The Meeting was called to order at 3:00 p.m. Present: Council Chair Carroll; Council Members: Camp, Cook, Emery, Eskridge, Hornung, Schimek; 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

Camp Having been appointed to read the minutes of the City Council proceedings of October 3, 2011 reported having done so, found same correct. Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

Oath of Office

City Clerk, Joan E. Ross, came forward and administered the Oath of Office to Dianna Schimek, elected by the City Council to fulfill the term of Jayne Snyder.

Mayor’s Award of Excellence

Mayor Beutler presented the Mayor’s Award of Excellence for the month of September 2011 to a team from the City’s Police and the Building & Safety Departments in the category of Productivity. Sergeant Ken Koziol and Chief Fire Prevention Inspector Bill Moody nominated Sgt. Larry Barkdale, Police Officer Matthew Franken and Fire Investigator Kenneth Hilger for their work on the fire that destroyed the LPS administration building on May 30, 2011. Because of their efforts and coordination, the case was brought to a successful conclusion. Inspector Moody, Police Chief Jim Peschong and Building & Safety Director, Fred Hoke, made comments in support of this award.

Public Hearing

Appointing Jacquelyn Miller to the Lincoln-Lancaster County Board of Health to fill an unexpired term expiring April 15, 2014 - Judy Halstead, Lincoln-Lancaster Health Department, came forward to encourage support of Jackie Miller as she has a long history with the Nebraska Department of Health and Human Services and has been a strong advocate for the Lincoln-Lancaster Health Department. This matter was taken under advisement.

Application of R & W BBQ, Inc. DBA Dickey’s Barbecue Pit for a Class A Liquor License at 2662 Cornhusker Highway, Suite 9;
Manager Application of William R. Carter for R & W BBQ, Inc. DBA Dickey’s Barbecue Pit at 2662 Cornhusker Highway, Suite 9 - William R. Carter, 2662 Cornhusker Highway, Suite 9, came forward to take oath and answer questions. This matter was taken under advisement.

Application of Whitemark Energy, LLC DBA U-Stop #26 for a Class D Liquor License at 8350 Northwoods Drive;
Manager Application of Jeffery J. Scott for Whitemark Energy, LLC DBA U-Stop #26 at 8350 Northwoods Drive - Mark Whitehead, 2537 Randolph Street, came forward to take oath and answer questions. This matter was taken under advisement.
REGULAR MEETING
October 10, 2011
Page 528

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED $3,000,000.00 PRINCIPAL AMOUNT THE CITY OF LINCOLN, NEBRASKA GENERAL OBLIGATION SPECIAL ASSESSMENT REVOLVING FUND BONDS, SERIES 2011B;

AUTHORIZING THE CITY OF LINCOLN, NEBRASKA TO ENTER Into A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY, LINCOLN, NEBRASKA, IN AN AMOUNT NOT TO EXCEED $4,750,000.00 FOR THE ACQUISITION OF STREET LIGHTS, COMPUTER SOFTWARE AND A NEW CLUBHOUSE AND RELATED FURNISHINGS AT HOLMES GOLF COURSE - Steve Hubka, Interim Finance Director; Scott Keene, Financial Advisor from Ameritas; and Lauren Wismer, Gilmore & Bell Bond Council, came forward to answer questions.

Council Member Camp asked if the actions on purchasing a lot of long-term treasuries in shift is having a positive affect on interest rates.

Mr. Keene indicated that the treasury actions have had a very favorable affect in the bond market.

Council Member Camp asked what are the issuance fees?

Mr. Keene stated that the rating fees are driven by two factors: the type of financing which drives how much work they have to put into generating the rating, and also the size of the financing. For both of these financings, fees will be in the $5,000 to $6,000 range per financing.

Council Member Cook stated he was concerned about an article that appeared in the World Herald recently. He stated that the article indicated that buildings bought through a lease purchase arrangement are subject to property tax. He questioned if this situation falls under that or do we expect the legislature to resolve?

Mr. Wismer came forward and stated there is legislation being drafted and will be introduced. The situation arose because of the purchase of a City Hall in Norfolk through this particular mechanism.

This matter was taken under advisement.

CHANGE OF ZONE 11031 – APPLICATION OF OLDERBAK GEORGETOWN/WILLOWS, LLC FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT AND R-3 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND VAN DORN STREET;

SPECIAL PERMIT 459A – APPLICATION OF OLDERBAK GEORGETOWN/WILLOWS, LLC, TO AMEND THE GEORGETOWN APARTMENTS COMMUNITY UNIT PLAN TO INCREASE THE NUMBER OF APARTMENT DWELLING UNITS FROM 115 TO 160, WITH A REQUEST TO ADJUST THE PARKING REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND VAN DORN STREET - Mike Olderbak, President of Kabredlo Properties, came forward for questions.

Alan Schmidt and Jim Hutchinson, Engineers, were on hand for questioning.

This matter was taken under advisement.

CHANGE OF ZONE 11033 – APPLICATION OF NORTH THIRTY THIRD, LLC FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT, I-3 EMPLOYMENT CENTER DISTRICT, B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND R-5 RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT; FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND R-3 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT; AND FROM I-3 EMPLOYMENT CENTER DISTRICT, B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, R-3 RESIDENTIAL DISTRICT AND R-5 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 33RD STREET AND FOLKWAYS BOULEVARD - Brad Marshall of Olsson Associates, 1111 Lincoln Mall, representing North Thirty Third, LLC, came forward for the change of zone and to answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 11035 – APPLICATION OF R.I.P., INC. FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 24TH STREET AND DODGE STREET;

SPECIAL PERMIT 11023 – APPEAL OF LANDON’S NEIGHBORHOOD ASSOCIATION AND REGALTON NEIGHBORHOOD ASSOCIATION FROM THE PLANNING COMMISSION’S CONDITIONAL APPROVAL OF ITS APPLICATION FOR AUTHORITY TO DEVELOP THE MAGIC HILLS COMMUNITY UNIT PLAN CONSISTING OF 96 DWELLING UNITS IN FOUR BUILDINGS AND A CLUBHOUSE, ON PROPERTY GENERALLY LOCATED AT NORTH 24TH AND SUPERIOR STREETS - Kathleen Tiede, 2440 Dodge St., came forward to express opposition to the construction of a 96-unit apartment complex because of traffic concerns. She presented a petition with 80 signatures in opposition. In response to Council questions, Ms. Tiede described the traffic problem at 24th and Superior Streets as it related to left-hand turns. She believes that the roundabout at 14th and Superior will make left turns even harder.

CHANGE OF ZONE 3413 – APPLICATION OF LANDON’S NEIGHBORHOOD ASSOC. FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO R-2 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT N. 24TH AND SUPERIOR STREETS - Kathleen Tiede, 2440 Dodge St., came forward to express opposition to the construction of a 96-unit apartment complex because of traffic concerns. She presented a petition with 80 signatures in opposition. In response to Council questions, Ms. Tiede described the traffic problem at 24th and Superior Streets as it related to left-hand turns. She believes that the roundabout at 14th and Superior will make left turns even harder.
Andrew Willis, Cline Williams Law Firm, came forward representing the applicant, R.I.P. Inc. He stated that all his comments would be deferred to the Council Meeting of November 7, 2011.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE STARTTRAN RATE SCHEDULE TO INCREASE THE LOW INCOME 31-DAY PASS AND HANDIVAN LOW INCOME 31-DAY PASS FARES - Scott Tharnish, StarTran, came forward to answer questions. He explained that the StarTran Advisory Board recommended the increase. In response to Council questions, Mr. Tharnish said the $14,000 generated from this fare would be included in the operating revenue to help support restored Saturday services.

Miki Esposito, Interim Director of Public Works & Utilities, came forward to explain how the funds are allocated and indicated that they are waiting for results from a performance audit.

Beatty Brasch, 3303 S 31st, Center for People in Need Exec. Director, came forward to oppose the fare increase for low-income riders. She indicated she supports the $8 increase, but not the $10 increase.

Mike Morosin, 1500 N. 15th St., came forward in opposition to the fare increase.

This matter was taken under advisement.


Council Member Hornung requested an explanation of the notification process. In response, Ms. Halstead indicated that there are two notification processes: a complaint or a hazardous situation. She stated an executive order can be signed by the Mayor within 24 hours. She said an ad is published in the Lincoln Journal Star and a letter is sent to their home address.

Council Member Hornung asked if someone bought property over the last five or six months with an abatement attached to it, how does that process work? In response, Ms. Halstead indicated a lien is placed on the property so when the title is transferred, the title company would check the deed and see the lien for the current owner to settle. For this to occur every six months rather than every year, Ms. Halstead said the ordinance have to be revised to require that. The ordinance in place now is to present it annually. Ms. Halstead said she would be happy to work with Council if they choose to change the ordinance.

Council Member Cook asked what kind of letters are sent? Ms. Halstead answered that individual letters are sent to the owners and, in addition, a notice is published in the Lincoln Journal Star because properties may have potentially changed hands. She said letters are sent to the address of the property for the individual/responsible party.

Scott Holmes, Environmental Public Health Division Manager with the Health Department, came forward to answer questions. He clarified that the information is put on the deed as soon as the process and a potential costs are completed. The title company would find the information upon transfer of title. He said this particular year over 60 abatements were completed and only 6 or 7 of them changed hands during the limbo period. In other cases, it is bank issues and foreclosures.

This matter was taken under advisement.
COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING JACQUELYN MILLER TO THE LINCOLN-LANCAS TER COUNTY BOARD OF HEALTH TO FILL AN UNEXPIRED TERM EXPIRING APRIL 15, 2014 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86524

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

That the appointment of Jacquelyn Miller to the Lincoln-Lancaster County Board of Health to fill an unexpired term expiring April 15, 2014 is hereby approved.

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

REAPPOINTING AMIR AZIMI, THOMAS CHRISTIE, AMRITA MAHAPATRA, ANNIelyn OCAMPO AND PEARL VAN ZANDT TO THE MULTICULTURAL ADVISORY COMMITTEE FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 18, 2014 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86525

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

That the reappointment of Amir Azimi, Thomas Christie, Amrita Mahapatra, Annielyn Ocampo and Pearl Van Zandt to the Multicultural Advisory Committee for three-year terms expiring September 18, 2014 is hereby approved.

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

LINCOLN WATER & WASTEWATER RECAPITULATION OF DAILY CASH RECEIPTS FOR AUGUST 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK’S LETTER & MAYOR’S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON SEPTEMBER 26, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS FOR THE MONTH ENDED AUGUST 31, 2011 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86526

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

That during the month ended August 31, 2011, $212,005.10 was earned from the investments of “IDLE FUNDS”. The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

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

PETITIONS & COMMUNICATIONS

REFERRAL TO THE PLANNING DEPARTMENT:

Special Permit No. 11024 - Requested by Jeff and Catheleen Plager, for an early childhood care facility, on property legally described as Lot 7, Block 5, High Ridge Acres, located in Section 31-10-6, Lancaster County, Nebraska, generally located at 1941 W. Peach Circle.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 11048 to Change of Zone No. 2938C, University of Nebraska Technology Park Special Sign District, approved by the Planning Director on September 28, 2011, requested by The University of Nebraska Foundation, to revise Section 3.1, Wall Signs; to delete NW 1st St. Building ID Signs and to add a new Section 3.3 for Ground Building ID Sign for University of Nebraska Technology Park Special Sign District on property generally located at NW. 1st St. and Highland Blvd.
LIQUOR RESOLUTIONS

APPLICATION OF R & W BBQ, INC. DBA DICKEY’S BARBECUE PIT FOR A CLASS A LIQUOR LICENSE AT 2662 CORNHUSKER HIGHWAY, SUITE 9 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

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 R & W BBQ, Inc. dba Dickey’s Barbecue Pit for a Class "A" liquor license at 2662 Cornhusker Highway, Suite 9, Lincoln, Nebraska, for the license period ending April 30, 2012, be approved with the condition that:
1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

MANAGER APPLICATION OF WILLIAM R. CARTER FOR R & W BBQ, INC. DBA DICKEY’S BARBECUE PIT AT 2662 CORNHUSKER HIGHWAY, SUITE 9 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

WHEREAS, R & W BBQ, Inc. dba Dickey’s Barbecue Pit located at 2662 Cornhusker Highway, Suite 9, Lincoln, Nebraska has been approved for a Retail Class “A” liquor license, and now requests that William R. Carter be named manager;
WHEREAS, William R. Carter 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 William R. Carter 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 Hornung & carried by the following vote: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPLICATION OF WHITEMARK ENERGY, LLC DBA U-STOP #26 FOR A CLASS D LIQUOR LICENSE AT 8350 NORTHWOODS DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

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 Whitemark Energy, LLC dba U-Stop #26 for a Class "D" liquor license at 8350 Northwoods Drive, Lincoln, Nebraska, for the license period ending April 30, 2012, be approved with the condition that the premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

MANAGER APPLICATION OF JEFFERY J. SCOTT FOR WHITEMARK ENERGY, LLC DBA U-STOP #26 AT 8350 NORTHWOODS DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

WHEREAS, Whitemark Energy, LLC dba U-Stop #26 located at 8350 Northwoods Drive, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Jeffery J. Scott be named manager;
WHEREAS, Jeffery J. Scott 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 Jeffery J. Scott 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 Hornung & carried by the following vote: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

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

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED $3,000,000.00 PRINCIPAL AMOUNT THE CITY OF LINCOLN, NEBRASKA GENERAL OBLIGATION SPECIAL ASSESSMENT REVOLVING FUND BONDS, SERIES 2011B - CLERK read an ordinance, introduced by Doug Emery, authorizing and directing the issuance and delivery of not to exceed $3,000,000 principal amount of general obligation special assessment revolving fund bonds, series 2011B, of the City of Lincoln, Nebraska; prescribing the form and details of such bonds; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on such bonds as they become due; and authorizing certain other documents and actions in connection therewith, the second time.

AUTHORIZING THE CITY OF LINCOLN, NEBRASKA TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY, LINCOLN, NEBRASKA, IN AN AMOUNT NOT TO EXCEED $4,750,000.00 FOR THE ACQUISITION OF STREET LIGHTS, COMPUTER SOFTWARE AND A NEW CLUBHOUSE AND RELATED FURNISHINGS AT HOLMES GOLF COURSE - CLERK read an ordinance, introduced by Doug Emery, authorizing and approving a lease-purchase transaction with Union Bank and Trust Company, the proceeds of which will be used to pay the costs of (A) acquiring and installing street lights and related improvements and certain computer software and (B) constructing, equipping and furnishing a new clubhouse at the City’s Holmes Gold Course; approving the issuance, sale and delivery of not to exceed $4,750,000 principal amount of certificates of participation in such lease; fixing in part and providing for the fixing in part of certain provisions of the lease and related documents; and related matters, the second time.

CHANGE OF ZONE 11031 - APPLICATION OF OLDBERBAK GEORGETOWN/WILLOWS, LLC FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT AND R-3 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND VAN DORN STREET. (RELATED ITEMS: 11-155, 11R-244) (ACTION DATE: 10/17/11) - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

SPECIAL PERMIT 459A - APPLICATION OF OLDBERBAK GEORGETOWN/WILLOWS, LLC, TO AMEND THE GEORGETOWN APARTMENTS COMMUNITY UNIT PLAN TO INCREASE THE NUMBER OF APARTMENT DWELLING UNITS FROM 115 TO 160, WITH A REQUEST TO ADJUST THE PARKING REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND VAN DORN STREET. (RELATED ITEMS: 11-155, 11R-244) (ACTION DATE: 10/17/11)

CHANGE OF ZONE 11033 - APPLICATION OF NORTH THIRTY THIRD, LLC FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT, I-3 EMPLOYMENT CENTER DISTRICT, B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND R-5 RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT; FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND R-3 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT; AND FROM I-3 EMPLOYMENT CENTER DISTRICT, B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, R-3 RESIDENTIAL DISTRICT AND R-5 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 33RD STREET AND FOLKWAYS BOULEVARD - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.
CHANGE OF ZONE 11035 - APPLICATION OF R.I.P., INC. FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 24TH STREET AND DODGE STREET. (RELATED ITEMS: 05-188, 11-157, 11R-246) (ACTION DATE: 10/17/11) - PRIOR to reading:
COOK Moved to delay Public Hearing on Bill No. 11-157 to 11/7/11 w/action on 11/14/11.
Seconded by Hornung & carried by the following vote: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

CLERK Read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

SPECIAL PERMIT 11023 – APPEAL OF LANDON’S NEIGHBORHOOD ASSOCIATION AND REGALTON NEIGHBORHOOD ASSOCIATION FROM THE PLANNING COMMISSION’S CONDITIONAL APPROVAL OF ITS APPLICATION FOR AUTHORITY TO DEVELOP THE MAGIC HILLS COMMUNITY UNIT PLAN CONSISTING OF 96 DWELLING UNITS IN FOUR BUILDINGS AND A CLUBHOUSE, ON PROPERTY GENERALLY LOCATED AT NORTH 24TH STREET AND DODGE STREET. (RELATED ITEMS: 05-188, 11-157, 11R-246) (ACTION DATE: 10/17/11) - PRIOR to reading:
COOK Moved to delay Public Hearing on Bill No. 11R-246 to 11/7/11 w/action on 11/14/11.
Seconded by Hornung & carried by the following vote: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

CHANGE OF ZONE 3413 - APPLICATION OF LANDON’S NEIGHBORHOOD ASSOC. FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO R-2 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT N. 24TH AND SUPERIOR STREETS. (12/19/05 - PLACED ON PENDING INDEFINITELY) (REQUEST TO REMOVE FROM PENDING TO HAVE P.H. ON 10/10/11 W/11-157 & 11R-246) (10/3/11 - TO HAVE P.H. ON 10/10/11, W/ACTION ON 10/17/11) (RELATED ITEMS: 11-157, 11R-246, 05-188) (ACTION DATE: 10/17/11) - PRIOR to reading:
COOK Moved to delay Public Hearing on Bill No. 05-188 to 11/7/11 w/action on 11/14/11.
Seconded by Hornung & carried by the following vote: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

CLERK Read an ordinance, originally introduced by Dan Marvin (12/19/05), amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING APPROPRIATIONS IN THE AMOUNT OF $44,500.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES (ROUND 34) - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:
A-86531
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 $44,500.00 from said gross funds for the human services listed in Attachment "A" (Keno Prevention Fund Round 34) 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 $44,500.00 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 Doug Emery
Seconded by Carl Eskridge & carried by the following vote: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPROVING AN AMENDMENT TO THE STARTRAN RATE SCHEDULE TO INCREASE THE LOW INCOME 31-DAY PASS AND HANDIVAN LOW INCOME 31-DAY PASS FARES - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:
A-86532
WHEREAS, pursuant to Section 2.38.100 of the Lincoln Municipal Code, the StarTran Advisory Board has made recommendations regarding increases in the StarTran Low-Income Fare Structure; and

APPROVING APPROPRIATIONS IN THE AMOUNT OF $44,500.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES (ROUND 34) - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:
A-86531
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 $44,500.00 from said gross funds for the human services listed in Attachment "A" (Keno Prevention Fund Round 34) 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 $44,500.00 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 Doug Emery
Seconded by Carl Eskridge & carried by the following vote: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPROVING AN AMENDMENT TO THE STARTRAN RATE SCHEDULE TO INCREASE THE LOW INCOME 31-DAY PASS AND HANDIVAN LOW INCOME 31-DAY PASS FARES - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:
A-86532
WHEREAS, pursuant to Section 2.38.100 of the Lincoln Municipal Code, the StarTran Advisory Board has made recommendations regarding increases in the StarTran Low-Income Fare Structure; and
WHEREAS, the City Council, pursuant to said Code Section, must review all recommendations and take final action thereon.

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

That the City Council, upon review of the recommendations of the StarTran Advisory Board, hereby accepts and adopts the following changes to the StarTran fare structure:

<table>
<thead>
<tr>
<th>FARE CATEGORY</th>
<th>EXISTING FARE</th>
<th>PROPOSED FARE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low-Income 31-Day Pass</td>
<td>$7.50</td>
<td>$8.00</td>
</tr>
<tr>
<td>HandiVan Low Income 31-Day Pass</td>
<td>$15.00</td>
<td>$16.00</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the fare structure set forth above shall become effective on November 1, 2011, and upon that date any resolution relating to said fares shall be superseded.

Introduced by Doug Emery
Seconded by Carl Eskridge & carried by the following vote: Camp, Carroll, Cook, Emery, Eskridge, Schimek; NAYS: Hornung.


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

Pursuant to Section 8.26.040 of the Lincoln Municipal Code, the nuisance abatement costs as shown on the list which is attached hereto, marked Exhibit "A" and made a part hereof by reference, are hereby assessed against the property set opposite each amount as shown thereon. Said assessments shall be delinquent from and after December 1, 2011 and draw interest as provided for in Neb. Rev. Stat. § 45-104.01 for assessments.

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

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

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT FOR HOLDREGE STREET AND IDYLWILD DRIVE BETWEEN KAPPA FOUNDATION AND THE CITY OF LINCOLN FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT FOR A FRATERNITY NOT COMPATIBLE WITH THE ADJACENT NEIGHBORHOOD, ON PROPERTY GENERALY LOCATED AT HOLDREGE STREET AND IDYLWILD DRIVE. (RELATED ITEMS: 11R-251, 11-159, 11R-249) (ACTION DATE: 10/24/11).

CHANGE OF ZONE 11032 – APPLICATION OF KAPPA FOUNDATION FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT HOLDREGE STREET AND IDYLWILD DRIVE. (RELATED ITEMS: 11R-251, 11-159, 11R-249) (ACTION DATE: 10/24/11) - CLERK read an ordinance, introduced by Carl Eskridge, 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.

SPECIAL PERMIT 11021 – APPLICATION OF KAPPA FOUNDATION TO ALLOW A PARKING LOT IN THE R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT IDYLWILD DRIVE AND STARR STREET. (RELATED ITEMS: 11R-251, 11-159, 11R-249) (ACTION DATE: 10/24/11)

APPROVING REVISED DISTRICT BOUNDARIES OF THE CITY FOR THE FOUR CITY COUNCIL DISTRICTS IN COMPLIANCE WITH ARTICLE IV, SECTION 2(A) OF THE HOME RULE CHARTER OF THE CITY OF LINCOLN - CLERK read an ordinance, introduced by Carl Eskridge, WHEREAS, the
electors of the City of Lincoln on November 7, 1978, adopted an amendment to the Charter of the City of Lincoln which requires the district election of four City Council members commencing with the City election of 1979; and WHEREAS, the City has previously established such council districts as required by said Charter amendment; and WHEREAS, Neb. Rev. Stat. §32-553 (Reissue 2008) requires such districts to be substantially equal in population, as determined by the most recent federal census; and WHEREAS, the City has received the results of the 2010 federal census, the first time.

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

AMENDING TITLE 3 OF THE LINCOLN MUNICIPAL CODE RELATING TO REVENUE AND FINANCE BY ADDING A NEW SECTION NUMBERED 3.06.010 TO ESTABLISH AND DEFINE THE BIENNIAL BUDGET; ADDING A NEW SECTION NUMBERED 3.06.020 TO ESTABLISH THE PROCEDURE AND CALENDAR FOR THE FORMULATION OF THE PROPOSED BIENNIAL EXECUTIVE BUDGET AND FOR ITS SUBMISSION TO THE COUNCIL; ADDING A NEW SECTION NUMBERED 3.06.030 TO ESTABLISH THE CONTENTS OF THE BIENNIAL BUDGET; ADDING A NEW SECTION NUMBERED 3.06.040 TO ESTABLISH THE PROCEDURE FOR THE ADOPTION OF THE BIENNIAL BUDGET; ADDING A NEW SECTION NUMBERED 3.06.050 TO ESTABLISH AND DEFINE THE PROCEDURE FOR REDUCTION, TRANSFER AND REVISION TO THE BIENNIAL BUDGET; ADDING A NEW SECTION NUMBERED 3.06.060 TO ESTABLISH THE PROCEDURE FOR THE CAPITAL IMPROVEMENT BIENNIAL BUDGET; AND ADDING A NEW SECTION NUMBERED 3.06.070 TO ESTABLISH A DATE TO SET THE PROPERTY TAX RATE AND REAPPROPRIATE UNENCUMBRED APPROPRIATIONS FOR THE SECOND YEAR - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 3 of the Lincoln Municipal Code relating to Revenue and Finance by adding a new section numbered 3.06.010 to establish and define the biennial budget; adding a new section numbered 3.06.020 to establish the procedure and calendar for the formulation of the proposed biennial executive budget and for its submission to the council; adding a new section numbered 3.06.030 to establish the contents of the biennial budget; adding a new section numbered 3.06.040 to establish the procedure for the adoption of the biennial budget; adding a new section numbered 3.06.050 to establish and define the procedure for reduction, transfer and revision to the biennial budget; adding a new section numbered 3.06.060 to establish the procedure for the capital improvement biennial budget; and adding a new section numbered 3.06.070 to establish a date to set the property tax rate and reappropriate unencumbered appropriations for the second year, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19630, is recorded in Ordinance Book #27, Page...

AMENDING SECTION 2.76.200 OF THE LINCOLN MUNICIPAL CODE, COMPENSATION PLAN; TEMPORARY ASSIGNMENT IN A HIGHER CLASSIFICATION, TO ALLOW EMPLOYEES IN THE PAY RANGES PREFIXED BY THE LETTERS N AND X TO COINCIDE WITH PAGE EMPLOYEES TO BE EFFECTIVE AUGUST 18, 2011 - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 2.76.200 of the Lincoln Municipal Code relating to Temporary Assignment in a Higher Classification to provide that "N" and "X" employees coincide with recent changes with PAGE and making the changes retroactively effective as of August 18, 2011; and repealing Section 2.76.200 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Eskridge & carried by the following vote: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: Hornung.

The ordinance, being numbered #19631, is recorded in Ordinance Book #27, Page...

AMENDING SECTION 2.76.380 OF THE LINCOLN MUNICIPAL CODE, SICK LEAVE WITH PAY, TO CLARIFY FOR EMPLOYEES IN THE PAY RANGES PREFIXED BY THE LETTERS N AND X THAT SICK LEAVE PAYOUT UPON RESIGNATION IS FOR REGULAR EMPLOYEES ONLY - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 2.76.380 of the Lincoln Municipal Code to clarify that for 'N' and 'X' employees sick leave payout upon resignation is only for regular employees; and repealing Section 2.76.380 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19632, is recorded in Ordinance Book #27, Page...
APPROVING THE I-80 WEST LINCOLN BUSINESS CENTER CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND RINGNECK DEVELOPMENT LLC FOR ANNEXATION OF APPROXIMATELY 7.72 ACRES AND THE DEVELOPMENT OF 233 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND I-80. (RELATED ITEMS: 11R-235, 11-149, 11-150) - PRIOR to reading:
EMERY Moved to delay action on Bill No. 11R-235 four weeks to 11/7/11. Seconded by Hornung & carried by the following vote: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

ANNEXATION NO. 07005 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 7.72 ACRES GENERALLY LOCATED AT N.W. 48TH STREET AND WEST HOLDREGE STREET (RELATED ITEMS: 11R-235, 11-149, 11-150) - PRIOR to reading:
EMERY Moved to delay action on Bill No. 11-149 four weeks to 11/7/11. Seconded by Hornung & carried by the following vote: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

CHANGE OF ZONE NO. 07063 - APPLICATION OF RINGNECK DEVELOPMENT FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL WITH A PLANNED UNIT DEVELOPMENT DESIGNATION ON 7.72 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND WEST HOLDREGE STREET WITH REQUESTED WAIVERS AND MODIFICATION TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW APPROXIMATELY 42,000 SQUARE FEET OF OFFICE AND COMMERCIAL FLOOR AREA AND SIX DWELLING UNITS ON THE UNDERLYING R-3 ZONED AREA (RELATED ITEMS: 11R-235, 11-149, 11-150) - PRIOR to reading:
EMERY Moved to delay action on Bill No. 11-150 four weeks to 11/7/11. Seconded by Hornung & carried by the following vote: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPROVING A LEASE AGREEMENT BETWEEN THE LINCOLN PARKS AND RECREATION DEPARTMENT AND LINCOLN PARKS AND RECREATION FOUNDATION FOR THE LEASE OF APPROXIMATELY 230 SQUARE FEET OF SPACE TO THE FOUNDATION AT 2740 A STREET FOR A 13.5 YEAR PERIOD - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving the Lease Agreement between the City of Lincoln, Nebraska on behalf of Lincoln Parks and Recreation Department and the Lincoln Parks and Recreation Foundation for the lease of approximately 230 square feet of office space in the Parks and Recreation Department’s administrative offices located at 2740 A Street to the Parks and Recreation Foundation for a term commencing on October 1, 2011 and terminating on April 30, 2024, the third time.
COOK Moved to pass the ordinance as read. Seconded by Eskridge & carried by the following vote: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.
The ordinance, being numbered #19633, is recorded in Ordinance Book #27, Page 20.

APPROVING THE ALLOCATION OF $1 MILLION OF CAPITAL IMPROVEMENT FUNDS APPROPRIATED IN THE FY 2011-12 BUDGET TO CERTAIN PROJECTS WITHIN THE PARKS AND RECREATION DEPARTMENT - CLERK read an ordinance, introduced by Jonathan Cook, approving the transfer of unspent and unencumbered appropriations to certain capital improvement projects within the Parks and Recreation Department, the third time.
COOK Moved to pass the ordinance as read. Seconded by Eskridge & carried by the following vote: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.
The ordinance, being numbered #19634, is recorded in Ordinance Book #27, Page 20.

OPEN MICROPHONE - NONE
MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to October 17, 2011.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on October 17,
2011.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

ADJOURNMENT 4:12 P.M.

CAMP Moved to adjourn the City Council meeting of October 10, 2011.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant