

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MARCH 16, 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**

SPATZ Having been appointed to read the minutes of the City Council proceedings of March 9, 2009 reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF DAU AND NGUYEN PROPERTIES LLC DBA SOUTH FAST BREAK FOR A CLASS B LIQUOR LICENSE AT 1648 SOUTH STREET;  
MANAGER APPLICATION OF PAULINA T. NGUYEN FOR DAU AND NGUYEN PROPERTIES LLC DBA SOUTH FAST BREAK AT 1648 SOUTH STREET;  
APPLICATION OF NGUYEN S CORPORATION DBA AMBIANCE NAIL SPA FOR A CLASS C LIQUOR LICENSE AT 2755 JAMIE LANE, SUITE 3;  
MANAGER APPLICATION OF PAULINA T. NGUYEN FOR NGUYEN S CORPORATION DBA AMBIANCE NAIL SPA AT 2755 JAMIE LANE, SUITE 3 - Paulina T. Nguyen, 2540 Southview Cr., took the oath and came forward to answer questions. She stated she was not going to sell alcohol at her place of business, Ambiance Nail Spa, but was going to offer it to her customers. A Class C liquor license is needed to have alcohol available at her place of business or if the alcohol were to be removed from the premises. The Class B liquor license at the convenience store is for the purchase of beer for off premise consumption.

This matter was taken under advisement.

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 - Scott Holmes, Division Manager of Environmental Public Health, stated the large number of changes in the food code are to be in conformance with the State food codes and assures the language is written in current terms. The food handler code is the biggest change to better educate staff and to protect the public's health. It was recommended to change the name of the permits to better reflect what the staff does and to help the people to better understand what permit to get. All lower level permits are now good for two years except for the highest level the Food Protection Manager. The fee for the two year permits will be \$20.00.

Mike Morosin, 1500 N. 15th Street, asked if Section 8.20.245 includes Hepatitis A?

Mr. Holmes stated Hepatitis A was already part of the code.

This matter was taken under advisement.

APPROVING A MEMORANDUM OF AGREEMENT REGARDING FUNDING, CONSTRUCTION, AND OPERATION OF THE CHILDREN'S PLAY AREA AT UNION PLAZA BETWEEN THE CITY AND THE KINDER PORTER SCOTT FAMILY FOUNDATION FOR DEVELOPMENT, MAINTENANCE AND FUNDING OF A CHILDREN'S PLAY AREA GENERALLY LOCATED NEAR 21ST STREET BETWEEN Q AND R STREETS - Lynn Johnson, Director of Parks & Recreation Dept., came forward to state this is to approve the funding agreement with the Kinder Porter Scott Family Foundation who donated \$250,000 to construct the children's play area at Union Plaza north of Q Street. The City will be responsible for design construction and programming of the site. There is an endowment being raised as part of the overall park improvement project of \$1.5 million that will cover this area. The playground will be constructed before the entire gift is made and the Lincoln Parks Foundation will serve as fiscal agent by providing the entire \$250,000 to the City and then they will receive the \$50,000 increments over time. The design will be very different from anything the City has now.

This matter was taken under advisement.

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$76,424.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES - Doug Emery, Council Member, stated it is required that a certain percentage of Keno funds be used for Social Service agencies with a maximum of \$7,500 to be distributed to an organization.

This matter was taken under advisement.

APPROVING THE DEDICATION OF 13.67 ACRES OF PROPERTY GENERALLY LOCATED AT 70<sup>TH</sup> STREET AND PINE LAKE ROAD FOR PUBLIC PARK AND PUBLIC OUTDOOR RECREATIONAL USES AS REQUIRED BY THE LAND AND WATER CONSERVATION FUND ACT OF 1965 TO REPLACE THE LOSS OF .2 ACRES OF MAHONEY PARK PURCHASED WITH LAND AND WATER CONSERVATION FUND FOR THE ADAMS STREET IMPROVEMENT PROJECT - Terry Genrich, Parks & Recreation Dept., stated this is a requirement of the Land and Water Conservation fund that the land be acquired as part of the conversion and is dedicated as park land. This land will be planted in native grasses and wild flowers which will be a minimal maintenance corridor until the trail goes through this area then the trails will need snow removal. It is estimated it will be \$500 per year for maintenance in this area.

Lynn Johnson, Director of Parks & Recreations Dept., came forward to state there is an endowment being raised to maintain all of the City's parks.

This matter was taken under advisement.

APPROVING A COOPERATION AGREEMENT BETWEEN THE CITY AND THE NATURE CONSERVANCY FOR THE CONTINUANCE OF THE SALINE WETLAND CONSERVATION PARTNERSHIP FOR THE COOPERATIVE MANAGEMENT OF THE IMPLEMENTATION PLAN FOR THE CONSERVATION OF NEBRASKA'S EASTERN SALINE WETLANDS FOR A THREE YEAR PERIOD BEGINNING MARCH 1, 2009 AND TERMINATING FEBRUARY 28, 2012. (RELATED ITEMS: 09R-37, 09R-38);

APPROVING AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN THE CITY, THE NEBRASKA GAME & PARKS COMMISSION, AND THE LOWER PLATTE SOUTH NRD FOR THE CONTINUANCE OF THE SALINE WETLAND CONSERVATION PARTNERSHIP FOR THE MANAGEMENT OF THE IMPLEMENTATION PLAN FOR THE CONSERVATION OF NEBRASKA'S EASTERN SALINE WETLANDS FOR A THREE YEAR PERIOD BEGINNING MARCH 1, 2009 AND TERMINATING FEBRUARY 28, 2012. (RELATED ITEMS: 09R-37, 09R-38) - Terry Genrich, Parks & Recreation Dept., stated this project has been going on for about seven or eight years. The funding has been coming

from the Nebraska Environmental Trust, DEQ with 319 funds, Section 6 Wildlife funds through the Game & Parks Commission, as well as other partners have been bringing match funds to the table for the different grants. The grants have been anywhere between \$750,000 to \$1,000,000 per year from different funding sources. This land is between 27<sup>th</sup> Street and I-80 towards Northwest 12<sup>th</sup> Street and Raymond Road. The schools do use this area as an educational component. It will be considered to create an area for travelers to pull off the interstate at 27<sup>th</sup> Street and I-80.

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 MARCH 2, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

ANNUAL REPORT FOR THE YEAR 2008 PREPARED BY CITY LAW DEPARTMENT DATED MARCH 4, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (21)

REPORT OF CITY TREASURER OF FRANCHISE TAX FOR THE MONTHS OF DECEMBER 2008 AND JANUARY 2009 FROM BLACK HILLS/NEBRASKA GAS UTILITY CO., LLC - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT OF CITY TREASURER OF FRANCHISE TAX FOR FOURTH QUARTER ENDED DECEMBER 31, 2008 FROM TIME WARNER CABLE - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

REPORT OF CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE QUARTER OCTOBER 1, 2008 TO DECEMBER 31, 2009: TWC DIGITAL PHONE, RELIANCE, MEGAPATH, MATRIX, DELTACOM, RELIANCE, STARTEC GLOBAL, SOUTHWEST, ORBITCOM; DECEMBER 2008: WINDSTREAM NEBRASKA, WINDSTREAM NEBRASKA, WINDSTREAM SYSTEMS OF THE MIDWEST, AT&T COMM. OF MIDWEST, NEW CINGULAR, NEBRASKA TECHNOLOGY, CRICKET, USCOC OF GREATER IOWA, TWC DIGITAL PHONE, TRANS NATIONAL COMM., ACCESSLINE, VIRGIN MOBILE USA, IDT DOMESTIC, VERIZON LONG DISTANCE, XO COMM., WORKING ASSETS, GLOBAL CROSSING, AIRESRING, PRIMUS, MCLEODUSA, TCG OMAHA, PNG, ONSTAR, BROADWING, WHO'S CALLING, QWEST, BULLSEYE, GRANITE, USCOC OF NE/KS, AIRNEX, CIMCO, ACN, TELECORP, UCN, COMTEL TELCOM ASSETS, VERIZON SELECT, HELIO, TRACFONE, CINCINNATI BELL, GLOBALSTAR USA, VOICECOM, INTELICAL OPERATOR, ATI, EARTHLINK, AIRCELL, ARIZONA TELEPHONY, NEW EDGE, NETWORK BILLING, GUARANTEED PHONE SERVICE, NOSVA, QUANTUM SHIFT, FLYING J, KDDI AMERICA, IBM GLOBAL, LDMI, NORSTAN NETWORK; JANUARY 2009: ALLTEL COMM. OF NEBRASKA, ALLTEL, MCI, CRICKET, D&D, D&D, GTC, ENHANCED COMM. NETWORK, TRI-M, ZONE, LIGHYEAR NETWORK SOLUTIONS, SBC LONG DISTANCE, FIRST COMMUNICATIONS, GLOBALCOM, WHOLESALE CARRIER, 360NETWORKS(USA), NEXTEL WEST, ATS MOBILE TELEPHONE, COVISTA, BT AMERICAS, UNITE PRIVATE NETWORKS, 8X8, QWEST, GRANITE, AT&T COMM. OF MIDWEST, AT&T COMM. OF MIDWEST, BUDGET PREPAY, LEVEL 3, LEVEL 3, TWC DIGITAL PHONE, ACN, COMTEL TELCOM ASSETS, ORBITCOM - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

### **PETITIONS & COMMUNICATIONS**

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Special Permit No. 09003, requested by Wiyual Ruach, for the sale of alcoholic beverages for consumption on the premises generally located at Russell Drive and Cornhusker Highway.

Use Permit No. 105A, requested by Olsson Associates, for an amendment to change the use of Lots 1-16 to commercial use, to increase the overall square footage, and to add a hotel, on property generally located at N. 84<sup>th</sup> Street and Holdrege Street.

**MISCELLANEOUS REFERRALS - NONE**

LIQUOR RESOLUTIONS

APPLICATION OF DAU AND NGUYEN PROPERTIES LLC DBA SOUTH FAST BREAK FOR A CLASS B LIQUOR LICENSE AT 1648 SOUTH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:  
A-85254 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 Dau and Nguyen Properties LLC dba South Fast Break for a Class "B" liquor license at 1648 South Street, Lincoln, Nebraska, for the license period ending April 30, 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

MANAGER APPLICATION OF PAULINA T. NGUYEN FOR DAU AND NGUYEN PROPERTIES LLC DBA SOUTH FAST BREAK AT 1648 SOUTH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:  
A-85255 WHEREAS, Dau and Nguyen Properties LLC dba South Fast Break

located at 1648 South Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Paulina T. Nguyen be named manager;

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

APPLICATION OF NGUYEN S CORPORATION DBA AMBIANCE NAIL SPA FOR A CLASS C LIQUOR LICENSE AT 2755 JAMIE LANE, SUITE 3 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:  
A-85256 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 Nguyen S Corporation dba Ambiance Nail Spa for a Class "C" liquor license at 2755 Jamie Lane, Suite 3, 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

MANAGER APPLICATION OF PAULINA T. NGUYEN FOR NGUYEN S CORPORATION DBA AMBIANCE NAIL SPA AT 2755 JAMIE LANE, SUITE 3 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:  
A-85257 WHEREAS, Nguyen S Corporation dba Ambiance Nail Spa located at

2755 Jamie Lane, Suite 3, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Paulina T. Nguyen be named manager;

WHEREAS, Paulina T. 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 Paulina T. 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 Svoboda & 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)**

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 (REQUEST 2ND AND 3RD READING ON 3-16-09) - 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 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 16 - 28, 2009 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85258 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 March 2, 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>
John G. Royal II \$1,516.23	\$ 15,000.00	Joseph Carden	
6,060.00		GE Capital Corp.	
542.00	<u>WITHDRAWN</u>	Darnell Utley	
Robert Niemeyer, P.R. of the 500.00		Mary L. Hopkins	
Estate of Alvin Niemeyer 1,034.86	\$1,000,000.00	Travis Gilman	
Blair Neth 831.99	1,957.28	David & Shirley Munsinger	
1,357.63		Dustin Riese	
1,711.53		Beverly Hamill	

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

APPROVING A MEMORANDUM OF AGREEMENT REGARDING FUNDING, CONSTRUCTION, AND OPERATION OF THE CHILDREN'S PLAY AREA AT UNION PLAZA BETWEEN THE CITY AND THE KINDER PORTER SCOTT FAMILY FOUNDATION FOR DEVELOPMENT, MAINTENANCE AND FUNDING OF A CHILDREN'S PLAY AREA GENERALLY LOCATED NEAR 21ST STREET BETWEEN Q AND R STREETS - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85259 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Memorandum of Agreement Regarding Funding, Construction, and Operation of the Children's Play Area at Union Plaza between Lincoln Parks Foundation, Kinder Porter Scott Family Foundation and the City of Lincoln to accept a \$250,000.00 donation over five years to construct and endow a children's play area at Union Plaza upon the terms and conditions as set forth in said Memorandum of Agreement is hereby approved and the Mayor is authorized to execute said Memorandum of Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the deep and sincere appreciation of the City of Lincoln to the donor of this gift is hereby expressed and made a part of the records of the City of Lincoln.

The City Clerk is hereby directed to transmit a copy of the executed original Memorandum of Agreement to Lynn Johnson, Director of the Parks and Recreation Department, for transmittal to the Lincoln Parks Foundation and Kinder Porter Scott Family Foundation.

Introduced by John Spatz

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

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$76,424.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85260 WHEREAS, Resolution No. A-75378 provides that five percent of the gross proceeds realized by the City of Lincoln from the operation of a keno lottery shall be designated for such human services as may be recommended and approved by the Joint Budget Committee, City Council and Lancaster Board of Commissioners; and

WHEREAS, the Joint Budget Committee has recommended that the City Council and Lancaster County Board of Commissioners approve the designation of \$76,424.00 from said gross funds for the human services listed in Attachment "A" (Keno Prevention Fund Round 29) attached hereto and incorporated herein by reference.

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

The designation of the \$76,424.00 from gross funds from the operation of keno lottery for the human services listed in Attachment "A" is hereby approved and the Mayor is authorized to enter into grant contracts with the respective agencies providing said human services.

Introduced by John Spatz

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

APPROVING THE DEDICATION OF 13.67 ACRES OF PROPERTY GENERALLY LOCATED AT 70<sup>TH</sup> STREET AND PINE LAKE ROAD FOR PUBLIC PARK AND PUBLIC OUTDOOR RECREATIONAL USES AS REQUIRED BY THE LAND AND WATER CONSERVATION FUND ACT OF 1965 TO REPLACE THE LOSS OF .2 ACRES OF MAHONEY PARK PURCHASED WITH LAND AND WATER CONSERVATION FUND FOR THE ADAMS STREET IMPROVEMENT PROJECT - PRIOR to reading:

ESCHLIMAN Passed the gavel to Vice Chair Emery and moved to delay Bill No. 09R-36 for two weeks to 3/30/09.

Motion died for lack of a second.

CLERK Read the following resolution, introduced by John Spatz, who moved its adoption:

A-85261 WHEREAS, 0.2 acres of Mahoney Park was converted from public park use to street right-of-way for the Adams Street improvement project; and

WHEREAS, the use of Mahoney Park was subject to the restriction under Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended, prohibiting the conversion of park land to non-public outdoor recreational uses except in the event that other recreation properties of at least equal fair market value and reasonable equivalent usefulness and location are substituted for the converted park land; and

WHEREAS, in order to comply with the requirements of Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended,

the City of Lincoln has acquired property along Beal Slough (the Gapp Property) as more particularly described in Exhibit A attached hereto and now desires to dedicate and restrict said property as a public park for public outdoor recreational purposes in accordance with Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended; and

WHEREAS, the City of Lincoln has the financial capability to operate and maintain the property as a park and for outdoor recreational purposes in a safe, attractive and sanitary manner and such dedication and use would not jeopardize or in any way harm the public interest of the City of Lincoln.

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

The City of Lincoln does hereby dedicate the above-described real property for purposes of public park and public outdoor recreation in accordance with Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended.

BE IT FURTHER RESOLVED that the City of Lincoln does hereby agree to comply with all state and federal requirements and standards where they can be applied in making the facilities developed on the above-described plan accessible and usable by the disabled.

Introduced by John Spatz

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

APPROVING A COOPERATION AGREEMENT BETWEEN THE CITY AND THE NATURE CONSERVANCY FOR THE CONTINUANCE OF THE SALINE WETLAND CONSERVATION PARTNERSHIP FOR THE COOPERATIVE MANAGEMENT OF THE IMPLEMENTATION PLAN FOR THE CONSERVATION OF NEBRASKA'S EASTERN SALINE WETLANDS FOR A THREE YEAR PERIOD BEGINNING MARCH 1, 2009 AND TERMINATING FEBRUARY 28, 2012. (RELATED ITEMS: 09R-37, 09R-38) - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85262 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Cooperation Agreement for Saline Wetlands between the City of Lincoln and The Nature Conservancy to continue the Saline Wetlands Conservation Partnership for the cooperative development, administration, implementation, management, and evaluation of the "Implementation Plan for the Conservation of Nebraska's Eastern Saline Wetlands" 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.

The City Clerk is hereby directed to transmit a copy of the executed original Agreement to The Nature Conservancy Director, Central Nebraska Project Office, P.O. Box 38, Aurora, NE 68818-0438.

Introduced by John Spatz

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

APPROVING AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN THE CITY, THE NEBRASKA GAME & PARKS COMMISSION, AND THE LOWER PLATTE SOUTH NRD FOR THE CONTINUANCE OF THE SALINE WETLAND CONSERVATION PARTNERSHIP FOR THE MANAGEMENT OF THE IMPLEMENTATION PLAN FOR THE CONSERVATION OF NEBRASKA'S EASTERN SALINE WETLANDS FOR A THREE YEAR PERIOD BEGINNING MARCH 1, 2009 AND TERMINATING FEBRUARY 28, 2012. (RELATED ITEMS: 09R-37, 09R-38) - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85263 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached three-year Interlocal Cooperation Agreement for Saline Wetlands between the City of Lincoln, the Nebraska Game & Parks Commission and the Lower Platte South NRD, to continue the Saline Wetlands Conservation Partnership for the for the cooperative development, administration, implementation, management, and evaluation of the "Implementation Plan for the Conservation of Nebraska's Eastern Saline Wetlands" 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.

The City Clerk is hereby directed to transmit a copy of the executed original Interlocal Agreement to Ted LaGrange, Nebraska Game and Parks Commission, P.O. Box 30370, Lincoln, NE 68503, and to Dan Schulz, NRD, P.O. Box 83581, Lincoln, NE 68501.

Introduced by John Spatz

Seconded by Svoboda & 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) - NONE

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

ANNEXATION NO. 08016 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 137 ACRES SOUTH OF WEST O STREET IN THE VICINITY OF SW 48TH STREET - PRIOR to reading:

Rick Peo, Assistant City Attorney, came forward stating Mark Hunzeker requested to have this item placed on continuing pending until the property directly to the west, the proposed new facility for Shoemakers Truck Stop, comes forward under a redevelopment agreement.

CAMP Moved to place Bill No. 09-20A on Pending Indefinitely.  
Seconded by Spatz & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon the third time.

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 third time.

MARVIN Moved to pass the ordinance as read.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

The ordinance, being numbered #19224, is recorded in Ordinance Book #26, Page

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to March 23, 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 23, 2009.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 2:10 P.M.

**REGULAR MEETING**  
**MARCH 16, 2009**  
**Page 598**

CAMP            Moved to adjourn the City Council meeting of March 16, 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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Judy Roscoe, Senior Office Assistant

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MARCH 16, 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**

SPATZ Having been appointed to read the minutes of the City Council proceedings of March 9, 2009 reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF DAU AND NGUYEN PROPERTIES LLC DBA SOUTH FAST BREAK FOR A CLASS B LIQUOR LICENSE AT 1648 SOUTH STREET;  
MANAGER APPLICATION OF PAULINA T. NGUYEN FOR DAU AND NGUYEN PROPERTIES LLC DBA SOUTH FAST BREAK AT 1648 SOUTH STREET;  
APPLICATION OF NGUYEN S CORPORATION DBA AMBIANCE NAIL SPA FOR A CLASS C LIQUOR LICENSE AT 2755 JAMIE LANE, SUITE 3;  
MANAGER APPLICATION OF PAULINA T. NGUYEN FOR NGUYEN S CORPORATION DBA AMBIANCE NAIL SPA AT 2755 JAMIE LANE, SUITE 3 - Paulina T. Nguyen, 2540 Southview Cr., took the oath and came forward to answer questions. She stated she was not going to sell alcohol at her place of business, Ambiance Nail Spa, but was going to offer it to her customers. A Class C liquor license is needed to have alcohol available at her place of business or if the alcohol were to be removed from the premises. The Class B liquor license at the convenience store is for the purchase of beer for off premise consumption.

This matter was taken under advisement.

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 - Scott Holmes, Division Manager of Environmental Public Health, stated the large number of changes in the food code are to be in conformance with the State food codes and assures the language is written in current terms. The food handler code is the biggest change to better educate staff and to protect the public's health. It was recommended to change the name of the permits to better reflect what the staff does and to help the people to better understand what permit to get. All lower level permits are now good for two years except for the highest level the Food Protection Manager. The fee for the two year permits will be \$20.00.

Mike Morosin, 1500 N. 15th Street, asked if Section 8.20.245 includes Hepatitis A?

Mr. Holmes stated Hepatitis A was already part of the code.

This matter was taken under advisement.

APPROVING A MEMORANDUM OF AGREEMENT REGARDING FUNDING, CONSTRUCTION, AND OPERATION OF THE CHILDREN'S PLAY AREA AT UNION PLAZA BETWEEN THE CITY AND THE KINDER PORTER SCOTT FAMILY FOUNDATION FOR DEVELOPMENT, MAINTENANCE AND FUNDING OF A CHILDREN'S PLAY AREA GENERALLY LOCATED NEAR 21ST STREET BETWEEN Q AND R STREETS - Lynn Johnson, Director of Parks & Recreation Dept., came forward to state this is to approve the funding agreement with the Kinder Porter Scott Family Foundation who donated \$250,000 to construct the children's play area at Union Plaza north of Q Street. The City will be responsible for design construction and programming of the site. There is an endowment being raised as part of the overall park improvement project of \$1.5 million that will cover this area. The playground will be constructed before the entire gift is made and the Lincoln Parks Foundation will serve as fiscal agent by providing the entire \$250,000 to the City and then they will receive the \$50,000 increments over time. The design will be very different from anything the City has now.

This matter was taken under advisement.

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$76,424.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES - Doug Emery, Council Member, stated it is required that a certain percentage of Keno funds be used for Social Service agencies with a maximum of \$7,500 to be distributed to an organization.

This matter was taken under advisement.

APPROVING THE DEDICATION OF 13.67 ACRES OF PROPERTY GENERALLY LOCATED AT 70<sup>TH</sup> STREET AND PINE LAKE ROAD FOR PUBLIC PARK AND PUBLIC OUTDOOR RECREATIONAL USES AS REQUIRED BY THE LAND AND WATER CONSERVATION FUND ACT OF 1965 TO REPLACE THE LOSS OF .2 ACRES OF MAHONEY PARK PURCHASED WITH LAND AND WATER CONSERVATION FUND FOR THE ADAMS STREET IMPROVEMENT PROJECT - Terry Genrich, Parks & Recreation Dept., stated this is a requirement of the Land and Water Conservation fund that the land be acquired as part of the conversion and is dedicated as park land. This land will be planted in native grasses and wild flowers which will be a minimal maintenance corridor until the trail goes through this area then the trails will need snow removal. It is estimated it will be \$500 per year for maintenance in this area.

Lynn Johnson, Director of Parks & Recreations Dept., came forward to state there is an endowment being raised to maintain all of the City's parks.

This matter was taken under advisement.

APPROVING A COOPERATION AGREEMENT BETWEEN THE CITY AND THE NATURE CONSERVANCY FOR THE CONTINUANCE OF THE SALINE WETLAND CONSERVATION PARTNERSHIP FOR THE COOPERATIVE MANAGEMENT OF THE IMPLEMENTATION PLAN FOR THE CONSERVATION OF NEBRASKA'S EASTERN SALINE WETLANDS FOR A THREE YEAR PERIOD BEGINNING MARCH 1, 2009 AND TERMINATING FEBRUARY 28, 2012. (RELATED ITEMS: 09R-37, 09R-38);

APPROVING AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN THE CITY, THE NEBRASKA GAME & PARKS COMMISSION, AND THE LOWER PLATTE SOUTH NRD FOR THE CONTINUANCE OF THE SALINE WETLAND CONSERVATION PARTNERSHIP FOR THE MANAGEMENT OF THE IMPLEMENTATION PLAN FOR THE CONSERVATION OF NEBRASKA'S EASTERN SALINE WETLANDS FOR A THREE YEAR PERIOD BEGINNING MARCH 1, 2009 AND TERMINATING FEBRUARY 28, 2012. (RELATED ITEMS: 09R-37, 09R-38) - Terry Genrich, Parks & Recreation Dept., stated this project has been going on for about seven or eight years. The funding has been coming

from the Nebraska Environmental Trust, DEQ with 319 funds, Section 6 Wildlife funds through the Game & Parks Commission, as well as other partners have been bringing match funds to the table for the different grants. The grants have been anywhere between \$750,000 to \$1,000,000 per year from different funding sources. This land is between 27<sup>th</sup> Street and I-80 towards Northwest 12<sup>th</sup> Street and Raymond Road. The schools do use this area as an educational component. It will be considered to create an area for travelers to pull off the interstate at 27<sup>th</sup> Street and I-80.

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 MARCH 2, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

ANNUAL REPORT FOR THE YEAR 2008 PREPARED BY CITY LAW DEPARTMENT DATED MARCH 4, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (21)

REPORT OF CITY TREASURER OF FRANCHISE TAX FOR THE MONTHS OF DECEMBER 2008 AND JANUARY 2009 FROM BLACK HILLS/NEBRASKA GAS UTILITY CO., LLC - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT OF CITY TREASURER OF FRANCHISE TAX FOR FOURTH QUARTER ENDED DECEMBER 31, 2008 FROM TIME WARNER CABLE - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

REPORT OF CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE QUARTER OCTOBER 1, 2008 TO DECEMBER 31, 2009: TWC DIGITAL PHONE, RELIANCE, MEGAPATH, MATRIX, DELTACOM, RELIANCE, STARTEC GLOBAL, SOUTHWEST, ORBITCOM; DECEMBER 2008: WINDSTREAM NEBRASKA, WINDSTREAM NEBRASKA, WINDSTREAM SYSTEMS OF THE MIDWEST, AT&T COMM. OF MIDWEST, NEW CINGULAR, NEBRASKA TECHNOLOGY, CRICKET, USCOC OF GREATER IOWA, TWC DIGITAL PHONE, TRANS NATIONAL COMM., ACCESSLINE, VIRGIN MOBILE USA, IDT DOMESTIC, VERIZON LONG DISTANCE, XO COMM., WORKING ASSETS, GLOBAL CROSSING, AIRESRING, PRIMUS, MCLEODUSA, TCG OMAHA, PNG, ONSTAR, BROADWING, WHO'S CALLING, QWEST, BULLSEYE, GRANITE, USCOC OF NE/KS, AIRNEX, CIMCO, ACN, TELECORP, UCN, COMTEL TELCOM ASSETS, VERIZON SELECT, HELIO, TRACFONE, CINCINNATI BELL, GLOBALSTAR USA, VOICECOM, INTELICAL OPERATOR, ATI, EARTHLINK, AIRCELL, ARIZONA TELEPHONY, NEW EDGE, NETWORK BILLING, GUARANTEED PHONE SERVICE, NOSVA, QUANTUM SHIFT, FLYING J, KDDI AMERICA, IBM GLOBAL, LDMI, NORSTAN NETWORK; JANUARY 2009: ALLTEL COMM. OF NEBRASKA, ALLTEL, MCI, CRICKET, D&D, D&D, GTC, ENHANCED COMM. NETWORK, TRI-M, ZONE, LIGHYEAR NETWORK SOLUTIONS, SBC LONG DISTANCE, FIRST COMMUNICATIONS, GLOBALCOM, WHOLESALE CARRIER, 360NETWORKS(USA), NEXTEL WEST, ATS MOBILE TELEPHONE, COVISTA, BT AMERICAS, UNITE PRIVATE NETWORKS, 8X8, QWEST, GRANITE, AT&T COMM. OF MIDWEST, AT&T COMM. OF MIDWEST, BUDGET PREPAY, LEVEL 3, LEVEL 3, TWC DIGITAL PHONE, ACN, COMTEL TELCOM ASSETS, ORBITCOM - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

### **PETITIONS & COMMUNICATIONS**

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Special Permit No. 09003, requested by Wiyual Ruach, for the sale of alcoholic beverages for consumption on the premises generally located at Russell Drive and Cornhusker Highway.

Use Permit No. 105A, requested by Olsson Associates, for an amendment to change the use of Lots 1-16 to commercial use, to increase the overall square footage, and to add a hotel, on property generally located at N. 84<sup>th</sup> Street and Holdrege Street.

**MISCELLANEOUS REFERRALS - NONE**

LIQUOR RESOLUTIONS

APPLICATION OF DAU AND NGUYEN PROPERTIES LLC DBA SOUTH FAST BREAK FOR A CLASS B LIQUOR LICENSE AT 1648 SOUTH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:  
A-85254 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 Dau and Nguyen Properties LLC dba South Fast Break for a Class "B" liquor license at 1648 South Street, Lincoln, Nebraska, for the license period ending April 30, 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

MANAGER APPLICATION OF PAULINA T. NGUYEN FOR DAU AND NGUYEN PROPERTIES LLC DBA SOUTH FAST BREAK AT 1648 SOUTH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:  
A-85255 WHEREAS, Dau and Nguyen Properties LLC dba South Fast Break

located at 1648 South Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Paulina T. Nguyen be named manager;

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

APPLICATION OF NGUYEN S CORPORATION DBA AMBIANCE NAIL SPA FOR A CLASS C LIQUOR LICENSE AT 2755 JAMIE LANE, SUITE 3 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:  
A-85256 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 Nguyen S Corporation dba Ambiance Nail Spa for a Class "C" liquor license at 2755 Jamie Lane, Suite 3, 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

MANAGER APPLICATION OF PAULINA T. NGUYEN FOR NGUYEN S CORPORATION DBA AMBIANCE NAIL SPA AT 2755 JAMIE LANE, SUITE 3 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:  
A-85257 WHEREAS, Nguyen S Corporation dba Ambiance Nail Spa located at

2755 Jamie Lane, Suite 3, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Paulina T. Nguyen be named manager;

WHEREAS, Paulina T. 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 Paulina T. 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 Svoboda & 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)**

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 (REQUEST 2ND AND 3RD READING ON 3-16-09) - 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 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 16 - 28, 2009 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85258 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 March 2, 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>
John G. Royal II \$1,516.23	\$ 15,000.00	Joseph Carden	
6,060.00		GE Capital Corp.	
542.00	<u>WITHDRAWN</u>	Darnell Utley	
Robert Niemeyer, P.R. of the 500.00		Mary L. Hopkins	
Estate of Alvin Niemeyer 1,034.86	\$1,000,000.00	Travis Gilman	
Blair Neth 831.99	1,957.28	David & Shirley Munsinger	
1,357.63		Dustin Riese	
1,711.53		Beverly Hamill	

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

APPROVING A MEMORANDUM OF AGREEMENT REGARDING FUNDING, CONSTRUCTION, AND OPERATION OF THE CHILDREN'S PLAY AREA AT UNION PLAZA BETWEEN THE CITY AND THE KINDER PORTER SCOTT FAMILY FOUNDATION FOR DEVELOPMENT, MAINTENANCE AND FUNDING OF A CHILDREN'S PLAY AREA GENERALLY LOCATED NEAR 21ST STREET BETWEEN Q AND R STREETS - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85259 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Memorandum of Agreement Regarding Funding, Construction, and Operation of the Children's Play Area at Union Plaza between Lincoln Parks Foundation, Kinder Porter Scott Family Foundation and the City of Lincoln to accept a \$250,000.00 donation over five years to construct and endow a children's play area at Union Plaza upon the terms and conditions as set forth in said Memorandum of Agreement is hereby approved and the Mayor is authorized to execute said Memorandum of Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the deep and sincere appreciation of the City of Lincoln to the donor of this gift is hereby expressed and made a part of the records of the City of Lincoln.

The City Clerk is hereby directed to transmit a copy of the executed original Memorandum of Agreement to Lynn Johnson, Director of the Parks and Recreation Department, for transmittal to the Lincoln Parks Foundation and Kinder Porter Scott Family Foundation.

Introduced by John Spatz

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

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$76,424.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85260 WHEREAS, Resolution No. A-75378 provides that five percent of the gross proceeds realized by the City of Lincoln from the operation of a keno lottery shall be designated for such human services as may be recommended and approved by the Joint Budget Committee, City Council and Lancaster Board of Commissioners; and

WHEREAS, the Joint Budget Committee has recommended that the City Council and Lancaster County Board of Commissioners approve the designation of \$76,424.00 from said gross funds for the human services listed in Attachment "A" (Keno Prevention Fund Round 29) attached hereto and incorporated herein by reference.

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

The designation of the \$76,424.00 from gross funds from the operation of keno lottery for the human services listed in Attachment "A" is hereby approved and the Mayor is authorized to enter into grant contracts with the respective agencies providing said human services.

Introduced by John Spatz

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

APPROVING THE DEDICATION OF 13.67 ACRES OF PROPERTY GENERALLY LOCATED AT 70<sup>TH</sup> STREET AND PINE LAKE ROAD FOR PUBLIC PARK AND PUBLIC OUTDOOR RECREATIONAL USES AS REQUIRED BY THE LAND AND WATER CONSERVATION FUND ACT OF 1965 TO REPLACE THE LOSS OF .2 ACRES OF MAHONEY PARK PURCHASED WITH LAND AND WATER CONSERVATION FUND FOR THE ADAMS STREET IMPROVEMENT PROJECT - PRIOR to reading:

ESCHLIMAN Passed the gavel to Vice Chair Emery and moved to delay Bill No. 09R-36 for two weeks to 3/30/09.

Motion died for lack of a second.

CLERK Read the following resolution, introduced by John Spatz, who moved its adoption:

A-85261 WHEREAS, 0.2 acres of Mahoney Park was converted from public park use to street right-of-way for the Adams Street improvement project; and

WHEREAS, the use of Mahoney Park was subject to the restriction under Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended, prohibiting the conversion of park land to non-public outdoor recreational uses except in the event that other recreation properties of at least equal fair market value and reasonable equivalent usefulness and location are substituted for the converted park land; and

WHEREAS, in order to comply with the requirements of Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended,

the City of Lincoln has acquired property along Beal Slough (the Gapp Property) as more particularly described in Exhibit A attached hereto and now desires to dedicate and restrict said property as a public park for public outdoor recreational purposes in accordance with Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended; and

WHEREAS, the City of Lincoln has the financial capability to operate and maintain the property as a park and for outdoor recreational purposes in a safe, attractive and sanitary manner and such dedication and use would not jeopardize or in any way harm the public interest of the City of Lincoln.

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

The City of Lincoln does hereby dedicate the above-described real property for purposes of public park and public outdoor recreation in accordance with Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended.

BE IT FURTHER RESOLVED that the City of Lincoln does hereby agree to comply with all state and federal requirements and standards where they can be applied in making the facilities developed on the above-described plan accessible and usable by the disabled.

Introduced by John Spatz

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

APPROVING A COOPERATION AGREEMENT BETWEEN THE CITY AND THE NATURE CONSERVANCY FOR THE CONTINUANCE OF THE SALINE WETLAND CONSERVATION PARTNERSHIP FOR THE COOPERATIVE MANAGEMENT OF THE IMPLEMENTATION PLAN FOR THE CONSERVATION OF NEBRASKA'S EASTERN SALINE WETLANDS FOR A THREE YEAR PERIOD BEGINNING MARCH 1, 2009 AND TERMINATING FEBRUARY 28, 2012. (RELATED ITEMS: 09R-37, 09R-38) - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85262 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Cooperation Agreement for Saline Wetlands between the City of Lincoln and The Nature Conservancy to continue the Saline Wetlands Conservation Partnership for the cooperative development, administration, implementation, management, and evaluation of the "Implementation Plan for the Conservation of Nebraska's Eastern Saline Wetlands" 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.

The City Clerk is hereby directed to transmit a copy of the executed original Agreement to The Nature Conservancy Director, Central Nebraska Project Office, P.O. Box 38, Aurora, NE 68818-0438.

Introduced by John Spatz

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

APPROVING AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN THE CITY, THE NEBRASKA GAME & PARKS COMMISSION, AND THE LOWER PLATTE SOUTH NRD FOR THE CONTINUANCE OF THE SALINE WETLAND CONSERVATION PARTNERSHIP FOR THE MANAGEMENT OF THE IMPLEMENTATION PLAN FOR THE CONSERVATION OF NEBRASKA'S EASTERN SALINE WETLANDS FOR A THREE YEAR PERIOD BEGINNING MARCH 1, 2009 AND TERMINATING FEBRUARY 28, 2012. (RELATED ITEMS: 09R-37, 09R-38) - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85263 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached three-year Interlocal Cooperation Agreement for Saline Wetlands between the City of Lincoln, the Nebraska Game & Parks Commission and the Lower Platte South NRD, to continue the Saline Wetlands Conservation Partnership for the cooperative development, administration, implementation, management, and evaluation of the "Implementation Plan for the Conservation of Nebraska's Eastern Saline Wetlands" 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.

The City Clerk is hereby directed to transmit a copy of the executed original Interlocal Agreement to Ted LaGrange, Nebraska Game and Parks Commission, P.O. Box 30370, Lincoln, NE 68503, and to Dan Schulz, NRD, P.O. Box 83581, Lincoln, NE 68501.

Introduced by John Spatz

Seconded by Svoboda & 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) - NONE

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

ANNEXATION NO. 08016 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 137 ACRES SOUTH OF WEST O STREET IN THE VICINITY OF SW 48TH STREET - PRIOR to reading:

Rick Peo, Assistant City Attorney, came forward stating Mark Hunzeker requested to have this item placed on continuing pending until the property directly to the west, the proposed new facility for Shoemakers Truck Stop, comes forward under a redevelopment agreement.

CAMP Moved to place Bill No. 09-20A on Pending Indefinitely.  
Seconded by Spatz & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon the third time.

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 third time.

MARVIN Moved to pass the ordinance as read.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

The ordinance, being numbered #19224, is recorded in Ordinance Book #26, Page

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to March 23, 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 23, 2009.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 2:10 P.M.

**REGULAR MEETING**  
**MARCH 16, 2009**  
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CAMP            Moved to adjourn the City Council meeting of March 16, 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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Judy Roscoe, Senior Office Assistant