

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MARCH 9, 2009 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Eschliman; Council Members: Camp, Cook, Emery, Marvin, Spatz, Svoboda; City Clerk, Joan E. Ross.

Council Chair Eschliman asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

MARVIN Having been appointed to read the minutes of the City Council proceedings of March 2, 2009 reported having done so, found same correct.

Seconded by Spatz & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Beutler came forward to present the Mayor's Award of Excellence for the month of February 2009 to Scott Holmes of the Environmental Health Division of the Lincoln/Lancaster Health Department in the Category of Productivity. He stated that as a dedicated 20-year employee who was nominated by his supervisor, Joyce Jensen, Mr. Holmes believes in making a difference by not only putting in extra hours writing & revising codes, meeting with citizens & elected officials, taking advantage of educational opportunities & volunteering in the community but also striving for excellence in himself as well fellow staff members. He recently went above & beyond his duties to work with a local utility company to prevent a potentially hazardous situation from occurring at a childcare center. Concerned that a contractor's placement of a newer above-ground transformer in the playground area would emit electromagnetic energy that could have health consequences for the children, and if fenced the obstacle would prevent adequate supervision, Mr. Holmes intervened and came up with a solution that worked.

Steve Beal, Assistant Health Director, came forward to congratulate Mr. Holmes.

Scott Holmes came forward to express appreciation and stated the award allows an opportunity to recognize the hard work of many staff members.

**PUBLIC HEARING**

APPLICATION OF JADE RIVERS RESTAURANT INC. DBA JADE RIVERS FOR A CLASS C LIQUOR LICENSE AT 3940 VILLAGE DRIVE;

MANAGER APPLICATION OF NGUYEN THI HOANG NGUYEN FOR JADE RIVERS RESTAURANT INC. DBA JADE RIVERS AT 3940 VILLAGE DRIVE - Sidney Sweet, Attorney for the applicant, came forward to take oath and answer questions. He stated for the record that Nguyen is a U.S. citizen who has lived here 10 years. He said her parents purchased this business one year ago. In response to questions, Mr. Sweet said Ms. Nguyen is scheduled for an upcoming RHC training class.

Nguyen Thi Hoang Nguyen, 3940 Village Dr., came forward to take oath and answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 08072 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTION 27.07.040, 27.09.040 AND 27.49.040 TO ADD EXCAVATION AND STONE MILLING AS A PERMITTED SPECIAL USE IN THE AG, AGR, AND I-2 ZONING DISTRICTS, RESPECTIVELY; BY AMENDING SECTION 27.63.160 TO ALLOW EXCAVATION AND STONE MILLING TO BE APPROVED BY SPECIAL PERMIT IN THE AG, AGR, R-3, B-2, H-2, H-3, H-4, AND I-2 ZONING DISTRICTS AND TO PROVIDE CONDITIONS GOVERNING SAID USE; AMENDING

SECTIONS 27.15.040, 27.31.050, 27.35.020, 27.41.040, 27.43.040, 27.45.030, 27.47.030, AND 27.51.030 TO PROVIDE CONSISTENCY IN THE TERMINOLOGY USED IN EACH SECTION RELATING TO EXCAVATION AND STONE MILLING; BY REPEALING SECTIONS 27.63.310 AND 27.63.360 IN THEIR ENTIRETY; AND REPEALING SECTIONS 27.07.040, 27.09.040, 27.15.040, 27.31.050, 27.35.020, 27.41.040, 27.43.040, 27.45.030, 27.47.030, 27.49.040, 27.51.030, AND 27.63.160 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Mike DeKalb, City/County Planning Department, came forward stating that the text amendments deal with issues that were brought about when soil mining & excavation concerns surfaced a couple years ago. He said the amendment creates the following major changes: consolidates three pieces of language into one; clarifies posting/contents of signs at the location; requires 20-acre open activity at one time; establishes an agricultural standard for reclamation of the land; sets a bond of \$525 per acre; addresses ground water issues; and finally, ensures enforcement along with annual reviews on site.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 1 - 15, 2009 - Tina Tafoya, 3706 N. 44<sup>th</sup> St., Apt. 10, came forward to speak on behalf of her denied claim which involved the collision of her vehicle with a City sweeper on August 26, 2008. She said she received injuries to her neck/shoulders/back upon impact but after failing to return to her medical appointments, her attorney ceased representation of her \$500,000 claim. While Ms. Tafoya said that figure was too high, she did not present documentation of a new dollar amount.

Angela R. Thompson, 3708 N. 44<sup>th</sup> St., Apt. 14, came forward as Ms. Tafoya's witness stating she was owner of the damaged vehicle but received settlement through her private insurance company. She felt the driver of the street sweeper should have been ticketed and held accountable for the accident.

John V. Hendry, City Attorney, came forward to clarify the reason for denial of the claim. He said the claimant claimed the City street sweeper hit the vehicle while the sweeper was changing lanes. The City employee claimed he never changed lanes which LPD confirmed by evidence of the sweeper's water trail at the scene.

Ms. Tafoya came forward in rebuttal expressing disagreement with the evidence reported.

Ms. Thompson came forward in rebuttal to question the evidence of damage on the street sweeper, the disappearance of the water trail due to the summer temperature and asked why officers did not take photos of the evidence.

This matter was taken under advisement.

**\*\* END OF PUBLIC HEARING \*\***

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON FEBRUARY 23, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF FEBRUARY, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS  
JANUARY 31, 2009 - CLERK presented said report which was placed on file  
in the Office of the City Clerk. (5-21)

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-  
TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JANUARY 31, 2009 -  
CLERK read the following resolution, introduced by John Spatz, who moved  
its adoption:

A-85246 BE IT RESOLVED by the City Council of the City of Lincoln,  
Nebraska:

That during the month ended January 31, 2009, \$577,694.70 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 John Spatz

Seconded by Emery & carried by the following vote: AYES: Camp,  
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

#### PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 05068A - App. of R.C. Krueger Development for an  
amendment to The Woodlands at Yankee Hill Planned Unit Development with  
a change of zone from AG Agriculture to R-3 PUD to add 25.69 acres to  
the PUD and for approval of a development plan which proposes  
modifications to the Zoning Ordinance and Land Subdivision Ordinance to  
allow approximately 31 dwelling units and a private school in the  
underlying R-3 zoning on property generally located at S. 70th Street  
and Yankee Hill Road.

Change of Zone No. 09005HP - App. of Miller Landscapes and Construction,  
Inc. for a landmark designation on property located at 10901 Adams  
Street.

Special Permit No. 09002 - App. of Miller Landscapes and Construction,  
Inc., Historic Preservation for reuse of an existing historic site as a  
landscaping contractors business on property located at 10901 Adams  
Street.

#### MISCELLANEOUS REFERRALS - NONE

#### LIQUOR RESOLUTIONS

APPLICATION OF JADE RIVERS RESTAURANT INC. DBA JADE RIVERS FOR A CLASS C  
LIQUOR LICENSE AT 3940 VILLAGE DRIVE - CLERK read the following  
resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85247 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 Jade Rivers Restaurant Inc. dba Jade Rivers for a Class  
"C" liquor license at 3940 Village Drive, Lincoln, Nebraska, for the  
license period ending October 31, 2009, 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 premise 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 & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

MANAGER APPLICATION OF NGUYEN THI HOANG NGUYEN FOR JADE RIVERS RESTAURANT INC. DBA JADE RIVERS AT 3940 VILLAGE DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85248 WHEREAS, Jade Rivers Restaurant Inc. dba Jade Rivers located at 3940 Village Drive, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Nguyen Thi Hoang Nguyen be named manager;

WHEREAS, Nguyen Thi Hoang Nguyen 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 Nguyen Thi Hoang Nguyen 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 & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

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

CHANGE OF ZONE 08072 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTION 27.07.040, 27.09.040 AND 27.49.040 TO ADD EXCAVATION AND STONE MILLING AS A PERMITTED SPECIAL USE IN THE AG, AGR, AND I-2 ZONING DISTRICTS, RESPECTIVELY; BY AMENDING SECTION 27.63.160 TO ALLOW EXCAVATION AND STONE MILLING TO BE APPROVED BY SPECIAL PERMIT IN THE AG, AGR, R-3, B-2, H-2, H-3, H-4, AND I-2 ZONING DISTRICTS AND TO PROVIDE CONDITIONS GOVERNING SAID USE; AMENDING SECTIONS 27.15.040, 27.31.050, 27.35.020, 27.41.040, 27.43.040, 27.45.030, 27.47.030, AND 27.51.030 TO PROVIDE CONSISTENCY IN THE TERMINOLOGY USED IN EACH SECTION RELATING TO EXCAVATION AND STONE MILLING; BY REPEALING SECTIONS 27.63.310 AND 27.63.360 IN THEIR ENTIRETY; AND REPEALING SECTIONS 27.07.040, 27.09.040, 27.15.040, 27.31.050, 27.35.020, 27.41.040, 27.43.040, 27.45.030, 27.47.030, 27.49.040, 27.51.030, AND 27.63.160 OF THE LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Dan Marvin, an Ordinance amending Title 27 of the Lincoln Municipal Code relating to zoning by amending Section 27.07.040, 27.09.040 and 27.49.040 to add excavation and stone milling as a permitted special use in the AG, AGR, and I-2 zoning districts, respectively; by amending Section 27.63.160 to allow excavation and stone milling to be approved by special permit in the AG, AGR, R-3, B-2, H-2, H-3, H-4, and I-2 zoning districts and to provide conditions governing said use; amending Sections 27.15.040, 27.31.050, 27.35.020, 27.41.040, 27.43.040, 27.45.030, 27.47.030, and 27.51.030 to provide consistency in the terminology used in each section relating to excavation and stone milling; by repealing Sections 27.63.310 and 27.63.360 in their entirety; and repealing Sections 27.07.040, 27.09.040, 27.15.040, 27.31.050, 27.35.020, 27.41.040, 27.43.040, 27.45.030, 27.47.030, 27.49.040, 27.51.030, and 27.63.160 of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 1 - 15, 2009. (3/2/09 - CLAIMS OF TINA TAFOYA AND MICHAEL REEDER - CON'T P.H. TO 3/9/09) - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85249 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated February 17, 2009, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

	<u>DENIED</u>	<u>ALLOWED/SETTLED</u>	
Tina Tafoya	\$500,000.00	Michael W. Reeder	\$246.72

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 John Spatz

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ORDINANCE - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (AS REQUIRED)

AMENDING CHAPTER 8.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LINCOLN FOOD CODE BY AMENDING SECTION 8.20.030 TO REVISE AND ADD DEFINITIONS; AMENDING SECTION 8.20.040 TO CREATE A UNIFORM REFERENCE TO THE LINCOLN FOOD CODE; AMENDING SECTION 8.20.060 TO CREATE A UNIFORM REFERENCE TO THE LINCOLN FOOD CODE; REPEALING SECTION 8.20.070 RELATING TO PROHIBITED ACTS; AMENDING SECTION 8.20.100 TO CREATE A UNIFORM REFERENCE TO THE LINCOLN FOOD CODE; AMENDING SECTION 8.20.110 TO CLARIFY THE TERM FOR A TEMPORARY FOOD ESTABLISHMENT PERMIT; AMENDING SECTION 8.20.120 TO PROVIDE EXEMPTIONS TO PERMIT REQUIREMENTS FOR SPECIFIC FOOD ESTABLISHMENTS; AMENDING SECTION 8.20.130 TO CREATE CLASSIFICATIONS OF TEMPORARY FOOD ESTABLISHMENTS; AMENDING SECTION 8.20.140 TO REPLACE A REFERENCE TO A SPECIFIC SECTION WITH A REFERENCE TO THE LINCOLN FOOD CODE; AMENDING SECTION 8.20.150 RELATING TO PERMIT FEES AND TEMPORARY FOOD ESTABLISHMENTS; AMENDING SECTION 8.20.170 TO REPLACE A REFERENCE TO A SPECIFIC SECTION WITH A REFERENCE TO THE LINCOLN FOOD CODE; REPEALING SECTION 8.20.180 RELATING TO EXEMPTIONS FOR FOOD SALES BY NONPROFIT ORGANIZATIONS; AMENDING SECTION 8.20.190 TO PROVIDE STAFFING AND RECORDS REQUIREMENTS FOR FOOD ESTABLISHMENTS; ADDING A NEW SECTION NUMBERED 8.20.195 TO SET FORTH TYPES OF FOOD HANDLER AND FOOD MANAGER PERMITS; ADDING A NEW SECTION NUMBERED 8.20.197 TO ESTABLISH REQUIREMENTS FOR SUBMITTING APPLICATIONS FOR FOOD HANDLER AND FOOD MANAGER PERMITS; REPEALING SECTION 8.20.200 RELATING TO THE DUTIES OF FOOD MANGERS AND FOOD HANDLERS; AMENDING SECTION 8.20.210 TO CREATE A UNIFORM REFERENCE TO THE LINCOLN FOOD CODE; AMENDING SECTION 8.20.220 TO CREATE THE TERM OF FOOD HANDLER AND FOOD MANAGER PERMITS; AMENDING SECTION 8.20.230 TO REVISE FOOD HANDLER AND FOOD MANAGER PERMIT FEES TO REFLECT THE CHANGE IN CLASSIFICATIONS; AMENDING SECTION 8.20.245 TO REQUIRE THAT THE HEALTH DIRECTOR BE NOTIFIED IF AN EMPLOYEE IS DIAGNOSED WITH OR SUSPECTED OF HAVING NOROVIRUS, ENTEROHEMORRHAGIC OR SHIGA TOXIN-PRODUCING ESCHERICHIA COLI; AMENDING SECTION 8.20.260 TO CLARIFY AND ORGANIZE THE SECTION AND PROVIDE UNIFORM REFERENCES TO PARTICULAR TERMS; AMENDING SECTIONS 8.20.262 AND 8.20.264 TO CLARIFY AND ORGANIZE THE SECTIONS FOR MORE CONVENIENT REFERENCING; AMENDING SECTION 8.20.270 TO ADD PROHIBITED ACTS; AMENDING SECTION 8.20.280 TO REPLACE A REFERENCE TO A SPECIFIC SECTION AND PROVIDE A UNIFORM REFERENCE TO THE LINCOLN FOOD CODE; AMENDING SECTION 8.20.290 TO DELETE A REFERENCE TO A SPECIFIC SECTION

AND REPLACE IT WITH DATE OF SUSPENSION; AMENDING SECTION 8.20.300 TO PROVIDE A UNIFORM REFERENCE TO PERSON IN CHARGE AND LINCOLN FOOD CODE; AMENDING SECTION 8.20.310 TO DELETE A REFERENCE TO LICENSE AND PROVIDE A UNIFORM REFERENCE TO THE LINCOLN FOOD CODE; AMENDING SECTION 8.20.320 TO PROVIDE FOR A UNIFORM REFERENCE TO PERMIT HOLDER AND PERSON IN CHARGE; AMENDING SECTION 8.20.340 TO PROVIDE A UNIFORM REFERENCE TO THE LINCOLN FOOD CODE AND TO CLARIFY THAT CIVIL AND CRIMINAL ACTIONS MAY BE TAKEN; AND REPEALING SECTIONS 8.20.030, 8.20.040, 8.20.060, 8.20.100, 8.20.110, 8.20.120, 8.20.130, 8.20.140, 8.20.150, 8.20.170, 8.20.190, 8.20.210, 8.20.220, 8.20.230, 8.20.245, 8.20.260, 8.20.262, 8.20.264, 8.20.270, 8.20.280, 8.20.290, 8.20.300, 8.20.310, 8.20.320, AND 8.20.340 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING (REQUEST 2ND AND 3RD READING ON 3-16-09) - PRIOR to reading:

SVOBODA Moved a request for 2<sup>nd</sup> & 3<sup>rd</sup> Readings on Bill No. 09-34 on March 16, 2009.

Seconded by Spatz & **LOST** by the following vote: AYES: Eschliman, Spatz, Svoboda; NAYS: Camp, Cook, Emery, Marvin.

CLERK Read an ordinance, introduced by John Spatz, amending Chapter 8.20 of the Lincoln Municipal Code relating to the Lincoln Food Code by amending Section 8.20.030 to revise and add definitions; amending Section 8.20.040 to create a uniform reference to the Lincoln Food Code; amending Section 8.20.060 to create a uniform reference to the Lincoln Food Code; repealing Section 8.20.070 relating to prohibited acts; amending Section 8.20.100 to create a uniform reference to the Lincoln Food Code; amending Section 8.20.110 to clarify the term for a temporary food establishment permit; amending Section 8.20.120 to provide exemptions to permit requirements for specific food establishments; amending Section 8.20.130 to create classifications of temporary food establishments; amending Section 8.20.140 to replace a reference to a specific section with a reference to the Lincoln Food Code; amending Section 8.20.150 relating to permit fees and temporary food establishments; amending Section 8.20.170 to replace a reference to a specific section with a reference to the Lincoln Food Code; repealing Section 8.20.180 relating to exemptions for food sales by nonprofit organizations; amending Section 8.20.190 to provide staffing and records requirements for food establishments; adding a new section numbered 8.20.195 to set forth types of food handler and food manager permits; adding a new section numbered 8.20.197 to establish requirements for submitting applications for food handler and food manager permits; repealing Section 8.20.200 relating to the duties of food managers and food handlers; amending Section 8.20.210 to create a uniform reference to the Lincoln Food Code; amending Section 8.20.220 to create the term of food handler and food manager permits; amending Section 8.20.230 to revise food handler and food manager permit fees to reflect the change in classifications; amending Section 8.20.245 to require that the Health Director be notified if an employee is diagnosed with or suspected of having Norovirus, Enterohemorrhagic or Shiga Toxin-producing Escherichia coli; amending Section 8.20.260 to clarify and organize the section and provide uniform references to particular terms; amending Sections 8.20.262 and 8.20.264 to clarify and organize the sections for more convenient referencing; amending Section 8.20.270 to add prohibited acts; amending Section 8.20.280 to replace a reference to a specific section and provide a uniform reference to the Lincoln Food Code; amending Section 8.20.290 to delete a reference to a specific section and replace it with date of suspension; amending Section 8.20.300 to provide a uniform reference to Person In Charge and Lincoln Food Code; amending Section 8.20.310 to delete a reference to license and provide a uniform reference to the Lincoln Food Code; amending Section 8.20.320 to provide for a uniform reference to permit holder and Person In

Charge; amending Section 8.20.340 to provide a uniform reference to the Lincoln Food Code and to clarify that civil and criminal actions may be taken; and repealing Sections 8.20.030, 8.20.040, 8.20.060, 8.20.100, 8.20.110, 8.20.120, 8.20.130, 8.20.140, 8.20.150, 8.20.170, 8.20.190, 8.20.210, 8.20.220, 8.20.230, 8.20.245, 8.20.260, 8.20.262, 8.20.264, 8.20.270, 8.20.280, 8.20.290, 8.20.300, 8.20.310, 8.20.320, and 8.20.340 of the Lincoln Municipal Code as hitherto existing, the first time.

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

AMENDING CHAPTER 23.10 OF THE LINCOLN MUNICIPAL CODE, THE LINCOLN ELECTRICAL CODE, BY AMENDING SECTION 23.10.010 TO ADOPT THE 2008 EDITION OF THE NATIONAL ELECTRICAL CODE; AMENDING SECTION 23.10.140 RELATING TO ELECTRICAL PERMITS TO ALLOW FOR ROUTINE MAINTENANCE WITHOUT A PERMIT; AMENDING SECTION 23.10.160 RELATING TO INSTALLATION BY HOMEOWNER FOR BRANCH CIRCUIT AND FEEDER WIRING; AMENDING SECTION 23.10.190 RELATING TO REQUESTS FOR INSPECTIONS BY HOMEOWNERS; AMENDING SECTION 23.10.290 RELATING TO WIRING METHODS REQUIRING SEPARATE CONDUCTORS FOR GROUNDING, PVC COATING FOR METALLIC RACEWAYS, AND INSTALLATION OF ALTERNATE ENERGY SOURCES; AMENDING SECTION 23.10.300 RELATING TO SERVICE DISCONNECTIONS AND METERING REQUIREMENTS; AND REPEALING IN THEIR ENTIRETY, SECTIONS 23.10.310, 23.10.312, 23.10.320, 23.10.323, 23.10.324, 23.10.327, 23.10.329, 23.10.330, 23.10.331, 23.10.332, 23.10.333, 23.10.335, 23.10.337, 23.10.340, 23.10.345, 23.10.347, 23.10.350, 23.10.351, 23.10.353, 23.10.355, 23.10.380, 23.10.385, 23.10.390, 23.10.393, 23.10.395, 23.10.400, 23.10.402, 23.10.410, 23.10.417, 23.10.420, 23.10.425, 23.10.430, 23.10.440, 23.10.457, 23.10.458, 23.10.459, 23.10.460, 23.10.470, 23.10.475, 23.10.480, 23.10.490, 23.10.495, 23.10.500 TO DELETE SPECIFIC SECTIONS OF THE 2002 NATIONAL ELECTRICAL CODE PREVIOUSLY AMENDED OR DELETED IN THE LINCOLN ELECTRICAL CODE; AMENDING SECTION 23.10.510 RELATING TO CODE COORDINATION WITH THE INTERNATIONAL CODES; AND REPEALING SECTION 23.10.010, 23.10.140, 23.10.160, 23.10.190, 23.10.290, 23.10.300, AND 23.10.510 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - PRIOR to reading:

MARVIN Moved Substitute MTA #1 to amend Bill No. 09-26 as follows:

1. On page 1, line 16, after the semicolon, insert the following: "amending Section 23.10.520 to establish and increase certain Lincoln Electrical Code permit fees;".

2. On page 1, line 17, after 23.10.300, delete the word "and".

3. On page 1, line 17, after 23.10.510, insert "and 23.10.520".

4. On page 29, between lines 2 and 3, add the following section to the ordinance:

Section 51. That Section 23.10.520 of the Lincoln Municipal Code be amended to read as follows:

**23.10.520 Permit Fees.**

Before a permit to install, alter, or add to electrical equipment shall be issued, a fee for such permit shall be paid to the Building Official as set forth below. Said permit shall become valid for a period of sixty days from the date of issuance, and remain valid as long as work on the project is not abandoned for a period in excess of sixty days.

Where work for which a permit is required by this code is started prior to obtaining a permit, the fees hereinafter specified shall be doubled; however, the payment of such double fees shall not relieve any person, firm, or corporation from fully complying with the requirements of this code.

There shall be no refunds or credits given on any permit which has expired. Permit holders returning an unused or partially completed permit prior to the expiration date of the permit shall be limited to a maximum refund amounting to two-thirds of the original fee for the items not yet inspected, for total refund amounts of \$60.00 and less. For permit fee refund totals in excess of \$60.00, a \$20.00 processing fee will be levied against the refund amount, but the two-thirds maximum shall not apply.

COMBINED FEE AND PRICE SCHEDULE

PERMIT FEES:

Minimum Permit Fee Charge . . . . . \$20.00 \$25.00  
There is no minimum permit fee for supplemental  
permits for shortages occurring on the original  
permit, and for which the work has been inspected.  
Minimum permit fees shall apply to all work that has  
not been inspected.

Service Equipment:

30 ampere thru ~~400~~ 200 ampere . . . . . ~~33.00~~ 35.00  
~~401~~ 201 ampere thru ~~1600~~ 400 ampere . . . . . 50.00  
~~1601~~ 401 ampere thru ~~3000~~ 1200 ampere . . . . . ~~60.00~~ 75.00  
~~3001~~ 1201 ampere and over thru 1600 ampere . . . . . 75.00  
1601 ampere thru 3000 ampere . . . . . 125.00  
3001 ampere and over . . . . . 150.00  
Service Repair . . . . . ~~20.00~~ 25.00  
Change overhead to underground, with no change of panel ~~18.00~~ 25.00  
Each additional meter . . . . . ~~4.00~~ 6.00  
Each branch panel, sub-panel, or transfer switch . . . 12.00 15.00

High Voltage (>600v) Equipment:

per termination . . . . . 5.00 10.00

Outlets for lighting, receptacles, switches, and

junction boxes (each opening) . . . . . .50

Lighting fixtures, each . . . . . .50

Baseboard heaters, each unit . . . . . ~~4.00~~ 5.00

Ceiling Fans . . . . . ~~4.00~~ 5.00

Motors:

Up to and including 3 H.P. . . . . 7.00 8.00

Over 3 H.P. . . . . 10.00 15.00

Generators:

Up to and including ~~2.2~~ 10 KW . . . . . 7.00 10.00

Over ~~2.2~~ 10 KW through 15 KW . . . . . 10.00 35.00

Over 15 KW . . . . . 50.00

Transformers:

To 75 15 KVA . . . . . 10.00

~~76 - 112 1/2~~ Over 15 KVA - 75 KVA . . . . . ~~15.00~~ 25.00

Over 75 - 112 1/2 KVA . . . . . ~~25.00~~ 50.00

Over 112 1/2 KVA . . . . . \$75.00

Exhaust fans and hoods:

Residential - Kitchen and Bathroom . . . . . 3.00

Commercial - Kitchen . . . . . ~~18.00~~ 25.00

Pole lights, arc lights, vapor lights, yard lights . . . . . 5.00

Appliances or receptacles for same: such as disposal,  
dishwasher, dryer, range, furnace, air conditioner,  
heat pumps, roof top units (RTUs), unit heater,  
duct heater, water heater or receptacles for approved  
cord connected appliances of a like nature . . . . . 5.00 6.00

Signs:

Including time clock, disconnect, ballasts, etc. . . . . 25.00

Pool Grounding . . . . . ~~54.00~~ 75.00

Hot Tub or Spa . . . . . ~~30.00~~ 50.00

Other NEC Article 680 items, such as fountains . . . . . ~~20.00~~ 25.00

Hydro Massage Bathtub . . . . . ~~15.00~~ 20.00

Temporary Wiring, such as construction and exhibition

100 amperes and less . . . . . 18.00 25.00

More than 100 amperes . . . . . Same fee schedule as services

Reinspection fee (wrong address, work not

complete, inaccessibility of equipment,

and equipment that does not pass inspection) . . . . . ~~55.00~~ 75.00

For inspection of apparatus for which

no other fee is herein provided . . . . . 5.00 7.00

Fire Alarm Control Panel . . . . . 30.00

Fire Alarm Devices and Signals

1 - 15 . . . . . 25.00



16 - 50, an additional . . . . .	20.00
51 - 100, an additional . . . . .	15.00
For each additional 100, or fraction thereof, an additional . . . . .	10.00
<b>EXAMINATION FEE:</b> All classes - per examination . . . . .	50.00

**REGISTRATION FEES:**

City Master Electrician Registration Fee, annually . . . . .	\$ 60.00
City Journeyman Electrician Registration Fee, annually . . . . .	20.00
City Apprentice Electrician Registration, annually . . . . .	12.00
Maintenance Electrician Registration Fee, annually . . . . .	100.00
State Master/Contractor Registration Fee, annually . . . . .	60.00
or biennially . . . . .	120.00
State Fire Alarm Installer Registration Fee, annually . . . . .	60.00
or biennially . . . . .	120.00
State Journeyman License Registration Fee, annually . . . . .	20.00
or biennially . . . . .	40.00

**COST OF APPEAL PROCEDURES - See Section 23.10.120**

5. On page 29, line 3, renumber Section 51 as Section 52.
6. On page 29, line 4, after 23.10.300, delete the word "and";
7. On page 29, line 4, after 23.10.510 insert "and 23.10.520".
8. On page 29, delete lines 6 and 7 and insert in lieu thereof

the following:

Section 53. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall be posted on the official bulletin board of the City, located on the wall adjoining the City Clerk's office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of passage and such posting to be given by publication one time in the official newspaper by the City Clerk. This ordinance shall take effect and be in force from and after its passage and publication as herein and in the City Charter provided.

Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

Clerk

Read an ordinance, introduced by Doug Emery, amending Chapter 23.10 of the Lincoln Municipal Code, the Lincoln Electrical Code, by amending Section 23.10.010 to adopt the 2008 Edition of the National Electrical Code; amending Section 23.10.140 relating to electrical permits to allow for routine maintenance without a permit; amending Section 23.10.160 relating to installation by homeowner for branch circuit and feeder wiring; amending Section 23.10.190 relating to requests for inspections by homeowners; amending Section 23.10.290 relating to wiring methods requiring separate conductors for grounding, PVC coating for metallic raceways, and installation of alternate energy sources; amending Section 23.10.300 relating to service disconnections and metering requirements; and repealing in their entirety, Sections 23.10.310, 23.10.312, 23.10.320, 23.10.323, 23.10.324, 23.10.327, 23.10.329, 23.10.330, 23.10.331, 23.10.332, 23.10.333, 23.10.335, 23.10.337, 23.10.340, 23.10.345, 23.10.347, 23.10.350, 23.10.351, 23.10.353, 23.10.355, 23.10.380, 23.10.385, 23.10.390, 23.10.393, 23.10.395, 23.10.400, 23.10.402, 23.10.410, 23.10.417, 23.10.420, 23.10.425, 23.10.430, 23.10.440, 23.10.457, 23.10.458, 23.10.459, 23.10.460, 23.10.470, 23.10.475, 23.10.480, 23.10.490, 23.10.495, 23.10.500 to delete specific sections of the 2002 National Electrical Code previously amended or deleted in the Lincoln Electrical Code; amending Section 23.10.510 relating to code coordination with the international Codes; and repealing Section 23.10.010, 23.10.140, 23.10.160, 23.10.190, 23.10.290, 23.10.300, and 23.10.510 of the Lincoln Municipal Code as hitherto existing, the third time.

EMERY

Moved to pass the ordinance as amended.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

The ordinance, being numbered #19217, is recorded in Ordinance Book #26, Page

VACATION 08011 - VACATING SOUTHBOUND TALLGRASS PARKWAY FROM THE NORTH RIGHT-OF-WAY LINE OF ASTER ROAD NORTH TO THE END OF THE RIGHT-OF-WAY AND PENROSE DRIVE FROM THE WEST RIGHT-OF-WAY LINE OF NORTHBOUND TALLGRASS PARKWAY WEST TO THE END OF THE RIGHT-OF-WAY, RETAINING TITLE THERETO,

AND AUTHORIZING THE EXCHANGE THEREOF TO NEBCO FOR NEW RIGHT-OF-WAY BEING DEDICATED FOR THE NEW ALIGNMENT OF TALLGRASS PARKWAY AND PENROSE DRIVE - CLERK read an ordinance, introduced by Doug Emery, vacating southbound Tallgrass Parkway from the north right-of-way line of Aster Road north to the end of the right-of-way for southbound Tallgrass Parkway and vacating Penrose Drive from the west right-of-way line of northbound Tallgrass Parkway west to the end of the right-of-way for Penrose Drive, and retaining title thereto, all in Fallbrook 18th Addition, Lincoln, Lancaster County, Nebraska, the third time.

EMERY Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered #19218, is recorded in Ordinance Book #26, Page

VACATION 05007 - VACATING A PORTION OF STOCKWELL STREET WEST OF SOUTH 52<sup>ND</sup> STREET WITHIN THE UNION COLLEGE CAMPUS, RETAINING TITLE THERETO, AND AUTHORIZING THE SALE THEREOF TO UNION COLLEGE - PRIOR to reading:

MARVIN Stated for the record that City Clerk Joan Ross sent him a paper trail on the history of this vacation and it appeared that the City was responsible in terms of tracking this. He clarified that even though numerous correspondence was sent to Union College informing them of the approved vacation going back to 2005 or 2006, there was not a check forthcoming until now.

CLERK Read an ordinance, introduced by Doug Emery, vacating Stockwell Street west of South 52nd Street within the Union College Campus, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

EMERY Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered #19219, is recorded in Ordinance Book #26, Page

STREET NAME CHANGE 09001 - RENAMING WEST STANTON STREET WEST OF N.W. 48<sup>TH</sup> STREET AS MIKE SCHOLL STREET - CLERK read an ordinance, introduced by Doug Emery, changing the name of "West Stanton Street" located west of N.W. 48th Street to "Mike Scholl Street", as recommended by the Street Name Committee, the third time.

EMERY Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered #19220, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 08073 - APPLICATION OF SOUTH RIDGE VILLAGE, LLC, FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 29TH STREET AND PORTER RIDGE ROAD. (RELATED ITEMS: 09-30, 09R-28, 09R-29) - 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 third time.

EMERY Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Eschliman, Spatz, Svoboda; NAYS: Cook, Emery, Marvin.  
The ordinance, being numbered #19221, is recorded in Ordinance Book #26, Page

SPECIAL PERMIT 08052 - APPLICATION OF SOUTH RIDGE VILLAGE, LLC, TO DEVELOP AN EARLY CHILDHOOD CARE FACILITY FOR 130 CHILDREN WITH A REQUEST TO WAIVE THE REQUIREMENT TO BE LOCATED ON AN ARTERIAL STREET, GENERALLY LOCATED AT SOUTH 29TH STREET AND PORTER RIDGE ROAD. (RELATED ITEMS: 09-30, 09R-28, 09R-29) (ACTION DATE: 3/9/09) - CLERK read the original resolution introduced by Doug Emery; Seconded by Svoboda.

MARVIN Moved MTA #1 to amend Bill No. 09R-28 by accepting Bill No. 09R-28S which is attached hereto as the Substitute resolution.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ESCHLIMAN Passed the gavel to Vice Chair Emery and moved MTA #2 to amend Bill No. 09R-28S (Substitute) in the following manner:

1. On page 3, following line 15, add a new sub paragraph 5.a. as follows:

5.a. Daycare operator shall prepare a set of traffic guidelines similar to those distributed to parents of students at Cavett Elementary School. The guidelines shall address items such as circulation, one-way entry and exiting, and parking. The Plan shall be given to each parent at enrollment and updated as needed.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CAMP Moved MTA #3 to amend Bill No. 09R-28S (Substitute) in the following manner:

1. On page 3, line 7, add the following language: Additional required landscaping will include, but not be limited to four additional conifers along the east lot line for a total of 12.

2. On page 3, line 8, delete "10" and insert in lieu thereof 15, and add the following language: The total area of the playground shall be approximately 4,000 square feet.

3. On page 3, following line 8, add a new subparagraph v. as follows:

v. Add a note to the General Notes on the site plan that "Hours of operation shall be 7:00 a.m. to 6:00 p.m. Monday through Friday and no children shall be permitted outside in the playground area before 9:00 a.m. or after 5:00 p.m."

COOK Moved a friendly amendment to correct the spelling of "not" to note and add Monday through Friday following the time of 6:00 p.m.

CAMP Accepted.

Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CLERK Read the following substitute resolution, introduced by Dan Marvin who moved its adoption as amended:

A-85250

WHEREAS, South Ridge Village LLC has submitted an application designated as Special Permit No. 08052 for authority to operate a 10,500 square foot early childhood care facility with a 5,919 square foot playground for up to 100 children, together with a requested waiver of the requirement that an early childhood care facility with 31 or more children be located on an arterial street, on property located at S. 29th Street and Porter Ridge Road, and legally described to wit:

A portion of Outlot "A", South Ridge Village 6th Addition and Lot 14, South Ridge Village Addition, Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the northwest corner of Lot 2, Block 1, Porter Ridge 3rd Addition; thence on the west line of said Lot 2, south 00 degrees 06 minutes 19 seconds west, a distance of 47.52 feet to the point of beginning; thence continuing on said bearing south 00 degrees 06 minutes 19 seconds west, a distance of 254.48 feet to the southeast corner of Lot 14, South Ridge Village Addition; thence on the south line of said Lot 14, South Ridge Village Addition, south 69 degrees 18 minutes 11 seconds west, a distance of 115.80 feet; thence on a circular curve to the left, having a radius of 561.00 feet, a central angle of 29 degrees 19 minutes 57 seconds and whose chord (284.08 feet) bears north 35 degrees 34 minutes 25 seconds west; thence on the arc of said circular curve 287.20 feet to the point of tangency; thence north 50 degrees 14 minutes 26 seconds west, a distance of 15.40 feet; thence north 79 degrees 12 minutes 30 seconds east, a distance of 291.05 feet to the point of beginning and containing a calculated area of 49,010.62 square feet or 1.13 acres;

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this early childhood care facility will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and purpose of Title 27 of the

Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of South Ridge Village, LLC, hereinafter referred to as "Permittee", to operate an early childhood care facility for 100 children be and the same is hereby granted under the provisions of Section 27.63.070 of the Lincoln Municipal Code upon condition that construction of said early childhood care facility be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits an early childhood care facility for up to 100 children along with a waiver of the requirement that access be taken from an arterial street.
2. The City Council must approve the related change of zone #08073 and Use Permit #100B.
3. Before approval of a final plat the Permittee shall cause to be prepared and submitted to the Planning Department:
  - a. A revised and reproducible final plot plan including five copies with all required revisions as listed below:
    - i. Delete General Note #s 3, 5, and 7 and Waiver No. 2.
    - ii. Add to General Note No. 2 on the site plan "Any changes to number of employees and children will not increase parking requirements over 39 stalls."
    - iii. Add a note to General Notes on the site plan that "Additional required landscaping and screening beyond the 8 coniferous trees shown along the east lot line need not be shown on this plan but will be provided for at the time of building permit." Additional required landscaping will include, but not be limited to four additional conifers along the east lot line for a total of 12.
    - iv. Show a 6 foot tall fence, ~~at~~ 15 feet west of the east property line. The total area of the playground shall be approximately 4,000 square feet.
    - v. Add a note to the General Notes on the site plan that "Hours of operation shall be 7:00 a.m. to 6:00 p.m. Monday through Friday and no children shall be permitted outside in the playground area before 9:00 a.m. or after 5:00 p.m."
  - b. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
4. Before receiving building permits the construction plans must substantially comply with the approved plans.
5. Before occupying this early childhood care facility, all development and construction must substantially comply with the approved plans.
  - a. Daycare operator shall prepare a set of traffic guidelines similar to those distributed to parents of students at Cavett Elementary School. The guidelines shall address items such as circulation, one-way entry and exiting, and parking. The Plan shall be given to each parent at enrollment and updated as needed.
6. All privately-owned improvements, including landscaping and recreational facilities, must be permanently maintained by the Permittee or an appropriately established owners association approved by the City.
7. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
8. The terms, conditions, and requirements of this resolution shall run with the land and be binding on the Permittee, its successors, and assigns.
9. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
10. The site plan as approved with this resolution voids and

supersedes all previously approved site plans, however, the terms and conditions of all resolutions approving previous permits shall remain in full force and effect except as specifically amended by this resolution.

Introduced by Dan Marvin

Seconded by Svoboda & carried by the following vote: AYES: Camp, Eschliman, Spatz, Svoboda; NAYS: Cook, Emery, Marvin.

USE PERMIT 100B - APPLICATION OF SOUTH RIDGE VILLAGE, LLC, TO EXPAND THE SOUTH RIDGE VILLAGE USE PERMIT ON PROPERTY GENERALLY LOCATED AT SOUTH 29TH STREET AND PORTER RIDGE ROAD. (RELATED ITEMS: 09-30, 09R-28, 09R-29) (ACTION DATE: 3/9/09) - CLERK read the original resolution introduced by Doug Emery; Seconded by Spatz:

SVOBODA Moved MTA #1 to amend Bill No. 09R-29 by accepting Bill No. 09R-29S which is attached hereto as the Substitute resolution.

Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CLERK Read the following substitute resolution, introduced by Ken Svoboda, who moved its adoption:

A-85251 WHEREAS, South Ridge Village, LLC, has submitted an application in accordance with Sections 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 100B to amend the existing use permit to expand the South Ridge Village Use Permit by approximately .98 acres for an early childhood care facility in the O-3 zoning district, on property generally located at South 29th Street and Porter Ridge Road and legally described as:

Lots 10 through 14, South Ridge Village Addition; Lots 1 through 6, South Ridge Village 2nd Addition; Lots 1 through 6, South Ridge Village 3rd Addition; Lots 1 through 7, South Ridge Village 5th Addition; Lots 2 through 4, South Ridge Village 10th Addition; a portion of Outlot "A", South Ridge Village 6th Addition, a portion of Outlot "A", South Ridge Village 11th Addition; a portion of South 29th Street and Porter Ridge Road, all located in the Northwest Quarter of Section 19, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the southwest corner of Lot 1, Block 1, Porter Ridge West 4th Addition; thence easterly north 89 degrees 57 minutes 36 seconds east along the south line of Lot 1, Block 1, Porter Ridge West 4th Addition, a distance of 434.14 feet to the southeast corner of said Lot 1, Block 1, Porter Ridge West 4th Addition; thence northerly north 00 degrees 06 minutes 48 seconds east along the east line of Lot 1, Block 1, Porter Ridge West 4th Addition, a distance of 593.72 feet to the true point of beginning; thence around a curve in a counterclockwise direction having a delta angle of 09 degrees 21 minutes 39 seconds, an arc distance of 24.51 feet, a radius of 150.00 feet, and a chord of north 85 degrees 12 minutes 49 seconds west, said line being the center line of Porter Ridge Road, a distance of 24.48 feet; thence westerly north 89 degrees 53 minutes 38 seconds west along the center line of Porter Ridge Road, a distance of 31.02 feet; thence northerly north 00 degrees 00 minutes 00 seconds west, a distance of 171.60 feet; thence easterly north 86 degrees 04 minutes 01 seconds east, a distance of 8.57 feet to a point of curvature; thence around a curve in a counter clockwise direction having a delta angle of 08 degrees 20 minutes 24 seconds, an arc distance of 87.34 feet, a radius of 600.00 feet, and a chord of north 81 degrees 53 minutes 48 seconds east, a distance of 87.26 feet to a point of tangency; thence easterly north 77 degrees 36 minutes 59 seconds east, a distance of 145.40 feet; thence easterly north 75 degrees 58 minutes 33 seconds east, a distance of 184.34 feet to a point of curvature; thence around a curve in a clockwise direction having a delta angle of 04 degrees 47 minutes 49 seconds, an arc distance of 50.23 feet, a radius of 600.00 feet, and a chord of north 78 degrees 22 minutes 27 seconds east, a distance of 50.22 feet to a point of tangency; thence easterly north 80 degrees 46 minutes 22 seconds east, a distance of 159.86 feet to a point of curvature; thence around a curve in a counter clockwise direction having a delta angle of 32 degrees 19 minutes 31 seconds, an arc distance of 70.52 feet, a radius of 125.00 feet, and a chord of north 64 degrees 36 minutes 36 seconds east, a distance of 69.59 feet to a point of tangency; thence northeasterly north 48 degrees 26 minutes 51 seconds east, a distance of 124.88 feet to a point of curvature; thence around a curve in a counter clockwise direction having a delta angle of 04 degrees 26 minutes 15 seconds, an arc distance of 38.73 feet, a radius of 500.00 feet, and a chord of south 43 degrees 46 minutes 17 seconds east, a distance of 38.72 feet; thence easterly south 45 degrees 59 minutes 24 seconds east, a distance of 94.58 feet; thence northeasterly north 44 degrees 00 minutes 36 seconds east, a distance of 218.74 feet to a point of curvature; thence around a curve in a counter clockwise direction having a delta angle of 68 degrees 47 minutes 18 seconds, an arc distance of 150.07 feet, a radius of 125.00 feet, and a chord of north 09 degrees 36 minutes 57 seconds east, a distance of 141.22 feet; thence northwesterly north 24 degrees 46 minutes 42 seconds west, a distance of 243.10 feet to a point of curvature; thence around a curve in a counter clockwise direction having a delta angle of 69 degrees 06 minutes 18 seconds, an arc distance of 150.76 feet, a radius of 125.00 feet, and a chord of north 30 degrees 40 minutes 09 seconds east, a distance of 141.79 feet to a compound curvature; thence around a curve in a counter clockwise direction having a delta angle of 09 degrees 17 minutes 35 seconds, an arc distance of 97.32 feet, a radius of 600.00 feet, and a chord of north 08 degrees 31 minutes 48 seconds west, a distance of 97.21 feet; thence northerly north 13 degrees 10 minutes 35 seconds west, a distance of 2.74 feet; thence around a curve in a clockwise direction having a delta angle of 12 degrees 26 minutes 04 seconds, a arc distance of 204.00 feet, a radius of 940.00 feet, and a chord of

north 83 degrees 02 minutes 25 seconds east, said line being 60.00 feet southeast of and parallel to the center line of right-of-way for Pine Lake Road, a distance of 203.60 feet; thence southerly south 08 degrees 37 minutes 45 seconds west, along the east line of Outlot "A", South Ridge Village 6th Addition, a distance of 229.95 feet to the southwest corner of Lot 2, South Ridge Village 1st Addition; thence southeasterly south 46 degrees 43 minutes 29 seconds east, a distance of 76.46 feet to the southwest corner of Lot 3, South Ridge Village 1st Addition; thence southerly south 00 degrees 06 minutes 19 seconds west along the east line of Outlot "A", South Ridge Village 6th Addition, a distance of 416.34 feet to the southwest corner of Lot 10, South Ridge Village 1st Addition; thence easterly north 89 degrees 53 minutes 41 seconds east along the south line of Lot 10, South Ridge Village 1st Addition, a distance of 20.00 feet; thence southerly south 00 degrees 06 minutes 19 seconds west along the west line of Lot 14, South Ridge Village Addition, a distance of 302.00 feet; thence southwesterly south 69 degrees 18 minutes 11 seconds west along the south line of Lot 14, South Ridge Village Addition, a distance of 115.80 feet; thence around a curve in a counter clockwise direction having a delta angle of 26 degrees 33 minutes 49 seconds, an arc distance of 257.77 feet, a radius of 561.00 feet and a chord of north 34 degrees 11 minutes 21 seconds west, said line being 36 feet northeast of and parallel to the center line of right-of-way for South 29th Street, a distance of 260.09 feet; thence southwesterly south 79 degrees 12 minutes 30 seconds west, a distance of 47.78 feet to a point on the center line of South 29th Street; thence southeasterly south 50 degrees 14 minutes 26 seconds east along the center line of South 29th Street, a distance of 7.66 feet to a point of curvature; thence around a curve in a clockwise direction having a delta angle of 02 degrees 01 minutes 47 seconds, an arc distance of 18.60 feet, a radius of 525.00 feet, and a chord of south 49 degrees 13 minutes 33 seconds east, said line being the center line of South 29th Street, a distance of 18.60 feet; thence southwesterly south 67 degrees 17 minutes 26 seconds west along the south line of Outlot "A", Porter Ridge West 4th Addition, a distance of 255.17 feet; thence westerly south 82 degrees 50 minutes 00 seconds west along the south line of Outlot "A", Porter Ridge West 4th Addition, a distance of 519.87 feet; thence southwesterly south 41 degrees 04 minutes 27 seconds west along the south line of Outlot "A", Porter Ridge West 4th Addition, a distance of 131.69 feet to a point of curvature on the center line

of Porter Ridge Road; thence around a curve in a counter clockwise direction having a delta angle of 31 degrees 26 minutes 04 seconds, an arc distance 82.51 feet, a radius of 150.00 feet, and a chord of north 64 degrees 48 minutes 57 seconds west, said line being the center line of Porter Ridge Road, a distance of 81.27 feet to the point of beginning and containing a calculated area of 385,794.47 square feet or 8.86 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for the expansion of the Use Permit area will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of South Ridge Village, LLC, hereinafter referred to as "Permittee", to amend the existing use permit to expand the South Ridge Village Use Permit by approximately .98 acres, in order to construct an early childhood care facility in the expanded area of the use permit, on the property legally described above be and the same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that construction and operation of said development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits an 10,500 square foot early childhood care facility for up to 100 children, if Special Permit No. 08052 is approved or any other permitted use in the O-3 zoning district, in the expanded area of the use permit.
2. The City Council must approve the related change of zone #08073.
3. Before a final plat is approved the Permittee shall:
  - a. Cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including five copies showing a note added to General Notes on the site plan stating that "Landscaping and screening need not be shown on this plan but will be provided for at the time of building permit."
  - b. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
4. Before receiving building permits the construction plans must substantially comply with the approved plans.
5. Before occupying this early childhood care facility, all development and construction is to substantially comply with the approved plans.
6. All privately-owned improvements, including landscaping and recreational facilities, must be permanently maintained by the Permittee or an appropriately established owners association approved by the City.
7. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
8. The terms, conditions, and requirements of this resolution shall run with the land and be binding on the Permittee, its successors, and assigns.
9. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
10. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, the terms and conditions of all prior resolutions approving this use permit remain in full force and effect except as specifically amended by this resolution.

Introduced by Ken Svoboda

Seconded by Emery & carried by the following vote: AYES: Camp, Eschliman, Spatz, Svoboda; NAYS: Cook, Emery, Marvin.



SERVICE; AND REPEALING SECTIONS 7.04.050 AND 7.04.200 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Ken Svoboda, amending Sections 7.04.050 and 7.04.200 of the Lincoln Municipal Code to remove Stand-by Ambulance Service and limit the definition of Stand-by Ambulance Service; and repealing Section 7.04.050 and 7.04.200 of the Lincoln Municipal Code as hitherto existing, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

The ordinance, being numbered #19222, is recorded in Ordinance Book #26, Page

APPROVING THE LINCOLN FLATS/BANK OF THE WEST REDEVELOPMENT AGREEMENT BETWEEN CONCORDE MANAGEMENT AND DEVELOPMENT, INC. AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 13TH AND 14TH STREETS, ON THE NORTH SIDE OF O STREET. (RELATED ITEMS: 09R-32, 09-32, 09R-33) (ACTION DATE: 3/9/09) - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85252 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement entitled City of Lincoln Redevelopment Agreement (Lincoln Flats/Bank of the West Redevelopment Project) which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Concorde Management & Development, Inc. and Lincoln Flats Condominium Association, outlining certain conditions and understandings relating to the redevelopment of property generally located between 13th and 14th Streets and O and P Streets to redevelop an existing five-story building into mixed use residential and commercial use, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Agreement on behalf of the City.

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

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Redevelopment Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the redevelopers.

Introduced by Doug Emery

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

AUTHORIZING THE ISSUANCE OF SERIES A AND SERIES B TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED ~~\$614,000.00~~ \$764,000.00 FOR THE CITY OF LINCOLN, LINCOLN FLATS/BANK OF THE WEST REDEVELOPMENT PROJECT. (RELATED ITEMS: 09R-32, 09-32, 09R-33) - PRIOR to reading:

MARVIN Moved MTA #1 to amend Bill No. 09-32 in the following manner:

1. Amend the last sentence of the second paragraph under Section 7.3. Revenues. on page 14, to read as follows:

The Revenue accumulated in the Special Fund shall be used and credited as specified in the following order of priority: Section 7.4.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CLERK Read an amended ordinance, introduced by Doug Emery, authorizing and providing for the issuance of City of Lincoln, Nebraska Taxable Tax Allocation Bonds in one or more series, in a principal amount not to exceed \$764,000 for the purpose of (1) Paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the City's Lincoln Flats/Bank of the West Redevelopment Project Area, including acquiring any real estate and/or interests in real estate in connection therewith, (2) Making a deposit into such accounts as may be established in the Reserve Account established in the Special Fund and (3) Paying the costs of issuance thereof; prescribing the form and certain details of the bond; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bond as the same become due; limiting payment of the bonds to such tax revenues; creating and establishing funds and accounts; authorizing the sale of the bonds; delegating, authorizing and directing the Finance Director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bond not specified herein; providing for the application of the proceeds of the bonds; providing for the payment of the principal of and interest on the bonds; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the third time.

EMERY Moved to pass the ordinance as amended.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered #19223, is recorded in Ordinance Book #26, Page

APPROVING AMENDMENT NO. 1 TO THE UNIVERSITY SQUARE REDEVELOPMENT AGREEMENT BETWEEN CONCORDE MANAGEMENT AND DEVELOPMENT, INC., FOUNDATION FOR EDUCATION SERVICES, INC., UNIVERSITY TOWERS CONDOMINIUM ASSOCIATION, AND THE CITY RELATING TO THE PRIVATE SECTOR PARKING ARRANGEMENT AT THE UNIVERSITY SQUARE PARKING GARAGE AT 14TH AND O STREETS. (RELATED ITEMS: 09R-32, 09-32, 09R-33) (ACTION DATE: 3/9/09) - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85253 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That Amendment No. 1 to the University Square Redevelopment Agreement which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Concorde Management & Development, Inc., the Foundation for Education Services, Inc., and University Towers Condominium Association, outlining certain conditions and understandings relating to the private sector parking arrangement at the University Square Parking Garage generally located at 14th and O Streets, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Agreement on behalf of the City.

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

BE IT FURTHER RESOLVED that the City Clerk is directed to record Amendment No. 1 to the Redevelopment Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the redevelopers.

Introduced by Doug Emery

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to March 16,2009.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on March  
16, 2009.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 2:46 P.M.

CAMP Moved to adjourn the City Council meeting of March 9, 2009.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
So ordered.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant

REGULAR MEETING  
MARCH 9, 2009  
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