

THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 23, 2013 AT 3:00 P.M.

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

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

READING OF THE MINUTES

FELLERS Having been appointed to read the minutes of the City Council proceedings of September 16, 2013 reported having done so, found same correct.

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

PUBLIC HEARING

ANNEXATION 13003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY .11 ACRES GENERALLY LOCATED AT TUSCAN AND DURADO COURTS;

CHANGE OF ZONE 13016 - APPLICATION OF FIRETHORN GOLF COMPANY FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND FROM R-3 RESIDENTIAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT TUSCAN AND DURADO COURTS - Tim Gergen, Olsson Associates, came forward on behalf of Firethorn Golf Company to state that this is an adjustment to align the zoning with what has been built under existing conditions.

This matter was taken under advisement.

APPROVING A SUBLEASE AGREEMENT BETWEEN NEBRASKA VOCATIONAL REHABILITATION AND THE CITY OF LINCOLN FOR THE SUBLEASE BY NEBRASKA VOCATIONAL REHABILITATION OF 160 SQUARE FEET OF SPACE AT 1111 O STREET FOR PURPOSES OF WORKFORCE INVESTMENT ACT SERVICES AND THE AMERICAN JOB CENTER FOR A FOUR YEAR TERM OF OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2017 - David Landis, Director of Urban Development, came forward to state that a week ago, another sublease agreement associated with the One Stop Career Center came before Council. All of the numbers in this one are identical except the square footage.

This matter was taken under advisement.

AUTHORIZING A REQUEST TO THE STATE OF NEBRASKA, BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS, FOR RELAXATION OF THE MINIMUM DESIGN STANDARDS TO ALLOW 9 1/2 TO 10 FOOT WIDE LANES IN VAN DORN STREET FROM 33RD TO 48TH STREETS, CITY PROJECT 701773 - Thomas Shaffer, Public Works & Utilities Department, came forward to clarify that this request is for three 10 foot lanes.

Teresa J. Meier, City Clerk, noted that the resolution requests 9½ foot lanes and will need to be amended.

Mr. Shaffer went on to state that the 10 foot request is still less than the 11 foot standards normally required. In answer to Council questions, he replied that in the interest of protecting trees and greenspaces, the neighborhood preferred three 10 foot lanes as opposed to three 11 foot lanes. The curbs are not in good condition and will be replaced. The wider lanes also make drivers feel safer so they utilize lanes fully, which helps to prevent traffic from backing up. Discussion followed.

This matter was taken under advisement.

APPROVING A COOPERATIVE AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY OF LINCOLN REGARDING STATE OF NEBRASKA GRANT FUNDING FROM THE STORMWATER MANAGEMENT PLAN PROGRAM - Ben Higgins, Public Works and Utilities Department, came forward to state this is eighth year of this grant which is used for the Stormwater Management Plan and also covers two staff positions.

This matter was taken under advisement.

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY FOR THE INSTALLATION OF PRIVATE CONDUIT FOR FIBER OPTIC CABLE IN SOUTH 36TH STREET TO SERVE THE SCHOOL AND PARISH PROPERTY FOR SAINT TERESA'S CHURCH AT 735 SOUTH 36TH STREET - Buff Baker, Public Works and Utilities Department, came forward to state this is an application to install conduit line from the church to the school. Two 1^{1/4} inch lines will run under the street. There is one gas main that the conduit will run under and no public utilities will be affected.

This matter was taken under advisement.

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 SAFETY IMPROVEMENT PROJECT FOR CONSTRUCTION OF ADAPTIVE SIGNAL CONTROL TECHNOLOGY AND UPGRADE OF FIBER COMMUNICATIONS ALONG NORTH 27TH STREET BETWEEN O STREET AND INTERSTATE 80 - Thomas Shafer, Public Works and Utilities Department, came forward to state this is the programming agreement to allow the City to try a new adaptive traffic signal control. The current systems operates

on an electro-mechanical system. This new adaptive technology senses the traffic that is actually present and adjusts itself accordingly, which should mean less traffic backup and frustration. In answer to Council questions, he replied that on this first corridor, 90% of the cost is covered with Federal funds. There are 432 signals in this community and it would be an expensive project, but depending on how this system works, it might be a goal for the future.

Erin Sokolik, Public Works and Engineering, came forward in response to Council questions. She stated one corridor being considered for this technology is Antelope Valley. The current signals are adaptable to some extent, but it is based more on user changes; the new signals adjust themselves every cycle. The type of cameras used will be decided throughout the process by determining which works best. One option being considered is a thermal camera. Discussion followed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING DR. MICHELLE PETERSEN TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A TERM EXPIRING APRIL 15, 2016 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87563 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Dr. Michelle Petersen to the Lincoln-Lancaster County Board of Health for a term expiring April 15, 2016, is hereby approved.
Introduced by Doug Emery
Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPOINTING MELISSA K. FILIPI TO THE KENO HUMAN SERVICES ADVISORY BOARD FOR A TERM EXPIRING JULY 1, 2016 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87564 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Melissa K. Filipi to the Keno Human Services Advisory Board for a term expiring July 1, 2016, is hereby approved.
Introduced by Doug Emery
Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND GARCIA-CHICOINE ENTERPRISES, INC. FOR THE ANNUAL REQUIREMENTS OF WORK/SERVICES AND MATERIALS FOR THE REPAIR OF GUARDRAILS PURSUANT TO THE STATE OF NEBRASKA DEPARTMENT OF ROADS CONTRACT NO. HH1305, FOR A THREE YEAR TERM - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87565 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Contract Agreement between the City of Lincoln, Lancaster County and Garcia-Chicoine Enterprises, Inc. for the annual requirements of Work/Services and Materials for the Repair of Guardrails, pursuant to the State of Nebraska Department of Roads Contract No. HH1305, for a three-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 and any associated amendments or renewals on behalf of the City of Lincoln.
Introduced by Doug Emery
Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

REAPPOINTING RACHEL WARMAN TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2016 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87566 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Rachel Warman to the Air Pollution Control Advisory Board for a term expiring September 1, 2016, is hereby approved.
Introduced by Doug Emery
Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPOINTING WANDA BLASNITZ AND JACK COOGAN TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2016 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87567 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Wanda Blasnitz and Jack Coogan to the Air Pollution Control Advisory Board for a term expiring September 1, 2016, are hereby approved.
Introduced by Doug Emery
Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

REQUEST OF PUBLIC WORKS TO SET THE HEARING DATE OF MONDAY, OCTOBER 14, 2013, AT 3:00 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:
13-113 Provide authority to create a Special Assessment
Paving District for W. Nance St. from NW 8th St. to NW 9th St.

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON SEPTEMBER 9, 2013 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 13019 - Requested by Piedmont Shopping Center, LLC., Piedmont Shops Planned Unit Development, for a change of zone from B-1 Local Business District to B-3 Commercial District PUD, on property generally located at South Cotner Boulevard and A Streets (1265 Cotner Boulevard); for a Planned Unit Development District designation of said property; and for approval of a development plan which proposes modifications to the Design Standards, Zoning Ordinance and Subdivision Ordinance to allow improvements and B-3 uses in the Piedmont Shopping Center on the underlying B-3 zoned area.

Change of Zone 13021 - Requested by Bruce Brinkman, for a change from AGR Agricultural Residential District to O-3 Office Park District, on property generally located at S. 84th Street and Eiger Drive (8333 Eiger Drive).

Special Permit 13044 - Requested by Immanuel Lutheran Church, for the expansion of a nonconforming use, reducing the required front yard on Plum Street and S. 11th Street for the construction of an addition to the existing building, on property generally located at S. 11th Street and Plum Street (2001 S. 11th Street).

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS - NONE

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

ANNEXATION 13003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY .11 ACRES GENERALLY LOCATED AT TUSCAN AND DURADO COURTS - CLERK read an ordinance, introduced by Doug Emery, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 13016 - APPLICATION OF FIRETHORN GOLF COMPANY FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND FROM R-3 RESIDENTIAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT TUSCAN AND DURADO COURTS - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

APPROVING A SUBLEASE AGREEMENT BETWEEN NEBRASKA VOCATIONAL REHABILITATION AND THE CITY OF LINCOLN FOR THE SUBLEASE BY NEBRASKA VOCATIONAL REHABILITATION OF 160 SQUARE FEET OF SPACE AT 1111 O STREET FOR PURPOSES OF WORKFORCE INVESTMENT ACT SERVICES AND THE AMERICAN JOB CENTER FOR A FOUR YEAR TERM OF OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2017 - CLERK read an ordinance, introduced by Doug Emery, accepting and approving a Sublease Agreement between the City of Lincoln, Nebraska and Nebraska Vocational Rehabilitation for the sublease of space at 1111 O Street, Lincoln, Lancaster County, Nebraska for a term of October 1, 2013 through September 30, 2017, whereby the City of Lincoln is subleasing space to Nebraska Vocational Rehabilitation for the purposes of Workforce Investment Act Services and the American Job Center, the second time.

PUBLIC HEARING - RESOLUTIONS

AUTHORIZING A REQUEST TO THE STATE OF NEBRASKA, BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS, FOR RELAXATION OF THE MINIMUM DESIGN STANDARDS TO ALLOW 9 1/2 TO 10 FOOT WIDE LANES IN VAN DORN STREET FROM 33RD TO 48TH STREETS, CITY PROJECT 701773 - PRIOR to reading:

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CAMP Moved to Amend Bill No. 13R-208 in the following manner:

1. On line 3, delete "9½ to".
2. On line 17, delete "9½ to".

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

CLERK Read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87568 WHEREAS, the State of Nebraska, Board of Public Roads Classifications and Standards has established a minimum lane width of 11 feet for Urban Arterial Streets; and

WHEREAS, the ~~9-1/2-~~to 10 foot wide lanes proposed for City Project 701773 - Van Dorn Street from 33rd to 48th Streets, do not meet such minimum design standard for lane widths on Urban Arterial Streets; and

WHEREAS, the City of Lincoln desires to request a modification of the Standards by the Board of Public Roads Classification and Standards so as to reduce the overall construction costs, increase the parkspace distance between the proposed back-of-curb and front-of -sidewalk along both sides of the street, and reduce the number of tree removals; and

WHEREAS, the City of Lincoln believes that the granting of such an exception will not impair the safety of traffic within the limits of these projects;

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

Pursuant to Neb. Rev. Stat. § 39-2113(6) (Reissue 2008), the City of Lincoln does hereby request the Board of Public Roads Classifications and Standards to grant an exception to the above described minimum design lane width to allow a ~~9-1/2-~~to 10 foot wide street for City Project 701773 - Van Dorn Street from 33rd to 48th Streets.

BE IT FURTHER RESOLVED that the Director of Public Works and Utilities is hereby authorized and directed to forward a copy of this Resolution to the Board of Public Roads Classifications and Standards as a part of the City of Lincoln's request for the design exception.

Introduced by Doug Emery

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

APPROVING A COOPERATIVE AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY OF LINCOLN REGARDING STATE OF NEBRASKA GRANT FUNDING FROM THE STORMWATER MANAGEMENT PLAN PROGRAM - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87569 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Intergovernmental Agreement between the City of Lincoln and the Nebraska Department of Environmental Quality (NDEQ) regarding grant funding from the state Stormwater Management Plan Program, upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City. This Agreement provides for NDEQ grant funding to implement programs and projects in association with the City of Lincoln's Stormwater Management Program.

The City Clerk is directed to transmit an executed original Agreement to Ben Higgins, Public Works and Utilities Department, 555 South 10th Street, for transmittal to the Nebraska Department of Environmental Quality.

Introduced by Doug Emery

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

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY FOR THE INSTALLATION OF PRIVATE CONDUIT FOR FIBER OPTIC CABLE IN SOUTH 36TH STREET TO SERVE THE SCHOOL AND PARISH PROPERTY FOR SAINT TERESA'S CHURCH AT 735 SOUTH 36TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87570 WHEREAS, Saint Teresa's Church has submitted an application for a permit to use the public right-of-way in South 36th Street for the purpose of installing two 1 1/4" PVC conduits underneath South 36th Street to serve the school and parish property for Saint Teresa's Church at 735 South 36th Street; 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 14.53 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 aforesaid application of Saint Teresa's Church, hereinafter referred to as Permittee, to use the public right-of-way in South 36th Street as shown on Exhibit "B", for the purpose of installing two underground 1 1/4" PVC conduits be granted as a privilege only by virtue of and subject to substantial compliance with the site plan, the letter of application, and the following terms and conditions, to wit:

1. That the permission herein granted is subject to all the terms and conditions of Chapter 14.53 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000 and the filing of a certificate of insurance evidencing a commercial or

comprehensive general liability policy, or an acceptable substitute policy form, with a minimum combined single limit of \$500,000 aggregate for any one occurrence and naming the City as additional insured.

2. That said use shall conform to the application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The Permittee, its 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. The Permittee shall cause its contractor to call Diggers Hotline of Nebraska prior to commencing any construction activity and identify the natural gas line in South 36th Street on a site plan prior to boring.

5. The work shall be constructed in accordance with plans and specifications approved by the Department of Public Works and Utilities. The cable, where it is underground, shall be laid to a minimum depth of 3½ feet from the top of the cable to the surface of the ground. All land surfaces and all pavement shall be restored to their original condition after the work is completed on each segment of the project. "As built" drawings shall be furnished to the City by the Permittee to show the precise locations, depths, and nature of all materials installed in accordance with the permit. The City shall have the right at any time when, in its judgment, it becomes necessary or advisable, to require a change of location of said cable as a matter of safety, or on account of change of grade, resurfacing, repair, reconstruction of any street, alley, sidewalk, or other public ground, or the construction of any structure thereon, or for any other reason, all of which shall be done at the cost and expense of the Permittee in a good and workmanlike manner.

6. The Permittee shall pay to the City an annual rental for the use and occupancy of the space beneath said public street occupied by such use which rental is currently \$0.50 per lineal foot of space occupied underneath the public street, alley, sidewalk, or other public ground. Such rental is based upon the number of conduits being placed within the right-of-way.

All payments shall be made to the City Treasurer and shall be due and payable on the 1st day of October of each year; provided, however, the amount of the initial payment shall be prorated from the date of approval of this permit to the 1st day of October, 2013 and payment shall be due and payable on October 1st thereafter.

Any such rent shall become delinquent on the 1st day of December of each year and such delinquent rent shall bear interest at the rate of 1% per month until paid and if such rent is not paid for six months or more after such delinquent date, a penalty of 5% shall be added thereto in addition to said interest.

7. Any additions, changes, modifications, or amendments of the uses permitted herein shall require a new permit or other authorization.

8. That 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.

9. The terms and conditions of this resolution shall be binding and obligatory upon the above-named Permittee, its successors and assigns.

10. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the Permittee 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 terminate.

Introduced by Doug Emery

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

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 SAFETY IMPROVEMENT PROJECT FOR CONSTRUCTION OF ADAPTIVE SIGNAL CONTROL TECHNOLOGY AND UPGRADE OF FIBER COMMUNICATIONS ALONG NORTH 27TH STREET BETWEEN O STREET AND INTERSTATE 80 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87571 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Resolution for the Signing of the Project Programming Agreement between the City of Lincoln and the State of Nebraska Department of Roads to establish various duties and funding responsibilities for a Federal Aid Project for construction of Adaptive Signal Control Technology and upgrade of fiber communications along North 27th Street between O Street and Interstate 80, NDOR Project No. HSIP-5231(14), Control No. 14244, 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 Resolution to Randy Hoskins, Engineering Services Division of the Department of Public Works & Utilities, for transmittal to the State Department of Roads.

Introduced by Doug Emery

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

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

APPROVING A SUBLEASE AGREEMENT BETWEEN GOODWILL INDUSTRIES AND THE CITY OF LINCOLN FOR THE SUBLEASE BY GOODWILL OF 160 SQUARE FEET OF SPACE AT 1111 O STREET FOR PURPOSES OF WORKFORCE INVESTMENT ACT SERVICES AND THE AMERICAN JOB CENTER FOR A FOUR YEAR TERM OF OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2017 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Sublease Agreement between the City of Lincoln, Nebraska and Goodwill Industries for the sublease of space at 1111 O Street, Lincoln, Lancaster County, Nebraska for a term of October 1, 2013 through September 30, 2017, whereby the City of Lincoln is subleasing space to Goodwill Industries for the purposes of Workforce Investment Act Services and the American Job Center, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19922**, is recorded in Ordinance Book #29, Page .

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

CREATING SPECIAL ASSESSMENT RE-PAVING DISTRICT NO. 158 FOR THE PURPOSE OF RECONSTRUCTING PORTIONS OF 66TH STREET, ALMIRA LANE, MARCUS ROAD, AND ANNS COURT WITHIN THE COUNTRY MEADOWS HOMEOWNERS ASSOCIATION BOUNDARIES, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Trent Fellers, creating Re-Paving District No. 158, 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 first time.

AMENDING SECTION 5.04.070 OF THE LINCOLN MUNICIPAL CODE, SALE TO MINORS AND INCAPACITATED PERSONS PROHIBITED, TO DELETE THE OFFENSE OF SELLING, GIVING, DISPOSING OF, EXCHANGING, DELIVERING, OR PERMITTING THE SALE, GIFT, OR PROCURING OF ANY ALCOHOLIC LIQUORS TO A MINOR OR INCAPACITATED PERSON AS THE STATE STATUTE PENALTY FOR SAID OFFENSE IS GREATER THAN AUTHORIZED FOR THE CITY - CLERK read an ordinance, introduced by Trent Fellers, amending Section 5.04.070 of the Lincoln Municipal Code, Sale to Minors and Incapacitated Person Prohibited, by deleting the offense of selling, giving, disposing of, exchanging, delivering, or permitting the sale, gift, or procuring of any alcoholic liquors to a minor or incapacitated person from said Section 5.04.070 as the state statute penalty for said offense is greater than authorized by the City; and repealing Section 5.04.070 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 5.04 OF THE LINCOLN MUNICIPAL CODE, ALCOHOLIC LIQUOR, BY REPEALING SECTIONS 5.04.080 (FURNISHING FALSE IDENTIFICATION), 5.04.090 (MINORS, MISREPRESENTING AGE), 5.04.100 (MINORS, POSSESSION OF ALCOHOL), 5.04.160 (PLACES WHERE DRINKING PROHIBITED), AND 5.04.165 (OPEN CONTAINERS IN VEHICLES), AND AMENDING CHAPTER 9.16 OF THE LINCOLN MUNICIPAL CODE, OFFENSES AGAINST PUBLIC DECENCY, BY REPEALING SECTIONS 9.16.025 (MARIJUANA DEFINED), 9.16.030 (TOXIC COMPOUNDS DEFINED), 9.16.035 (PARAPHERNALIA DEFINED), 9.16.105 (PARAPHERNALIA, USE OR POSSESSION, UNLAWFUL, PENALTY), 9.16.110 (TOXIC COMPOUNDS, UNLAWFUL USE), 9.16.120 (TOXIC COMPOUNDS, UNLAWFUL POSSESSION), 9.16.130 (TOXIC COMPOUNDS, UNLAWFUL SALE), 9.16.140 (TOXIC COMPOUNDS, PENALTY FOR VIOLATIONS), 9.16.145 (POSSESSION OF MARIJUANA, ONE OUNCE OR LESS, UNLAWFUL, PENALTY) AND INCORPORATING SAID OFFENSES AND PENALTIES INTO ONE CHAPTER BY ADDING NEW CHAPTER 9.48 ENTITLED "ALCOHOL AND DRUG OFFENSES" CONSISTING OF SECTION 9.48.010, DEFINITIONS; SECTION 9.48.020, FURNISHING FALSE IDENTIFICATION; SECTION 9.48.030, MINORS, MISREPRESENTING AGE; SECTION 9.48.040, MINORS, POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR PROHIBITED; SECTION 9.48.050, CONSUMING ALCOHOLIC LIQUOR IN PUBLIC PROHIBITED; SECTION 9.48.060, CONSUMPTION IN UNLICENSED PREMISES PROHIBITED; 9.48.070, CONSUMPTION INSIDE VEHICLES PROHIBITED; SECTION 9.48.080, OPEN ALCOHOLIC BEVERAGE CONTAINER IN MOTOR VEHICLE PROHIBITED; SECTION 9.48.090, POSSESSION OF MARIJUANA, ONE OUNCE OR LESS, UNLAWFUL, PENALTY; SECTION 9.48.100, TOXIC COMPOUNDS, UNLAWFUL USE; SECTION 9.48.110, TOXIC COMPOUNDS, UNLAWFUL POSSESSION; SECTION 9.48.120 TOXIC COMPOUNDS, UNLAWFUL SALE; SECTION 9.48.130, PARAPHERNALIA, USE OR POSSESSION, UNLAWFUL, PENALTY; SECTION 9.48.140, VIOLATIONS, PENALTY; AND SECTION 9.48.150, SEVERABILITY AND SAVINGS CLAUSE; AMENDING SECTION 9.20.100 OF THE LINCOLN MUNICIPAL CODE TO DELETE THE MINIMUM FINES FOR FURNISHING FALSE IDENTIFICATION, MISREPRESENTING AGE, MINOR IN POSSESSION OF ALCOHOL, AND CONSUMING ALCOHOL IN PROHIBITED PLACES TO MAINTAIN CONFORMITY WITH STATE STATUTE - CLERK read an ordinance, introduced by Trent Fellers, amending Chapter 5.04 of the Lincoln Municipal Code, Alcoholic Liquor, by repealing Sections 5.04.080 (Furnishing False Identification), 5.04.090 (Minors, Misrepresenting Age), 5.04.100 (Minors, Possession of Alcohol), 5.04.160 (Places Where Drinking Prohibited), and 5.04.165 (Open Containers in Vehicles), and amending Chapter 9.16 of the Lincoln Municipal Code, Offenses Against Public Decency, by repealing Sections 9.16.025 (Marijuana Defined), 9.16.030 (Toxic Compounds Defined), 9.16.035 (Paraphernalia Defined), 9.16.105 (Paraphernalia, Use or Possession, Unlawful, Penalty), 9.16.110 (Toxic Compounds, Unlawful Use), 9.16.120 (Toxic Compounds, Unlawful

Possession), 9.16.130 (Toxic Compounds, Unlawful Sale), 9.16.140 (Toxic Compounds, Penalty for Violations), 9.16.145 (Possession of Marijuana, One Ounce or Less, Unlawful, Penalty) and incorporating said offenses and penalties into one chapter by adding new Chapter 9.48 entitled "Alcohol and Drug Offenses" consisting of Section 9.48.010, Definitions; Section 9.48.020, Furnishing False Identification; Section 9.48.030, Minors, Misrepresenting Age; Section 9.48.040, Minors, Possession or Consumption of Alcoholic Liquor Prohibited; Section 9.48.050, Consuming Alcoholic Liquor in Public Prohibited; Section 9.48.060, Consumption in Unlicensed Premises Prohibited; 9.48.070, Consumption Inside Vehicles Prohibited; Section 9.48.080, Open Alcoholic Beverage Container in Motor Vehicle Prohibited; Section 9.48.090, Possession of Marijuana, One Ounce or Less, Unlawful, Penalty; Section 9.48.100, Toxic Compounds, Unlawful Use; Section 9.48.110, Toxic Compounds, Unlawful Possession; Section 9.48.120 Toxic Compounds, Unlawful Sale; Section 9.48.130, Paraphernalia, Use or Possession, Unlawful, Penalty; Section 9.48.140, Violations, Penalty; and Section 9.48.150, Severability and Savings Clause; amending Section 9.20.100 of the Lincoln Municipal Code to delete the minimum fines for furnishing false identification, misrepresenting age, minor in possession of alcohol, and consuming alcohol in prohibited places to maintain conformity with state statute; and repealing Section 9.20.100 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND 3732 HOLDINGS, LLC ALLOWING THE PROPERTY OWNER AT 6800 NORMAL BOULEVARD TO LEASE 4,525 SQUARE FEET OF SPACE WITHIN A PORTION OF HOLMES LAKE PARK TO ACCOMMODATE AN EXPANSION OF THE PARKING FOR ITS OFFICE BUILDING - CLERK read an ordinance, introduced by Trent Fellers, accepting and approving a Lease Agreement between the City of Lincoln, Nebraska and 3732 Holdings, LLC for the lease of a 4,525 square feet area within a portion of Holmes Lake Park to accommodate an expansion of the parking for the office building located at 6800 Normal Boulevard, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

APPROVING THE AGREEMENT REGARDING ANNEXATION FEES BETWEEN RURAL WATER DISTRICT NO. 1, LANCASTER COUNTY, NEBRASKA (RWD) AND THE CITY OF LINCOLN FOR PAYMENT OF ANNEXATION FEES BY THE CITY FOR LAND THAT IS ANNEXED AND NO LONGER SERVED BY RWD.

APPROVING THE RELOCATION OF OMAHA EXPOSITION & RACING, INC. DBA LINCOLN RACE COURSE'S KENO SATELLITE SITE FROM 1800 STATE FAIR PARK TO 7055 SOUTH 1ST STREET.

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE RAILROAD TRANSPORTATION SAFETY DISTRICT, THE CITY, AND THE COUNTY TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE SOUTH LINCOLN QUIET ZONE (14TH AND YANKEE HILL) AND FOR THE CITY AND COUNTY TO ACCEPT OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS IN THEIR RESPECTIVE AREAS.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE RAILROAD TRANSPORTATION SAFETY DISTRICT AND THE CITY TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE SW 40TH STREET/BNSF OVERPASS AND TO ACKNOWLEDGE THE PAVING OF APPROXIMATELY 900 FEET OF SW 40TH STREET FROM WEST O STREET TO THE SOUTH.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE RAILROAD TRANSPORTATION SAFETY DISTRICT AND THE CITY TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE SOUTH SALT CREEK QUIET ZONE AND TO ACCEPT THE OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS IN THE AREA.

APPROVING A PRELIMINARY ENGINEERING AND NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND ALFRED BENESCH & COMPANY TO ESTABLISH THE RESPONSIBILITIES AND FEES FOR PRELIMINARY ENGINEERING AND NEPA PHASE SERVICES FOR SAFETY IMPROVEMENTS AT THE INTERSECTION OF N. 66TH STREET AND FREMONT STREET.

APPROVING AN AGREEMENT BETWEEN THE CITY AND SPEECE LEWIS ENGINEERS TO PROVIDE PRELIMINARY AND FINAL DESIGN SERVICES AS WELL AS ENVIRONMENTAL AND GEOTECHNICAL SERVICES FOR THE 10TH STREET BRIDGE OVER SALT CREEK.

APPROVING AN AMENDMENT TO AGREEMENT BETWEEN THE CITY OF LINCOLN AND PLUNKETT'S PEST CONTROL FOR THE ANNUAL REQUIREMENTS FOR PEST CONTROL SERVICES AT STARTRAN, PURSUANT TO QUOTE NO. 3640, FOR A FINAL TWO-YEAR RENEWAL TERM.

MISCELLANEOUS BUSINESS - NONE

REGULAR MEETING
September 23, 2013
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OPEN MICROPHONE - NONE

ADJOURNMENT 3:30 P.M.

CAMP Moved to adjourn the City Council meeting of September 23, 2013.
 Seconded by Christensen & carried by the following vote: AYES: Camp,
Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

Teresa J. Meier, City Clerk

Amy Hana Huffman, Office Specialist