LIST OF OVER 270 DIFFERENT LAND USES DOWN TO 14 USE GROUPS, AND TO ELIMINATE THE POSSIBILITY THAT A USE TYPE IS NOT LISTED BY MAKING THE USE GROUPS ALL-ENCOMPASSING, THEREBY INCREASING THE EMPHASIS ON TREATING LIKE USES IN A SIMILAR MANNER; BY ADDING A NEW CHAPTER 27.02 TO PROVIDE DEFINITIONS; BY ADDING A NEW CHAPTER 27.06 TITLED "USE GROUPS" TO CLASSIFY AND COMBINE THE MAIN USES OF BUILDINGS AND/OR PREMISES INTO 14 USE GROUPS BASED UPON FUNCTIONAL AND PHYSICAL USE TYPE CHARACTERISTICS, TO DESIGNATE SPECIFIC USE TYPES WITHIN EACH USE GROUP AS PERMITTED, PERMITTED CONDITIONAL, AND PERMITTED SPECIAL USES WITHIN EACH ZONING DISTRICT PER THE USE GROUP TABLES IN CHAPTER 27.06 AND TO PROVIDE THAT THE MAXIMUM HEIGHT AND MINIMUM LOT REQUIREMENTS WITHIN SAID ZONING DISTRICTS SHALL BE REGULATED IN CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 27.72; BY ADDING A NEW CHAPTER 27.62 TITLED "CONDITIONAL USES" TO RELOCATE AND CONSOLIDATE ALL ZONING DISTRICT TYPES WHICH ARE ALLOWED AS PERMITTED CONDITIONAL USES IN DESIGNATED ZONING DISTRICTS IN CONFORMANCE WITH THE SPECIFIC CONDITIONS OF APPROVAL FOR SUCH USE TYPES INTO A SINGLE CHAPTER; BY ADDING A NEW CHAPTER 27.64 TITLED USE PERMITS TO COMBINE AND CONSOLIDATE THE PROCESS FOR OBTAINING A USE PERMIT IN THE O-3, R-T, B-2, B-5, AND I-3 ZONING DISTRICTS INTO A SINGLE CHAPTER; BY AMENDING CHAPTER 27.69 TO AUTHORIZE CERTAIN SIGNS FOR MOTORIZED VEHICLE FUEL SALES FACILITIES, RESIDENTIAL HEALTH CARE FACILITIES AND NON-RESIDENTIAL HEALTH CARE FACILITIES; AND BY ADDING A NEW CHAPTER 27.72 TITLED HEIGHT AND LOT REQUIREMENTS, TO RELOCATE AND CONSOLIDATE HEIGHT AND LOT REGULATIONS FOR ALL THE ZONING DISTRICTS INTO A SINGLE CHAPTER AND TO INCORPORATE ADDITIONAL HEIGHT AND AREA REGULATIONS FROM CHAPTER 27.71 INTO CHAPTER 27.72 - CLERK read an ordinance, introduced by DiAnna Schimek, amending Title 27 of the Lincoln Municipal Code ("Zoning Code") generally to reformat and streamline the Zoning Code to reduce the list of over 270 different land uses down to 14 Use Groups, and to eliminate the possibility that a use type is not listed by making the use groups all-encompassing, thereby increasing the emphasis on treating like uses in a similar manner; by adding a new Chapter 27.02 to provide definitions; by adding a new Chapter 27.06 titled "Use Groups" to classify and combine the main uses of buildings and/or premises into 14 Use Groups based upon functional and physical use type characteristics, to designate specific use types within each Use Group as permitted, permitted conditional, and permitted special uses within each zoning district per the Use Group Tables in Chapter 27.06 and to provide that the maximum height and minimum lot requirements within said zoning districts shall be regulated in conformance with the requirements of Chapter 27.72; by adding a new Chapter 27.62 titled "Conditional Uses" to relocate and consolidate all zoning district types which are allowed as permitted conditional uses in designated zoning districts in conformance with the specific conditions of approval for such use types into a single chapter; by adding a new Chapter 27.64 titled Use Permits to combine and consolidate the process for obtaining a use permit in the O-3, R-T, B-2, B-5, and I-3 zoning districts into a single chapter; by amending Chapter 27.69 to authorize certain signs for motorized vehicle fuel sales facilities, residential health care facilities and non-residential health care facilities; and by adding a new Chapter 27.72 titled Height and Lot Requirements, to relocate and consolidate height and lot regulations for all the zoning districts into a single chapter and to incorporate additional height and area regulations from Chapter 27.71 into Chapter 27.72, the first time.

MISC. NO. 12002 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING SECTIONS 7.7 AND 7.11 OF CHAPTER 3.50, DESIGN STANDARDS FOR SCREENING AND LANDSCAPING, TO MODIFY THE REQUIREMENTS IN SECTION 7.7 REGARDING THE SCREENING OF OUTDOOR STORAGE AREAS OF SALVAGE YARDS AND TO DELETE REFERENCE TO THE SCREENING OF SCRAP PROCESSING OPERATIONS AND VEHICLE BODY REPAIR SHOPS, AND TO EXPAND THE LIST OF AREAS IN SECTION 7.11 OUTSIDE A BUILDING WHICH MUST BE SCREENED.

CHANGE OF ZONE 12009 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE ZONING CODE BY AMENDING SECTIONS 27.60.060 AND 27.65.060 TO GRANT THE PLANNING DIRECTOR AUTHORITY TO APPROVE AMENDMENTS TO A PLANNED UNIT DEVELOPMENT OR COMMUNITY UNIT PLAN TO ALLOW A HEIGHT INCREASE NOT TO EXCEED TEN FEET OVER THE MAXIMUM HEIGHT LIMIT FOR A MULTI-FAMILY DWELLING; BY FURTHER AMENDING SECTION 27.65.060 TO GRANT THE PLANNING DIRECTOR AUTHORITY TO APPROVE AMENDMENTS TO A COMMUNITY UNIT PLAN TO ALLOW A PERCENTAGE OF STACKED PARKING STALLS ON A DRIVEWAY BEHIND A GARAGE ATTACHED TO A MULTI-FAMILY DWELLING TO BE USED TOWARD SATISFACTION OF REQUIRED PARKING; AND BY AMENDING SECTION 27.65.090 TO DELETE THE REQUIREMENT THAT THE USE OF SUCH STACKED PARKING STALLS IN SATISFACTION OF REQUIRED PARKING BE APPROVED BY THE PLANNING COMMISSION - CLERK read an ordinance, introduced by DiAnna Schimek, amending Title 27 of the Lincoln Municipal Code relating to the Zoning Code by amending Sections 27.60.060 and 27.65.060 to grant the Planning Director authority to approve amendments to a planned unit development or community unit plan to allow a height increase not to exceed ten feet over the maximum height limit for a multi-family dwelling; by further amending Section 27.65.060 to grant the Planning Director authority to approve amendments to a community unit plan to allow a percentage of stacked parking stalls on a driveway behind a garage attached to a multi-family dwelling to be used toward satisfaction of required parking;

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by amending Section 27.65.090 to delete the requirement that the use of such stacked parking stalls in satisfaction of required parking be approved by the Planning Commission; and repealing Sections 27.60.060, 27.65.060 and 27.65.090 of the Lincoln Municipal Code as hitherto existing, the first time.

MISC. NO. 12003 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING SECTION 1.2 OF CHAPTER 3.35, DESIGN STANDARDS FOR COMMUNITY UNIT PLANS, TO PROVIDE A MINIMUM SETBACK FOR MULTI-FAMILY DWELLINGS THAT EXCEED THE ZONING DISTRICT HEIGHT ABUTTING A SINGLE OR TWO FAMILY DWELLING AND TO CONDITIONALLY ALLOW ACCESSORY GARAGES AND DRIVEWAYS WITHIN THE SETBACK AREA, AND BY AMENDING SECTION 7.3 OF CHAPTER 3.50, DESIGN STANDARDS FOR MULTI-FAMILY DWELLINGS AND CERTAIN ACCESSORY GARAGES AND DRIVEWAYS WHEN THE MULTI-FAMILY DWELLING EXCEEDS THE ZONING DISTRICT HEIGHT AND ABUTS AN EXISTING OR PLANNED SINGLE OR TWO FAMILY DWELLING.

CHANGE OF ZONE 12012 - APPLICATION OF LANA PEREZ FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT AND R-4 RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT AND FROM R-4 RESIDENTIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 505 S.W. 1ST STREET AND GENERALLY FROM SALT CREEK WEST OF S.W. 1ST STREET AND NORTH OF J STREET - 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 first time.

CHANGE OF ZONE 12014 - APPLICATION OF EIGER CORPORATION FOR A CHANGE OF ZONE FROM B-5 PLANNED REGIONAL BUSINESS DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2 - 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 first time.

AUTHORIZING THE CITY OF LINCOLN, NEBRASKA TO ENTER INTO AN EQUIPMENT LEASE PURCHASE AGREEMENT NO. LIN2012-05E WITH COMMUNITY FIRST NATIONAL BANK, MANHATTAN, KANSAS IN THE AMOUNT OF \$575,412 FOR THE ACQUISITION OF PLOW TRUCKS FOR THE USE OF THE CITY - CLERK read an ordinance, introduced by DiAnna Schimek, authorizing and approving equipment lease purchase agreement No. LIN2012-05E with Community First National Bank for plow trucks in the amount of \$575,412.00 and an escrow agreement; and related matters, the first time.

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

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION ENGINEERING COSTS FOR LINCOLN CITYWIDE DURABLE MARKINGS PROJECT (STATE PROJECT NO. LCLC-5239(8)).

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION ENGINEERING COSTS FOR LINCOLN CITYWIDE CONTINENTAL PEDESTRIAN CROSSWALKS PROJECT (STATE PROJECT NO. LCLC-5221(3)).

APPROVING SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS TO CHANGE THE FUNDING SOURCE FROM HIGHWAY INFRASTRUCTURE INVESTMENT FUNDS PROVIDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 TO FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CITYWIDE CONTINENTAL PEDESTRIAN CROSSWALKS PROJECT (STATE PROJECT NO. LCLC-5221(3)).

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO UPDATE REGULATIONS REGARDING PARTICULATE MATTER PERMITTING THRESHOLDS AND DEFINITIONS, PRECURSORS TO OZONE, NATIONAL AMBIENT AIR QUALITY STANDARDS, AND HOW FEES ARE CHARGED FOR DRY CLEANING FACILITIES.

COMP. PLAN AMENDMENT NO. 12001 - APPLICATION OF THE URBAN DEVELOPMENT DIRECTOR TO AMEND THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT THE PROPOSED "DOWNTOWN MASTER PLAN UPDATE" AS A SUBAREA PLAN OF THE COMPREHENSIVE PLAN GENERALLY LOCATED FROM 6TH STREET ON THE WEST TO 19TH STREET ON THE EAST AND FROM H STREET ON THE SOUTH TO R STREET ON THE NORTH TO INCLUDE CHANGES THAT HAVE OCCURRED SINCE THE ADOPTION OF THE DOWNTOWN MASTER PLAN IN 2005.

SPECIAL PERMIT NO. 12019 - APPLICATION OF KINDER PORTER SCOTT FAMILY FOUNDATION TO PRESERVE A LANDMARK (THE LEWIS-SYFORD HOUSE) BY PERMITTING THE UTILIZATION OF THE PROPERTY FOR OFFICE AND EDUCATIONAL USES, WITH REQUESTED WAIVERS OF REAR YARD SETBACK AND PARKING REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT 700 NORTH 16TH STREET. (RELATED ITEMS: 12R-121, 12R-123)

APPROVING AN AMENDMENT TO THE DEED OF HISTORIC PRESERVATION RIGHT (EASEMENT) REGARDING PRESERVATION OF THE LEWIS SYFORD HOUSE LOCATED AT 700 NORTH 16TH STREET AND THE PREMISES IT IS LOCATED ON TO ALLOW THE ERECTION OF NEW STRUCTURES UPON RECEIPT OF THE CITY OF LINCOLN'S EXPRESS WRITTEN PERMISSION AND TO CLARIFY THE PROCESS FOR OBTAINING SUCH PERMISSION. (RELATED ITEMS: 12R-121, 12R-123)

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AMENDING RESOLUTION NO. A-83925 TO DELETE THE REQUIRED SIDEWALK ALONG SOUTH 70<sup>TH</sup> STREET FROM OLD CHENEY ROAD TO NEBRASKA HIGHWAY 2.

CARROLL Moved to Object to the Consideration of Bill No. 12R-122.

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

The resolution, having been **WITHDRAWN**, was assigned the File **#38-4616** and was placed on file in the Office of the City Clerk.

**MISCELLANEOUS BUSINESS**

**PENDING LIST**

CARROLL Moved to removed withdraw Bill No. 11R-62.

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

The resolution, having been **WITHDRAWN**, was assigned the File **#38-4617** and was placed on file in the Office of the City Clerk.

**OPEN MICROPHONE**

Rey Cruz, 2202 D Street, came forward regarding a claim against the City that appeared on last week's agenda. He stated that on December 13, 2012, he witnessed officers kick down his gate and damage his vehicle. He also heard a police dog tear a home line out of his house while they were searching for a suspect who fled the scene of a nearby automobile accident.

Rod Confer, City Attorney, came forward to state that this case had been reviewed and denied by the City Law Department because the officers involved in the incident denied any of the occurrences described by Mr. Cruz. This item was already approved by Council and would therefore require a Motion to Reconsider, and the item would be put on the agenda for next week.

This matter was taken under advisement.

Jane Svoboda, no address given, came forward to express her thoughts on various subjects, including the sheltering of homeless children from California. This matter was taken under advisement.

**ADJOURNMENT 4:40 P.M.**

CAMP Moved to adjourn the City Council meeting of June 11, 2012.

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

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Joan E. Ross, City Clerk

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Amy H. Huffman, Senior Office Assistant

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