THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JUNE 13, 2011 AT 3:00 P.M.

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

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

READING OF THE MINUTES

COOK Having been appointed to read the minutes of the City Council proceedings of June 6, 2011 reported having done so, found same correct.

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

RECOGNITION

Council Chair Carroll recognized Boy Scout Troop 93 who were in attendance at the City Council Meeting working on their Citizenship in the Community badges.

MAYOR’S AWARD OF EXCELLENCE

Mayor Chris Beutler presented the Mayor’s Award of Excellence for the month of May 2011 to Jose Regueira, Bus Operator, for the StarTran Division of the Public Works & Utilities Department in the categories of Loss Prevention and Valor. While operating a Handi-Van on April 13, Mr. Regueira was notified by a passing motorist about a fire in the rear section of the van. After stopping and safely unloading his wheel-chair-bound passenger he returned to the burning vehicle, radioed 911 and extinguished the fire before Lincoln Fire & Rescue arrived. In Superintendent Mike Weston’s nomination report, he said Mr. Regueira’s quick action stopped the fire from spreading to an area dangerously close to the fuel line & tank and prevented a potentially deadly situation from occurring. Mr. Regueira is a dedicated and highly respected member of the StarTran team.

Greg MacLean, Director of Public Works & Utilities, came forward to report that in his department of over 550 employees, every one of them does something extraordinary from time to time. He expressed appreciation for Mr. Regueira’s quick actions which saved lives and public property.

Mr. Regueira came forward to graciously accept his award. He said Lincoln has been very nice to him for many years and he would do anything he could to save money for the City.

PUBLIC HEARING

APPLICATION OF BLACK BEAR ENTERPRISES LLC DBA THE VIPER/DRUNKEN MONKEY TO MOVE THEIR PRESENTLY LICENSED CLASS I LIQUOR PREMISES FROM 640 WEST PROSPECTOR TO 1211 O STREET - Richard H. Gatiss, 625 Eagle Dr., Eagle, NE, came forward to take oath and answer questions.

This matter was taken under advisement.

AMENDING CHAPTER 23.10 OF THE LINCOLN MUNICIPAL CODE (LMC), THE LINCOLN ELECTRICAL CODE, TO ADOPT THE 2011 NATIONAL ELECTRICAL CODE (NEC), AS SPECIFICALLY AMENDED BY CHAPTER 23.10 OF THE LMC, BY AMENDING SECTION 23.10.010 TO ADOPT THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE; AMENDING SECTION 23.10.070 RELATING TO BYPASSING ELECTRIC REVENUE METERS; AMENDING SECTION 23.10.120 TO INCREASE THE FEE FOR REVIEW OF A DECISION OF THE BUILDING OFFICIAL; AMENDING SECTION 23.10.140 RELATING TO PERMITS TO CHANGE REFERENCES FROM “HOMEOWNERS” TO “NON-LICENSED APPLICANTS” AND TO DELETE REFERENCES TO SPECIFIC NEC ARTICLES; AMENDING SECTION 23.10.150 RELATING TO PERMIT REQUIREMENTS TO CHANGE A REFERENCE FROM “PERMITTEE” TO “PERMIT HOLDER”; AMENDING SECTION 23.10.160 RELATING TO INSTALLATIONS BY NON-LICENSED APPLICANTS; AMENDING SECTION 23.10.190 RELATING TO REQUESTS FOR INSPECTIONS; AMENDING SECTION 23.10.195 TO CLARIFY THAT AN ELECTRIC REVENUE METER INSTALLED IN THE REGULAR METER SOCKET AND LEFT UNSEALED SHALL BE
AMENDING CHAPTER 20.08 OF THE LINCOLN MUNICIPAL CODE (LMC), THE LINCOLN BUILDING CODE, TO ADOPT THE 2009 INTERNATIONAL BUILDING CODE (IBC), AS SPECIFICALLY AMENDED BY CHARTER 20.08 OF THE LMCM AND TO REVISE SECTIONS WITHIN CHAPTER 20.08 TO INCORPORATE SECTION NUMBER CHANGES BETWEEN THE 2006 AND 2009 EDITIONS OF THE IBC AND TO INCREASE FEES FOR CERTAIN DESIGNATED SERVICES; AMENDING LMC SECTION 20.08.065 TO AMEND IBC SECTION 105.4.2 RELATING TO TIME LIMITATIONS; ADDING A NEW SECTION NUMBERED 20.08.067 TO AMEND IBC SECTION 105.5 RELATING TO EXPIRATION AND REINSTATEMENT OF PERMITS; ADDING A NEW SECTION NUMBERED 20.08.178 RELATING TO OUTDOOR DECK FRAMING FOR ROOF TOP SEATING AND ASSEMBLY AREAS; ADDING A NEW SECTION NUMBERED 20.08.180 RELATING TO PERMITS FOR FLAMMABLE AND COMBUSTIBLE LIQUIDS; AND REPEALING LMC SECTION 19.03.190 RELATING TO PROHIBITION ON ABOVE-GOUND TANKS.

AMENDING CHAPTER 20.08 OF THE LINCOLN MUNICIPAL CODE (LMC), THE LINCOLN BUILDING CODE, TO ADOPT THE 2009 INTERNATIONAL BUILDING CODE (IBC), AS SPECIFICALLY AMENDED BY CHAPTER 20.08 OF THE LMC, AND TO REVISE SECTIONS WITHIN CHAPTER 20.08 TO INTEGRATE THE CODES IN HARMONY. He assured Council that of the three codes involved, Building & Safety is a cash-funded department; all permit/fee money coming into the department stays in the department and is used for permitting and inspection activities. Some General Fund dollars are used for fire/bomb investigations & housing complaints. Mr. Zimmerman said his department responds to peaks & lows in construction activities. In response to current lean times resulting in staff reductions, service levels have remained high. He said 98% of construction inspections happen on the same day as requested. Another cost savings is to implement an in-house consulting service rather than employ outside consultant for structural engineering review purposes rather than employ one full time.
Jim Bartunek, Electrical Engineer with Windstream Communications, came forward as one of a nine-member task force who met eight times. Their goal was to maintain the current level of service and to charge fair & equitable inspection fees.

Don Schroeder, Electrical Contractor with 36 yrs. experience, came forward to emphasize the importance of timely inspections as contractors rely on this factor to set the next event in motion and keep expenses down.

Matt Morrissey, Mechanical Engineer with Farris Engineering, came forward as a member of the Fire Code Task Force which met six or seven times. He said their 8-member group addressed housekeeping items to clean up the Fire Code so as not to conflict with the Building Code. He clarified issues with entertainment tents.

Craig Gies, General Contractor, came forward representing the Building Code Task Force in support of the amendments as they are consistent with the needs of Lincoln’s contractors & architects.

Coby Mach, LIBA, came forward to request Council to delay action on these items until further information can be obtained. He said while some fees seem reasonable, others have increased 25-50%. He questioned if & what efficiencies the Building & Safety Department has found since September 2010. Mr. Mach stated he would like to speak with members of the JPA and question if increased fees would effect the overall cost of building the Arena. In regard to the costs associated with inspections, he requested clarification of the following terms: carnivals, fairs and festivals.

Bob Van Valkenburg, 7921 Reno Road, came forward to express his concerns of more government regulation and bureaucracy. He complained that his numerous phone calls in one single day to Building & Safety did not get a quick response.

Mr. Zimmerman came forward in rebuttal. In an effort to coincide with the cost of other appeal fees, he said the Fire Code appeal fee is increasing from $50 to $250 as there is a tremendous amount staff time involved. He said in the last 20 years, there have been five Building Code appeals and one Fire Code appeal. He said his department is willing to create a definition for carnivals, fairs and festivals if needed. Mr. Zimmerman said the JPA and construction managers are fully aware of costs associated with building permits, plumbing, mechanical, electrical and the floodplain. He said inquiries were done months & months ago. He said that while there may not have been public information out there for public consumption, there are plenty of individuals on task forces representing the public as a whole. Mr. Zimmerman said his administrative staff, which has been cut in half, relies on electronic means to handle incoming phone calls while a plethora of activity demands their attention. He confirmed that his office responds to all phone and e-mail messages.

This matter was taken under advisement.

CHANGE OF ZONE NO. 08057A - AMENDING THE UNIVERSITY PLACE PLANNED UNIT DEVELOPMENT TO ALLOW THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES AS A CONDITIONAL USE PROVIDED IT MEETS ALL THE REQUIREMENTS FOR A SPECIAL PERMIT PURSUANT TO § 27.63.680 OF THE LINCOLN MUNICIPAL CODE, EXCEPT FOR PARKING - Paul Marshall, 17-year owner/operator of Mo Java Café came forward for approval.

This matter was taken under advisement.

APPROVING AN AMENDED SUBLEASE AGREEMENT BETWEEN THE CITY AND EXPERIENCE WORKS FOR THE SUBLEASE OF OFFICE SPACE AT GOLD’S BUILDING, 1010 N STREET, TO AMEND THE TERM, AREA LEASED AND RENTAL AMOUNT - Dan Cain, Urban Development, came forward to state that Experience Works provides employment services for low-end, older workers.

This matter was taken under advisement.

AMENDING CHAPTER 14.80 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIDEWALK CONSTRUCTION BY AMENDING SECTION 14.80.010 TO ADD MAILBOXES AND SUPPORTING STRUCTURES AS ITEMS THAT MAY BE LOCATED IN THE SPACE BETWEEN CURB AND LOT LINES, AND TO DELETE DECORATIVE STONES FROM SUCH LIST AS THEY ARE INCLUDED WITHIN THE TERM ORGANIC MULCH; AMENDING SECTION 14.80.020 TO ADD MAILBOXES AND SUPPORTING STRUCTURES REQUIRED BY THE UNITED STATES POSTAL SERVICE AS ITEMS WHICH MAY BE PLACED IN THE SPACE BETWEEN CURB AND LOT LINES WITHOUT A PERMIT, TO REVISE THE ORGANIZATION OF SUBPARAGRAPHS SO THAT PROVISIONS RELATED TO THE SAME SUBJECT APPEAR TOGETHER IN THE ORDINANCE, AND TO CLARIFY THAT THE CITY OF LINCOLN IS RELEASED FROM LIABILITY FOR DAMAGE TO ALL PERSONAL PROPERTY OF ABUTTING LANDOWNERS LOCATED BETWEEN THE CURB AND THE LOT LINE REGARDLESS OF WHETHER THE USE OF SUCH PERSONAL PROPERTY IN THAT AREA IS PERMITTED OR UNAUTHORIZED - Rod M. Confer, City Attorney, came forward to state that the need for revision arose from ambiguity.
in the ordinance because it didn’t specifically allow mail boxes in the right-of-way. He said language was revised to make it more explicit and language regarding the release of liability was clarified.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND CROSS-DILLON TIRE FOR RADIAL TRANSIT TIRES FOR STARTRAN, PURSUANT TO BID NO. 11-060 - Bob Walla, Asst. Purchasing Agent, came forward to answer questions.

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 MAY 16 – 31, 2011 - Bonnie Kaltenborn, 1317 L St., came forward to explain her injury due to a fall on 13th Street.

Rod M. Confer, City Attorney, came forward to request Council to amend Kari Meyer’s approved claim for an additional increase of $42.80. In response to the claim of Ms. Kaltenborn, Mr. Confer said the claimant indicated there was neither anything wrong with the sidewalk nor any City involvement. He said a sidewalk inspector did go out and discover one 3/4 inch difference in a seam but it could not be determined that she fell at that location.

This matter was taken under advisement.

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL AID BRIDGE REPLACEMENT FUNDS TO COMPLETE THE FRACTURE CRITICAL BRIDGE INSPECTION OF STRUCTURE NO. U142500305P ON 234TH STREET NEAR THE ASHLAND WATER TREATMENT PLANT (PROJECT NO. BR-NBIBS(91)) - Devin Biesecker, Public Works & Utilities, came forward to state that a bridge on City of Lincoln property at the water treatment plant near Ashland requires a fracture critical inspection by the State of Nebraska.

This matter was taken under advisement.

ASSESSING THE COST OF ASBESTOS ABATEMENT AND DEMOLITION OF THE UNSAFE BUILDING AGAINST THE PROPERTY AT 3901 NORTH 63RD STREET - John Boies, Building & Safety Department, came forward to explain that because owners failed to do so, the City followed through to demolish a fire-damaged structure. Mr. Boies requested Council to assess the costs of demolition to the owner’s property.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING CARL ESKRIDGE TO THE JOINT BUDGET COMMITTEE FOR A TWO-YEAR TERM EXPIRING MAY 31, 2013 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86164 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Carl Eskridge to the Joint Budget Committee for a two-year term expiring May 31, 2013 is hereby approved.

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

APPOINTING CARL ESKRIDGE TO THE MULTICULTURAL ADVISORY COMMITTEE FOR A THREE-YEAR TERM EXPIRING MAY 31, 2014 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86165 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Carl Eskridge to the Multicultural Advisory Committee for a three-year term expiring May 31, 2014 is hereby approved.

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

REAPPOINTING JONATHAN COOK TO THE PARKS AND RECREATION ADVISORY BOARD FOR A ONE-YEAR TERM EXPIRING MAY 31, 2012 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Jonathan Cook to the Parks and Recreation Advisory Board for a one-year term expiring May 31, 2012 is hereby approved.

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

REAPPOINTING GENE CARROLL, DOUG EMERY AND ADAM HORNUNG TO THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR ONE-YEAR TERMS EXPIRING MAY 31, 2012 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

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

That the reappointment of Gene Carroll, Doug Emery and Adam Hornung to the Railroad Transportation Safety District for one-year terms expiring May 31, 2012 is hereby approved.

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

APPOINTING JAYNE SNYDER TO THE UTILITY BILLING CHECK OFF PROGRAM FOR A ONE-YEAR TERM EXPIRING MAY 31, 2012 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

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

That the appointment of Jayne Snyder to the Utility Billing Check Off Program for one-year terms expiring May 31, 2012 is hereby approved.

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

PETITIONS & COMMUNICATIONS

LINCOLN ELECTRIC SYSTEM ANNUAL REPORT FOR 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 11022 - Requested by Jeff Coffey amending Section 27.31.040 of the Lincoln Municipal Code relating to permitted conditional uses in the B-2 Planned Neighborhood Business District to modify conditional use requirements for the sale of alcoholic beverages for consumption on the premises by deleting required yards and parking prohibitions in a required yard when the building containing the licensed premises abuts a residential district and adding new language requiring an exterior door opening of the licensed premises to be located more than 100 feet away from any parking spaces located in a side or rear yard; and repealing Section 27.31.040 of the Lincoln Municipal Code as hitherto existing.

Special Permit No. 1507B - Requested by Sandstone Construction for an amendment to a special permit for expansion of a non-conforming use to reduce required parking on property generally located at S. 48th Street and Old Cheney Road.

Special Permit No. 2029A - Requested by Remboldt Holding, Inc. for an amendment to the SW 1st Street Apartments Community Unit Plan (now known as the Vadora Community Unit Plan) for 18 townhome dwelling units and a single family dwelling with requests to waive the side yard setback, rear yard setback, front yard setback, average lot width, lot area, lot depth, and setback from adjacent single family lot, on property generally located at SW 1st Street and West A Street.

Special Permit No. 11011 - Requested by Cheddar’s Casual Café for the authority to sell alcoholic beverages for consumption on the premises of a restaurant on property generally located at N. 53rd Street and O Street.

Special Permit No. 11012 - Requested by Archi + Etc., LLC. for the expansion of a nonconforming use on property generally located at S. 6th Street and Washington Street (501-525 Washington Street).

Special Permit No. 11013 - Requested by ESP, Inc. for soil excavation on property generally located at NW 56th Street and West O Street.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 10053 to Special Permit No. 1813A, The Preserve on Antelope Creek Community Unit Plan, approved by the Planning Director on June 2, 2011 requested by Matt Kleinschmit of Pride Homes to clarify allowable encroachments into the floodplain for Lots 20-42, Block 1, on property generally located at S. 80th St. and Pioneers Blvd.
Waiver No. 11008 to Final Plat No. 01020 approved by the Planning Director on June 2, 2011 requested by Steven Knobel to extend the time for two years to install a bike trail for North Creek Business Park Addition. The improvements shall be completed by June 2, 2013. Property is generally located at Fletcher Ave., west of Telluride Dr.

**MISCELLANEOUS REFERRALS - NONE**

**LIQUOR RESOLUTIONS**

APPLICATION OF BLACK BEAR ENTERPRISES LLC DBA THE VIPER/DRUNKEN MONKEY TO MOVE THEIR PRESENTLY LICENSED CLASS I LIQUOR PREMISES FROM 640 WEST PROSPECTOR TO 1211 O STREET - PRIOR to reading:

ESKRIDGE Stated for the record that he understands that the request is based upon the liquor license and the organization has run a clean ship that way. He said he has concerns with putting this facility in the heart of a main residential area in downtown Lincoln. He stated it was not a good location.

CLERK Introduced this resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86169 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, including Neb. Rev. Stat. § 53-129, and the pertinent City ordinances, the City Council recommends that the application of Black Bear Enterprises LLC dba The Viper/Drunkin Monkey to move its presently licensed premises and existing Class "I" liquor license from 640 West Prospector to 1211 O Street, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations.

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

Introduced by Jon Camp
Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder; NAYS: Eskridge.

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

AMENDING CHAPTER 23.10 OF THE LINCOLN MUNICIPAL CODE (LMC), THE LINCOLN ELECTRICAL CODE, TO ADOPT THE 2011 NATIONAL ELECTRICAL CODE (NEC), AS SPECIFICALLY AMENDED BY CHAPTER 23.10 OF THE LMC, BY AMENDING SECTION 23.10.010 TO ADOPT THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE; AMENDING SECTION 23.10.070 RELATING TO BYPASSING ELECTRIC REVENUE METERS; AMENDING SECTION 23.10.120 TO INCREASE THE FEE FOR REVIEW OF A DECISION OF THE BUILDING OFFICIAL; AMENDING SECTION 23.10.140 RELATING TO PERMITS TO CHANGE REFERENCES FROM "HOMEOWNERS" TO "NON-LICENSED APPLICANTS" AND TO DELETE REFERENCES TO SPECIFIC NEC ARTICLES; AMENDING SECTION 23.10.150 RELATING TO PERMIT REQUIREMENTS TO CHANGE A REFERENCE FROM "PERMISSEE" TO "PERMIT HOLDER"; AMENDING SECTION 23.10.160 RELATING TO INSTALLATIONS BY NON-LICENSED APPLICANTS; AMENDING SECTION 23.10.190 RELATING TO REQUESTS FOR INSPECTIONS; AMENDING SECTION 23.10.195 TO CLARIFY THAT AN ELECTRIC REVENUE METER INSTALLED IN THE REGULAR METER SOCKET AND LEFT UNSEALED SHALL BE CONSIDERED A TEMPORARY USE OF ELECTRICAL ENERGY UNDER THIS SECTION; AMENDING SECTION 23.10.200 TO DELETE THE REQUIREMENT THAT THE EXPIRATION DATE OF THE CITY REGISTRATION OF A STATE LICENSE BE RECORDED ON THE STATE LICENSE; AMENDING SECTION 23.10.220 TO INCREASE EXAMINATION AND REGISTRATION FEES; REPEALING SECTION 23.10.280 RELATING TO WIRING OF TEMPORARY CONSTRUCTION WALKWAYS; AMENDING SECTION 23.10.290 RELATING TO INSTALLATION STANDARDS AND APPROVED WIRING METHODS; AMENDING SECTION 23.10.300 RELATING TO SERVICES, DISCONNECTS, SUB-FEEDERS AND METERING REQUIREMENTS; AND AMENDING SECTION 23.10.520 TO PROVIDE PERMITS SHALL BE VALID FOR A PERIOD OF 90 DAYS AND TO INCREASE PERMIT FEES.

CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 23.10 of the Lincoln Municipal Code (LMC), the Lincoln Electrical Code, to adopt the 2011 National Electrical Code (NEC), as specifically amended by Chapter 23.10 of the LMC by amending Sections 23.10.010, 23.10.070, 23.10.120, 23.10.140, 23.10.150, 23.10.160, 23.10.190, 23.10.195, 23.10.200, 23.10.220, 23.10.290, 23.10.300, 23.10.520; repealing Sections 23.10.010, 23.10.070, 23.10.120, 23.10.140, 23.10.150, 23.10.160, 23.10.190, 23.10.195, 23.10.200, 23.10.220, 23.10.280, 23.10.290, 23.10.300 and 23.10.520 of the Lincoln Municipal Code as hitherto existing, the second time.
AMENDING CHAPTER 19.03 OF THE LINCOLN MUNICIPAL CODE ("LMC"), THE FIRE CODE OF THE CITY OF LINCOLN, NEBRASKA, BY AMENDING SECTION 19.03.010 TO ADOPT THE INTERNATIONAL FIRE CODE, 2009 EDITION ("IFC"), AS SPECIFICALLY AMENDED BY CHAPTER 19.03 OF THE LMC; AMENDING LMC SECTION 19.03.090 TO INCREASE THE REVIEW AND INSPECTION FEES FOR NEW CONSTRUCTION AND ALTERATIONS; AMENDING LMC SECTION 19.03.100 TO ADD AND INCREASE SPECIFIED PERMIT FEES; AMENDING LMC SECTION 19.03.120 TO INCREASE THE FILING FEE FOR APPEALS TO THE CODE OFFICIAL; AMENDING LMC SECTION 19.03.130 TO RELOCATE REQUIREMENTS RELATING TO MOBILE HOME SKIRTING WITHIN THE IFC; ADDING A NEW LMC SECTION NUMBERED 19.03.133 TO DELETE EXCEPTION 4 FROM IFC SECTION 903.2.7 RELATING TO GROUP M SPRINKLER REQUIREMENTS; AMENDING LMC SECTION 19.03.135 TO REFLECT AN IFC SECTION NUMBER CHANGE; AMENDING LMC SECTION 19.03.140 RELATING TO MONITORING SPRINKLER SYSTEMS; REPEALING LMC SECTION 19.03.143 WHICH DELETED EXCEPTION 2 FROM IFC SECTION 907.3.1.7 RELATING TO FIRE ALARM SYSTEM GROUP R-2 OCCUPANCIES; ADDING A NEW LMC SECTION NUMBERED 19.03.144 TO AMENDED IFC SECTION 907.2.2 RELATING TO GROUP R-2 OCCUPANCIES; AMENDING LMC SECTION 19.03.160 TO REFLECT AN IFC SECTION NUMBER CHANGE; REPEALING LMC SECTION 19.03.180 RELATING TO PERMITS FOR FLAMMABLE AND COMBUSTIBLE LIQUIDS; AND REPEALING LMC SECTION 19.03.190 RELATING TO PROHIBITION ON ABOVE-GROUND TANKS - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 19.03 of the Lincoln Municipal Code ("LMC"), the Fire Code of the City of Lincoln, Nebraska, by amending Section 19.03.010 to adopt the International Fire Code, 2009 Edition ("IFC"), as specifically amended by Chapter 19.03 of the LMC; amending Sections 19.03.090, 19.03.120, 19.03.130, 19.03.133; adding a new LMC section numbered 19.03.135; amending Sections 19.03.135, 19.03.140; repealing LMC Section 19.03.143; adding a new LMC section numbered 19.03.144; amending Section 19.03.160; repealing Section 19.03.180, 19.03.190, 19.03.010, 19.03.090, 19.03.100, 19.03.120, 19.03.130, 19.03.135, 19.03.140 and 19.03.160 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 20.08 OF THE LINCOLN MUNICIPAL CODE (LMC), THE LINCOLN BUILDING CODE, TO ADOPT THE 2009 INTERNATIONAL BUILDING CODE (IBC), AS SPECIFICALLY AMENDED BY CHAPTER 20.08 OF THE LMC, AND TO REVISE SECTIONS WITHIN CHAPTER 20.08 TO INCORPORATE SECTION NUMBER CHANGES BETWEEN THE 2006 AND 2009 EDITIONS OF THE IBC AND TO INCREASE FEES FOR CERTAIN DESIGNATED SERVICES; ADDING A NEW SECTION NUMBERED 20.08.065 TO AMEND IBC SECTION 105.3.2 RELATING TO TIME LIMITATIONS; ADDING A NEW SECTION NUMBERED 20.08.067 TO AMEND IBC SECTION 105.5 RELATING TO EXPIRATION AND REINSTATEMENT OF PERMITS; ADDING A NEW SECTION NUMBERED 20.08.178 TO ADD A NEW IBC SECTION 423.3 RELATING TO THE CONSTRUCTION OF STORM SHELTERS; ADDING A NEW SECTION NUMBERED 20.08.223 TO DELETE NO. 4 FROM IBC SECTION 903.2.7 RELATING TO GROUP M SPRINKLER REQUIREMENTS; ADDING A NEW SECTION NUMBERED 20.08.265 TO ADD AN EXCEPTION 8 TO IBC SECTION 1009.4.2 RELATING TO STAIRWAYS; ADDING A NEW SECTION NUMBERED 20.08.318 TO ADD A NEW IBC SECTION 1509.6 RELATING TO OUTDOOR DECK FRAMING FOR ROOF TOP SEATING AND ASSEMBLY AREAS; ADDING A NEW SECTION NUMBERED 20.08.353 TO AMEND IBC SECTION 1704.1 RELATING TO SPECIAL INSPECTIONS; AND REPEALING LINCOLN MUNICIPAL CODE SECTIONS 20.08.235, 20.08.290, 20.08.325, AND 20.08.340 IN THEIR ENTIRETY - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 20.08 of the Lincoln Municipal Code (LMC), the Lincoln Building Code, to adopt the 2009 International Building Code (IBC), as specifically amended by Chapter 20.08 of the LMC, and to revise sections within Chapter 20.08 to incorporate section number changes between the 2006 and 2009 editions of the IBC and to increase fees for certain designated services; adding new section numbered 20.08.065, 20.08.067, 20.08.178, 20.08.223, 20.08.265, 20.08.318, 20.08.353; repealing Sections 20.08.235, 20.08.290, 20.08.325, 20.08.340, 20.08.010, 20.08.045, 20.08.080, 20.08.090, 20.08.100, 20.08.110, 20.08.115, 20.08.120, 20.08.130, 20.08.140, 20.08.145, 20.08.150, 20.08.160, 20.08.165, 20.08.225, 20.08.357 and 20.08.410 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE NO. 08057A - AMENDING THE UNIVERSITY PLACE PLANNED UNIT DEVELOPMENT TO ALLOW THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES AS A CONDITIONAL USE PROVIDED IT MEETS ALL THE REQUIREMENTS FOR A SPECIAL PERMIT PURSUANT TO § 27.63.680 OF THE LINCOLN MUNICIPAL CODE, EXCEPT FOR PARKING - CLERK read an ordinance, introduced by Carl Eskridge, amending the University Place Planned Unit Development Plan to allow the sale of alcohol for consumption on the premises as a conditional use in the University Place Planned Unit Development District provided such use meets all the requirements for a special permit pursuant to Lincoln Municipal Code § 27.63.680, except the parking requirement, the second time.
APPROVING AN AMENDED SUBLEASE AGREEMENT BETWEEN THE CITY AND EXPERIENCE WORKS FOR THE SUBLEASE OF OFFICE SPACE AT GOLD’S BUILDING, 1010 N STREET, TO AMEND THE TERM, AREA LEASED AND RENTAL AMOUNT - CLERK read an ordinance, introduced by Carl Eskridge, approving a Sublease Agreement between the City of Lincoln and Experience Works from July 1, 2011 to June 30, 2012, whereby the City of Lincoln is subleasing office space to Experience Works at the One Stop Career Center, 1010 N Street, Lincoln, Nebraska, for providing job training and employment services under the Workforce Investment Act, the second time.

AMENDING CHAPTER 14.80 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIDEWALK CONSTRUCTION BY AMENDING SECTION 14.80.010 TO ADD MAILBOXES AND SUPPORTING STRUCTURES AS ITEMS THAT MAY BE LOCATED IN THE SPACE BETWEEN CURB AND LOT LINES, AND TO DELETE DECORATIVE STONES FROM SUCH LIST AS THEY ARE INCLUDED WITHIN THE TERM ORGANIC MULCH; AMENDING SECTION 14.80.020 TO ADD MAILBOXES AND SUPPORTING STRUCTURES REQUIRED BY THE UNITED STATES POSTAL SERVICE AS ITEMS WHICH MAY BE PLACED IN THE SPACE BETWEEN CURB AND LOT LINES WITHOUT A PERMIT, TO REVISE THE ORGANIZATION OF SUBPARAGRAPHS SO THAT PROVISIONS RELATED TO THE SAME SUBJECT APPEAR TOGETHER IN THE ORDINANCE, AND TO CLARIFY THAT THE CITY OF LINCOLN IS RELEASED FROM LIABILITY FOR DAMAGE TO ALL PERSONAL PROPERTY OF ABUTTING LANDOWNERS LOCATED BETWEEN THE CURB AND THE LOT LINE REGARDLESS OF WHETHER THE USE OF SUCH PERSONAL PROPERTY IN THAT AREA IS PERMITTED OR UNAUTHORIZED - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 14.80 of the Lincoln Municipal Code relating to Sidewalk Construction by amending Section 14.80.010 to add mailboxes and supporting structures as items that may be located in the space between curb and lot lines, and to delete decorative stones from such list as they are included within the term organic mulch; amending Section 14.80.020 to add mailboxes and supporting structures required by the United States Postal Service as items which may be placed in the space between curb and lot lines without a permit, to revise the organization of subparagraphs so that provisions related to the same subject appear together in the ordinance, and to clarify that the City of Lincoln is released from liability for damage to all personal property of abutting landowners located between the curb and the lot line regardless of whether the use of such personal property in that area is permitted or unauthorized; and repealing Sections 14.80.010 and 14.80.020 of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND CROSS-DILLON TIRE FOR RADIAL TRANSIT TIRES FOR STARTRAN, PURSUANT TO BID NO. 11-060 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86370

BE IT RESOLVED by the City Council of the City of Lincoln and Cross-Dillon Tire, pursuant to Bid No. 11-060, for Radial Transit Tires for StarTran for a two-year term with the option to renew for one additional two-year term, upon the terms as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 16 - 31, 2011 - PRIOR to reading:

COOK Moved to amend Bill No. 11R-133 in the following manner:

1. On Line 12, strike out the amount of $3,211.29 for the Kari Meyer claim and correct with the amount of $3,254.09.

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

CLERK Read the following amended resolution, introduced by Carl Eskridge, who moved its adoption:

A-86371

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 June 1, 2011, 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:
### Regular Meeting
June 13, 2011
Page 313

<table>
<thead>
<tr>
<th>Denied Claims</th>
<th>Allowed/Settled Claims</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bonnie Kaltenborn</strong></td>
<td>$4,552.61</td>
</tr>
<tr>
<td><strong>Christine Wischmeier</strong></td>
<td>$946.73</td>
</tr>
<tr>
<td><strong>Melanie Brewer</strong></td>
<td>$2,010.09</td>
</tr>
<tr>
<td><strong>Ralph Ebers</strong></td>
<td>$1,829.81</td>
</tr>
<tr>
<td><strong>Kari Meyer</strong></td>
<td>$3,211.29, 3,254.09</td>
</tr>
</tbody>
</table>

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Carl Eskridge

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

### Approving a Funding Agreement Between the City and the Nebraska Dept. of Roads for the Use of Federal Aid Bridge Replacement Funds to Complete the Fracture Critical Bridge Inspection of Structure No. U142500305P on 234th Street Near the Ashland Water Treatment Plant (Project No. BR-NBIS(91))

- Clerk read the following resolution, introduced by Carl Eskridge, who moved its adoption:

**A-86372**

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

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Aid Bridge Replacement funds to complete the Fracture Critical Bridge Inspection of Structure No. U142500305P on 234th Street near the Ashland Water Treatment Plant, Project No. BR-NBIS(91), in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

Introduced by Carl Eskridge

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

### Assessing the Cost of Asbestos Abatement and Demolition of the Unsafe Building Against the Property at 3901 North 63rd Street

- Clerk read the following resolution, introduced by Carl Eskridge, who moved its adoption:

**A-863173**

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

That after hearing held before the City Council, the demolition and utility abandonment expenses as shown on the report which is attached hereto as Attachment "A" and made a part of this resolution is hereby assessed against the properties indicated in the report and shall constitute a lien against such properties until paid. Said assessment shall be delinquent from and after 50 days and draw interest at the rate of 14.00% per annum.

Introduced by Carl Eskridge

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

### Ordinances - 1st Reading & Related Resolutions (as required)

**Miscellaneous 11002 - Vacating the Final Plat of Stone Bridge Creek Villas Generally Located at Redstone Road and Humphrey Avenue and Retaining Certain Easements Therein in the Name of the City**

- Clerk read an ordinance, introduced by Adam Hornung, vacating the final plat of Stone Bridge Creek Villas and all right-of-way within and abutting said plat on property generally located at Redstone Road and Humphrey Avenue, and reserving easements therein in the City of Lincoln, Nebraska, the first time.

**Authorizing the Issuance of Tax Allocation Bonds with a Total Not to Exceed $713,000.00 for the City of Lincoln, 17th and Q/Credit Union Redevelopment Project in Downtown Lincoln (Related Items: 11-81, 11R-135, 11R-136)**

- Clerk read an ordinance, introduced by Adam Hornung, authorizing and providing for the issuance of City of Lincoln, Nebraska Tax Allocation Bonds, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed $712,786 for the purpose of (i) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the City's 17th & Q/Credit Union Redevelopment Project Area, including acquiring any real estate and/or interests in real estate in connection therewith, and (ii) paying the costs of issuance thereof; prescribing the form and certain details of the Bonds; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the Bonds as the same become due; limiting
payment of the Bonds to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the finance Director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the Bonds not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the first time.


APPROVING AN AMENDMENT TO THE FY 10/11 CIP TO AUTHORIZE AND APPROPRIATE $713,000.00 IN TIF FUNDS FOR THE 17TH AND Q/CREDIT UNION REDEVELOPMENT PROJECT GENERALLY LOCATED AT 17TH AND Q STREETS AND 17TH AND P STREETS IN DOWNTOWN LINCOLN. (RELATED ITEMS: 11-81, 11R-135, 11R-136) (ACTION DATE: 6/27/11)

CHANGE OF ZONE 11015 - APPLICATION OF ALAN SCHMIDT FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT SOUTH 27TH STREET AND TERRA DRIVE - CLERK read an ordinance, introduced by Adam Hornung, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 11016 - APPLICATION OF MARK HUNZEKER, ON BEHALF OF THE PROPERTY OWNERS, FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT, ON PROPERTY GENERALLY LOCATED EAST OF SOUTH 25TH STREET TO SOUTH 27TH STREET ALONG THE NORTH SIDE OF N STREET - CLERK read an ordinance, introduced by Adam Hornung, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 11018 - AMENDING CHAPTER 27.41 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE H-2 HIGHWAY BUSINESS DISTRICT BY AMENDING SECTION 27.41.020 TO DELETE THE SQUARE FOOTAGE RESTRICTION ON STORES OR SHOPS FOR THE SALE OF GOODS AT RETAIL NOT OTHERWISE PERMITTED IN THIS CHAPTER; AND AMENDING SECTION 27.41.030 TO ADD ASSEMBLY FACILITIES, INCLUDING BUT NOT LIMITED TO THE ASSEMBLY OF EQUIPMENT, INSTRUMENTS, AND APPLIANCES SUCH AS COMPUTERS AND MUSICAL INSTRUMENTS, AS A PERMITTED CONDITIONAL USE IN THE H-2 DISTRICT (RELATED ITEMS: 11-84, 11R-137, 11-85) - CLERK read an ordinance, introduced by Adam Hornung, amending Chapter 27.41 of the Lincoln Municipal Code relating to the H-2 Highway Business District by amending Section 27.41.020 to delete the square footage restriction on stores or shops for the sale of goods at retail not otherwise permitted in this chapter; amending Section 27.41.030 to add assembly facilities, including but not limited to the assembly of equipment, instruments, and appliances such as computers and musical instruments, as a permitted conditional use in the H-2 District, and repealing Sections 27.41.020 and 27.41.030 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT FOR NORTH 45TH STREET AND VINE STREET BETWEEN A.G. REALTY LIMITED PARTNERSHIP AND THE CITY OF LINCOLN FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO H-2 HIGHWAY BUSINESS DISTRICT FOR A RANGE OF COMMERCIAL AND RETAIL USES, TO RESTRICT USES WHICH WOULD NOT BE COMPATIBLE WITH THE SURROUNDING USES AND DEVELOPMENT, ON PROPERTY GENERALLY LOCATED AT NORTH 45TH STREET AND VINE STREET (RELATED ITEMS: 11-84, 11R-137, 11-85) (ACTION DATE: 6/27/11)

CHANGE OF ZONE 11017 - APPLICATION OF A.G. REALTY LIMITED PARTNERSHIP FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO H-2 HIGHWAY BUSINESS DISTRICT ON VINE STREET BETWEEN A.G. REALTY LIMITED PARTNERSHIP AND THE CITY OF LINCOLN FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO H-2 HIGHWAY BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 25 45TH STREET AND VINE STREET (RELATED ITEMS: 11-84, 11R-137, 11-85) - CLERK read an ordinance, introduced by Adam Hornung, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.
STREET NAME CHANGE 11002 - RENAMING THE REMAINING PORTION OF PINE LAKE ROAD BETWEEN WESTSHORE DRIVE AND HIGHWAY 2 AS "EIGER DRIVE" - CLERK read an ordinance, introduced by Adam Hornung, changing the name of a portion of Pine Lake Road located between Westshore Drive and Highway 2, from Pine Lake Road to Eiger Drive as recommended by the Street Name Committee, the first time.

AMENDING CHAPTER 20.04 OF THE LINCOLN MUNICIPAL CODE, DANGEROUS BUILDING CODE, BY AMENDING SECTION 20.04.010 TO ADD THE CHIEF FIRE INSPECTOR TO THE PHRASE TO BE SUBSTITUTED IN LIEU OF FIRE MARSHAL IN THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; AMENDING SECTION 20.04.020 TO PROVIDE THAT ENTRIES FOR INSPECTIONS SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE LAWS; AMENDING SECTION 20.04.025 TO MAKE THE OWNER OF A DANGEROUS BUILDING RESPONSIBLE FOR REPAIRS, ABATEMENT OR DEMOLITION, REGARDLESS OF THE CAUSE OF THE DAMAGE; ADDING A NEW SECTION NUMBERED 20.04.040 TO AMEND SECTION 301 OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS TO PROVIDE AMENDED DEFINITIONS; AMENDING SECTION 20.04.041 TO ADD PROVISIONS RELATING TO DANGEROUS BUILDINGS THAT INTERFERE WITH CITY OPERATIONS AND PROVISIONS RELATING TO THE DEMOLITION OF DANGEROUS BUILDINGS THAT STOP WITHOUT REASONABLE CAUSE; ADDING A NEW SECTION NUMBERED 20.04.045 TO AMEND SECTION 501 OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS RELATING TO APPEALS; ADDING A NEW SECTION NUMBERED 20.04.052 TO ADD SECTION 701.4 TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS TO PROVIDE FOR ACTION BY THE CITY IN THE EVENT THAT A DANGEROUS BUILDING INTERFERES WITH CITY INFRASTRUCTURE; ADDING A NEW SECTION NUMBERED 20.04.053 TO ADD SECTION 701.5 TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS TO ALLOW THE CITY TO TAKE OVER REPAIRS OR DEMOLITION IN THE EVENT OF A STOPPAGE OF WORK; AND ADDING A NEW SECTION NUMBERED 20.04.054 TO ADD SECTION 701.6 TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS TO ALLOW THE CITY TO REPAIR OR DEMOLISH A DANGEROUS BUILDING WITHOUT NOTICE TO AN OWNER IN AN EMERGENCY - CLERK read an ordinance, introduced by Adam Hornung, amending Chapter 20.04 of the Lincoln Municipal Code, Dangerous Building Code, by amending Section 20.04.010 to add the Chief Fire Inspector to the phrase to be substituted in lieu of Fire Marshal in the Uniform Code for the Abatement of Dangerous Buildings; amending Section 20.04.020 to provide that entries for inspections shall be done in accordance with all applicable laws; amending Section 20.04.025 to make the owner of a dangerous building responsible for repairs, abatement or demolition, regardless of the cause of the damage; adding a new section numbered 20.04.040 to amend Section 301 of the Uniform Code for the Abatement of Dangerous Buildings to provide amended definitions; amending Section 20.04.041 to add provisions relating to dangerous buildings that interfere with City operations and provisions relating to the demolition of dangerous buildings that stop without reasonable cause; adding a new section numbered 20.04.045 to amend Section 501 of the Uniform Code for the Abatement of Dangerous Buildings relating to appeals; adding a new section numbered 20.04.052 to add Section 701.4 to the Uniform Code for the Abatement of Dangerous Buildings to provide for action by the City in the event that a dangerous building interferes with City infrastructure; adding a new section numbered 20.04.053 to add Section 701.5 to the Uniform Code for the Abatement of Dangerous Buildings to allow the City to take over repairs or demolition in the event of a stoppage of work; and adding a new section numbered 20.04.054 to add Section 701.6 to the Uniform Code for the Abatement of Dangerous Buildings to allow the City to repair or demolish a dangerous building without notice to an owner in an emergency, the first time.

AMENDING CHAPTER 2.02 OF THE LINCOLN MUNICIPAL CODE RELATING TO GOVERNMENTAL ORGANIZATION BY ADDING A NEW SECTION NUMBERED 2.02.065 ENTITLED "DIRECTOR OF PUBLIC SAFETY" - CLERK read an ordinance, introduced by Adam Hornung, amending Chapter 2.02 of the Lincoln Municipal Code relating to Governmental Organization by adding a new section numbered 2.02.065 entitled "Director of Public Safety", the first time.

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

AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN CONTRACT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE CITY IN CONNECTION WITH IMPROVEMENTS TO THE CITY’S WATER SYSTEM - CLERK read an ordinance, introduced by Jonathan Cook, authorizing the execution and delivery of a loan contract between the City and the Nebraska Department of Environmental Quality (Project No. D311548) and a related promissory note in a principal amount not to exceed $15,000,000; and related matters, the third time.
COOK Moved to pass the ordinance as read. Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None. The ordinance, being numbered #19552, is recorded in Ordinance Book #27, Page 316.

VACATION NO. 11005 - VACATING THE RIGHT-OF-WAY STUB OF WINDMILL DRIVE ON THE EAST SIDE OF NORTH 84TH STREET BETWEEN ADAMS STREET AND LEIGHTON AVENUE - CLERK read an ordinance, introduced by Jonathan Cook, vacating the right-of-way stub of Windmill Drive on the east side of North 48th Street between Adams Street and Leighton Avenue, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time. COOK Moved to pass the ordinance as read. Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None. The ordinance, being numbered #19553, is recorded in Ordinance Book #27, Page 316.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF "BENEFITS CLERK" - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ordinance No. 19290 passed August 10, 2009, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "X," by creating the job classification of "Benefits Clerk," the third time. COOK Moved to pass the ordinance as read. Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None. The ordinance, being numbered #19554, is recorded in Ordinance Book #27, Page 316.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIMONTHLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "X" TO BE EFFECTIVE AUGUST 19, 2010 - PRIOR to reading: COOK Moved to amend Bill No. 11-70 by accepting the attached Substitute Appendix A to replace the Appendix A originally attached to the ordinance. Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None. CLERK Read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "X" and repealing Ordinance No. 19290, passed by the City Council on August 10, 2009, the third time. COOK Moved to pass the ordinance as amended. Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None. The ordinance, being numbered #19555, is recorded in Ordinance Book #27, Page 316.

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND MUELLER/BIGERT RENTALS FOR THE LEASE OF OFFICE SPACE BY AGING PARTNERS FOR ITS PERSONAL & FAMILY SERVICES PROGRAM AT 137 NORTH 8TH STREET, GENEVA, NE 68361 FOR A TERM OF AUGUST 1, 2011 THROUGH JULY 31, 2012 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Mueller/Bigert Rentals for the lease of office space by the Aging Partners for its Aging Partners Personal & Family Services program located at 137 N. 8th Street, Geneva, NE 68361, for a term of August 1, 2011 through July 31, 2012, the third time. COOK Moved to pass the ordinance as read. Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None. The ordinance, being numbered #19556, is recorded in Ordinance Book #27, Page 316.

OPEN MICROPHONE

Jane Svoboda, address not given, came forward to share her observation that former US presidents have been missing from public view since January 22. She shared her belief that a tornado was not responsible for the devastation in Joplin, MO, but suggested a foreign attack instead. She shared her opinions on the spread of disease and suggested the use of drug substitutes in place of morphine. Ms. Svoboda shared her views on Communism, genocide and terrorism. This matter was taken under advisement.
MISCELLANEOUS BUSINESS

PENDING LIST - DATE CERTAIN

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATIONS OF "LIBRARY SERVICE ASSOCIATE", "LIBRARY SERVICE SUPERVISOR", "LIBRARIAN", "LIBRARY MANAGER", AND "LIBRARY COORDINATOR" (6/6/11 - Public Hearing delayed 2 weeks to 6/20/11) - PRIOR to reading;

COOK Moved to place Bill No. 11-69 on indefinite pending.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

CLERK Read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ordinance No. 18967 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by creating the job classifications of "Library Service Associate," "Library Service Supervisor," "Librarian," "Library Manager"; and amending Section 3 of Ordinance No. 18967 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "C" and by creating the job classification of "Library Coordinator," the second time.

PENDING -

CAMP Moved to extend the Pending List to June 20, 2011.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on June 20, 2011.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

ADJOURNMENT 4:22 P.M.

CAMP Moved to adjourn the City Council meeting of June 13, 2011.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant