THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 5, 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; City Clerk, Joan E. Ross; Absent: Schimek.

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 November 21, 2011 reported having done so, found same correct.

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

PUBLIC HEARING

APPROVING THE APPOINTMENT OF DOUGLAS MCDANIEL AS PERSONNEL DIRECTOR FOR THE LINCOLN-LANCASTER COUNTY PERSONNEL DEPARTMENT EFFECTIVE JANUARY 3, 2012 - Don Taute, Assistant City Attorney and Acting Personnel Director, came forward to speak on behalf of the new appointee.

Douglas McDaniel came forward to introduce himself and answer questions about his employment history and share his accomplishments. He said he has 27 years of Human Resource experience with BryanLGH and previously Bryan Memorial Hospital. Mr. Daniel said he looks forward to learning a new industry and working with new people.

Council Member Eskridge reported that friends at Bryan may lament Mr. McDaniel’s departure but it is the City’s gain.

Council Chair Carroll welcomed Mr. McDaniel and expressed appreciation for his acceptance of the job. This matter was taken under advisement.

APPLICATION OF TLR INC. DBA HOLMES GOLF COURSE FOR A CLASS C LIQUOR LICENSE AT 3701 SOUTH 70TH STREET;
MANAGER APPLICATION OF TIMOTHY L. ROWLAND FOR TLR INC. DBA HOLMES GOLF COURSE AT 3701 SOUTH 70TH STREET;
APPLICATION OF TLR INC. DBA PIONEERS GOLF COURSE FOR A CLASS C LIQUOR LICENSE AT 3403 WEST VAN DORN STREET;
MANAGER APPLICATION OF TIMOTHY L. ROWLAND FOR TLR INC. DBA PIONEERS GOLF COURSE AT 3403 WEST VAN DORN STREET - Tim Rowland, 727 W. Jennifer Dr., came forward to take oath and answer questions. He explained beverage choices to Council and stated that all City golf courses should offer the same product whether it be on the course or in the clubhouse.

This matter was taken under advisement.

APPLICATION OF DENIS VONTZ DBA MAHONEY GOLF COURSE FOR A CLASS I LIQUOR LICENSE AT 7900 ADAMS STREET - Denis Vontz, 6810 S. Ridge Drive, came forward to take oath and answer questions. He explained that Mahoney currently has a Class I liquor license and will continue with that classification, of which he is familiar, until the renewal process in April. At that time, Mr. Vontz said he will consider the Class C.

This matter was taken under advisement.

ACCEPTING AND APPROVING THE SECOND AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY SCHOOL DISTRICT NO. 001 TO EXTEND THE TERM FOR THE LEASE OF OFFICE SPACE IN THE BUILDING LOCATED AT 949 WEST BOND STREET - Chris Connolly, City Law Department, came forward to answer questions. He said LPS staff was unsure of the LPS Board’s decision regarding renovation or new construction. He said that after their decision in October, it was time to move forward with the lease.

This matter was taken under advisement.
AMENDING TITLE 24 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW CHAPTER 24.10 TO ADOPT THE 2009 EDITION OF THE UNIFORM PLUMBING CODE, WITH AMENDMENTS, ADDITIONS AND DELETIONS THERETO, REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO USE OR MAINTENANCE OF ANY PLUMBING SYSTEM IN THE CITY OF LINCOLN; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AND REPEALING CHAPTER 24.12 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;


AMENDING CHAPTER 25.24 OF THE LINCOLN MUNICIPAL CODE, THE LINCOLN MECHANICAL CODE TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL MECHANICAL CODE (IMC), WITH AMENDMENTS, ADDITIONS AND DELETIONS THERETO - Fred Hoke, Manager of DSC, came forward to explain that this public hearing is a continuation from two weeks ago. He reported that additional information had come to Council and he was willing to answer any questions.

Bob Siemsen, Chief Plumbing Inspector in the Department of Building & Safety, was on hand for questions.

Milo Mumgaard, Senior Policy Aid for Mayor Beutler, came forward to answer questions. He explained the context of the federal rule requiring 90% efficient furnaces next year. He said the U.S. Department of Energy is setting a standard to ensure that the market is not providing less than 90% efficiency in northern states -- states that have been identified as having heavy energy costs during the winter months. Mr. Mumgaard said 90% energy efficient furnaces will create a positive life-cycle cost for all consumers. Working with Black Hills Energy, he said a group of individuals from across the building industry, utilities, engineering, neighborhoods, rental owners and other backgrounds have convened for a Green Team process to talk about what makes the most sense for Lincoln rather than waiting for the federal government to tell the City what to do. In response to Council suggestion to support a modification to the legislation, Mr. Mumgaard said it is an option to think about.

Merl Scott, Chief HVAC Inspector in the Department of Building & Safety, came forward to answer questions. He said it is his understanding that should Council pass the local ordinance to require 90% efficient furnaces, from that day forward, all permits taken would have to be for 90% furnaces. Mr. Scott said his personal feeling is that the high efficiency furnace has an added measure of safety. He said average unit cost is $600 more than an 80% furnace. A 90% furnace may run the same length of time as an 80% but less cubic ft. of gas is consumed.

Chris Connolly, City Law Department, came forward to answer questions. He said if the Code says the City will only approve permits for 90%, then that’s all that can be installed.

Tom Hardey, 2321 Andrea Place, Wellman Heating & A/C, came forward stating he has served on the Mechanical Task Force for over a decade. He said if federally mandated, the state will adopt it and the City will be forced to enforce it. He stated that Building & Safety’s first priority is safety.

Steve Oborny, address not given, came forward as a concerned citizen stating that decisions need to be made by businessman salesmanship rather than government control.

Mr. Hoke came forward to present handouts and answer questions. He reminded everyone that Building & Safety is a code enforcement agency, not a law maker. He suggested that Council consider various options for passage of the code. Mr. Hoke stated that in this segment of time between now and 2013, we should look at all the facts, get as much good information out there -- on Channel 5, in video format, on the website and at Chamber & association meetings around town -- so when, and if this becomes a regulation, at least people can be informed with facts.

Mr. Mumgaard came forward to clarify what is actually going to be required by the federal government. He stated that it was his understanding that the Energy Policy Conservation Act and the new direct rule only revolves around the manufacture and sale of 90% or above appliances.

This matter was taken under advisement.
ASSESSING THE COST OF ASBESTOS ABATEMENT AND DEMOLITION OF THE DANGEROUS BUILDING LOCATED AT 2011 S. 19TH STREET - John Boies, Chief Housing Inspector, came forward to answer questions about the property that was declared a dangerous building and the owners did not have the resources to repair the structure. He said the cost came out to $12,170.

This matter was taken under advisement.

APPROVING THE SUB-GRANT AWARD AGREEMENT BETWEEN THE NEBRASKA EMERGENCY MANAGEMENT AGENCY AND THE CITY OF LINCOLN REGARDING THE 2009 METROPOLITAN MEDICAL RESPONSE SYSTEM FOR THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT IN THE AMOUNT OF $321,221.00 FOR THE AWARD PERIOD OF 9/1/2009 THROUGH 7/31/2012 - Judy Halstead, Director of Lincoln-Lancaster County Health Dept., came forward to answer questions about the agreement. She explained that this grant funding agreement extending longer than 12 months is for the preparation for man-made or natural disasters. Ms. Halstead said sub-granting is carried through to hospitals and Lancaster County Emergency Management.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE LINCOLN CHAMBER ECOnOMIC DEVELOPMENT CORP. (LCHEDC) FOR THE PROMOTION OF ECOnOMIC DEVELOPMENT IN LINCOLN FOR A THREE YEAR TERM COMMENCING SEPTEMBER 1, 2011 THROUGH AUGUST 31, 2014 - Mike Lang, Economic Development Coordinator, came forward to speak on behalf of the agreement and to answer any questions. He said the Lincoln Partnership for Economic Development (LPED) plays a vital role in promoting economic development in the City. He said the primary goals of the organization include being a central clearing house for economic development initiatives of the Lincoln region and acting as the lead organization for building and maintaining a communication & resource network among businesses & area economic development organizations. He said the strategic programs deal with business retention & expansion, business attraction, technology enterprise development and enhancing community competitiveness. Mr. Lang stated that under this agreement, the City shall fund 50% of the annual LPED budget for each program year up to a maximum of $300,000 and the Lincoln Chamber Economic Development Corporation shall also fund 50% of the annual operating budget in the same amount. In addition, he said if the LCHEDC received additional contributions above the base contribution amount, the City will make a supplemental contribution to the LCHEDC of an equal amount not to exceed $200,000. In finality, Mr. Lang said this financial assistance will help LPED staff to carry out economic programs that produce results.

Wendy Birdsall, Chamber of Commerce and President of LPED, came forward in appreciation for the ongoing partnership between LCHEDC and the City’s Economic Development Services. She reported that the community is seeing record levels of jobs and the unemployment rate is the second lowest in the United States. She said it is evident that construction projects continue in all sectors of the community. Ms. Birdsall stated that continued investment in job creation activities is imperative and that continuing the unique public/private partnership is important to the future of Lincoln.

Council Member Hornung asked for examples of companies receiving assistance in the last 24 months to which Ms. Birdsall replied, Duncan Aviation, FiServ, Nebraska Global, Verizon, Cabela’s and Dell Corporation. Jason Smith, LPED, came forward to clarify programs leading to job creation. He agreed to supply accurate numbers to Council.

Mr. Lang came forward in rebuttal stating that what is not seen in numbers is the value-added customer service that takes place behind the scenes. He explained tracking the metrics in follow-up activities to flush out issues that need to be worked on in the business climate.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING DWIGHT BROWN JR., SCOTT HATFIELD AND GREGORY W. KEY TO THE CITIZEN POLICE ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING NOVEMBER 17, 2014 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:
A-86615
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Dwight Brown Jr., Scott Hatfield and Gregory W. Key to the Citizen Police Advisory Board for three-year terms expiring November 17, 2014 is hereby approved.

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

APPOINTING KRISTINA GUERRERO-SISNEROZ TO THE CITIZEN POLICE ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING NOVEMBER 17, 2014 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86616

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

That the appointment of Kristina Guerrero-Sisneroz to the Citizen Police Advisory Board for a three-year term expiring November 17, 2014 is hereby approved.

Introduced by Adam Hornung

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

APPROVING THE APPOINTMENT OF DOUGLAS MCDANIEL AS PERSONNEL DIRECTOR FOR THE LINCOLN-LANCaster County Personnel Department effective January 3, 2012 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86617

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

That the appointment of Douglas McDaniel as Director of the Lincoln-Lancaster County Personnel Department effective January 3, 2012 is hereby approved.

Introduced by Adam Hornung

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

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED OCTOBER 31, 2011 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86618

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

That during the month ended October 31, 2011, $322,594.54 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 Jon Camp

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

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS OCTOBER 31, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON NOVEMBER 14, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON NOVEMBER 21, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, DECEMBER 12, 2011 AT 3:00 P.M. FOR THE APPLICATION OF CHEDDAR’S CASUAL CAFÉ, INC. DBA CHEDDAR’S CASUAL CAFÉ FOR A CLASS I LIQUOR LICENSE LOCATED AT 5424 EAST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:
BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 12, 2011, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Cheddar’s Casual Café, Inc. dba Cheddar’s Casual Café for a Class I liquor license located at 5424 East O Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

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

INFORMAL PETITION TO CREATE EMERGENCY SEWER AND WATER DISTRICTS ON PROPERTY LOCATED AT 6701 ALMIRA LANE SUBMITTED BY TERRY S. WILLIAMS - CLERK presented said petition which was referred to the Public Works Dept. on November 22, 2011.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 11044 to Use Permit No. 123E, Landmark Corporate Center, approved by the Director on November 15, 2011 requested by Olsson Associates to revise the boundary of the use permit to remove land recently rezoned R-5 and H-3 from Landmark Corporate Center on property generally located at N. 33rd St. and Folkways Blvd.

Administrative Amendment No. 11056 to Special Permit No. 05054, Rambling Rose Acres Community Unit Plan, approved by the Director on November 16, 2011 requested by ESP, Inc. on behalf of Goings Homes to revise the internal build-thru building envelope on Lot 1, Block 2 on property generally located at Highway 77 and Bennet Rd.

Administrative Amendment No. 11061 to Special Permit No. 1992A, Edenton Woods Community Unit Plan, approved by the Director on November 18, 2011 requested by Olsson Associates to include an adjustment of the setbacks for Lot 16, Block 2 by adjusting the rear setback to 10 feet for decks and adjusting the front setback to 10 feet for that portion of the front lot line adjacent to the curve of the cul-de-sac bulb on property generally located at Ashbrook Dr. and Highway 2.

Administrative Amendment No. 11059 to Use Permit No. 29A approved by the Director on November 21, 2011 requested by Olsson Associates to add parking stalls and increase in total allowed from 70,010 to 72,000 sq. ft. on property generally located northwest of S. 40th St. and Old Cheney Rd.

Administrative Amendment No. 11062 to Special Permit No. 1989A, Tamarin Ridge, approved by the Planning Director on November 22, 2011 requested by Design Associates to reduce the internal side yards from ten feet to zero feet and to revise the land use on Lot 3 to Commercial on property generally located at S. 27th St. and Renda Ln.

Administrative Amendment No. 11055 to Special Permit No. 1762D, Vintage Heights Community Unit Plan, approved by the Planning Director on November 23, 2011 requested by Barclay Construction to adjust the rear setback to 15 feet for uncovered, unenclosed decks for Lots 17-34, Block 23, on property generally located northeast of S. 84th St. and Pine Lake Rd.

Waiver No. 11024 to Change of Zone No. 07019, Glynoaks Planned Unit Development, approved by the Planning Director on November 23, 2011 requested by REGA Engineering Group, Inc. to allow outdoor lighting up to 6,500 lumens using semi-cutoff fixtures for property generally located at S. 84th St. and Glynoaks Dr.

MISCELLANEOUS - NONE

LIQUOR RESOLUTIONS

Clerk Requested to divide the question in order to separate the Class C liquor license applications from the other applications.

APPLICATION OF TLR INC. DBA HOLMES GOLF COURSE FOR A CLASS C LIQUOR LICENSE AT 3701 SOUTH 70TH STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-86620 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 TLR Inc.
dba Holmes Golf Course for a Class "C" liquor license at 3701 South 70th Street, Lincoln, Nebraska, for the license period ending October 31, 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.

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

MANAGER APPLICATION OF TIMOTHY L. ROWLAND FOR TLK INC. DBA HOLMES GOLF COURSE AT 3701 SOUTH 70TH STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

WHEREAS, TLK Inc. dba Holmes Golf Course located at 3701 South 70th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Timothy L. Rowland be named manager;
WHEREAS, Timothy L. Rowland 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 Timothy L Rowland 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.

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

APPLICATION OF TLK INC. DBA PIONEERS GOLF COURSE FOR A CLASS C LIQUOR LICENSE AT 3403 WEST VAN DORN STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

WHEREAS, TLK Inc. dba Pioneers Golf Course located at 3403 West Van Dorn Street, Lincoln, Nebraska, for the license period ending October 31, 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.

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

MANAGER APPLICATION OF TIMOTHY L. ROWLAND FOR TLK INC. DBA PIONEERS GOLF COURSE AT 3403 WEST VAN DORN STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

WHEREAS, TLK Inc. dba Pioneers Golf Course located at 3403 West Van Dorn Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Timothy L. Rowland be named manager;
WHEREAS, Timothy L. Rowland 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 Timothy L. Rowland 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.

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

APPLICATION OF DENIS VON'TZ DBA MAHONEY GOLF COURSE FOR A CLASS I LIQUOR LICENSE AT 7900 ADAMS STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

WHEREAS, TLK Inc. dba Mahoney Golf Course located at 7900 Adams Street, Lincoln, Nebraska, for the license period ending October 31, 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.

Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Schimek.
ordinances, the City Council recommends that the application of Denis Vontz dba Mahoney Golf Course for a Class "I" liquor license at 7900 Adams Street, 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 Carl Eskridge
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Schimek.

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

ACCEPTING AND APPROVING THE SECOND AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY SCHOOL DISTRICT NO. 001 TO EXTEND THE TERM FOR THE LEASE OF OFFICE SPACE IN THE BUILDING LOCATED AT 949 WEST BOND STREET

AMENDING TITLE 24 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW CHAPTER 24.10 TO ADOPT THE 2009 EDITION OF THE UNIFORM PLUMBING CODE, WITH AMENDMENTS, ADDITIONS AND DELETIONS THERETO, REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF ANY PLUMBING SYSTEM IN THE CITY OF LINCOLN; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AND REPEALING CHAPTER 24.12 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING (11/21/11 - Con't. 2nd Reading/P.H. to 12/5/11 w/Action on 12/12/11) - CLERK read an ordinance, introduced by Adam Hornung, accepting and approving the Second Amendment to Lease Agreement between the City of Lincoln, Nebraska and Lancaster County School District No. 001 to extend the term for the lease of office space in the building located at 949 West Bond Street to Lincoln Public Schools until August 31, 2013 with options to renew for two additional three month terms, the second time.


AMENDING CHAPTER 25.04 OF THE LINCOLN MUNICIPAL CODE, THE LINCOLN MECHANICAL CODE TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL MECHANICAL CODE (IMC), WITH AMENDMENTS, ADDITIONS AND DELETIONS THERETO (11/21/11 - Con't. 2nd Reading/P.H. to 12/5/11 w/Action on 12/12/11) - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 25.04 of the Lincoln Municipal Code, the Lincoln Mechanical Code to adopt the 2009 edition of the International Mechanical Code (IMC), with amendments, additions and deletions thereto, the second time.

PUBLIC HEARING - RESOLUTIONS

ASSESSING THE COST OF ASBESTOS ABATEMENT AND DEMOLITION OF THE DANGEROUS BUILDING LOCATED AT 2011 S. 19TH STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:
A-86625  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 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.
Seconded by Esbridge & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Esbridge, Hornung; NAYS: None; ABSENT: Schimek.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF NOVEMBER 1 - 15, 2011 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:
A-86626  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 November 16, 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:

<table>
<thead>
<tr>
<th>DENIED CLAIMS</th>
<th>ALLOWED/SETTLED CLAIMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>Ruth Frederickson $4,990.16</td>
</tr>
<tr>
<td>John Goff</td>
<td>1,157.39</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.
Seconded by Esbridge & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Esbridge, Hornung; NAYS: None; ABSENT: Schimek.

APPROVING THE SUB-GRANT AWARD AGREEMENT BETWEEN THE NEBRASKA EMERGENCY MANAGEMENT AGENCY AND THE CITY OF LINCOLN REGARDING THE 2009 METROPOLITAN MEDICAL RESPONSE SYSTEM FOR THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT IN THE AMOUNT OF $321,221.00 FOR THE AWARD PERIOD OF 9/1/2009 THROUGH 7/31/2012 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:
A-86627  BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Agreement between the Nebraska Emergency Management Agency and the Lincoln-Lancaster County Health Department to accept a subgrant in the amount of $321,221.00, for the 2009 Metropolitan Medical Response System for the Lincoln-Lancaster County Health Department for the award period of September 1, 2009 through July 31, 2012, in accordance with the terms, conditions and assurances contained in said Agreement is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.
Seconded by Esbridge & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Esbridge, Hornung; NAYS: None; ABSENT: Schimek.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE LINCOLN CHAMBER ECONOMIC DEVELOPMENT CORP. (LCEDC) FOR THE PROMOTION OF ECONOMIC DEVELOPMENT IN LINCOLN FOR A THREE YEAR TERM COMMENCING SEPTEMBER 1, 2011 THROUGH AUGUST 31, 2014 - CLERK read the following resolution, originally introduced by Adam Hornung, COOK Moved its adoption due to Hornung’s client who received a benefit of LCEDC:
A-86628  BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the Economic Development Agreement between the City of Lincoln and the Lincoln Chamber Economic Development Corporation (LCEDC) for the promotion of economic development in Lincoln, a copy of which is attached hereto, marked as Attachment "A" is made a part hereto as reference, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.
The City Clerk is directed to return one fully executed copy of said Agreement to the Lincoln Chamber Economic Development Corporation, 1135 M Street, Suite 200, Lincoln, NE 68508.
Introduced by Adam Hornung
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Esbridge; NAYS: None; ABSTAIN: Hornung; ABSENT: Schimek.
ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required)

CHANGE OF ZONE 11039 - APPLICATION OF GRANDMOTHER’S, INC. AND PRAIRIE LIFE LIMITED PARTNERSHIP FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT AND O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 70TH STREET AND A STREET - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln 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.

APPROVING THE ISSUANCE BY THE CITY OF ITS EDUCATIONAL FACILITIES REVENUE AND REFUNDING BONDS (NEBRASKA WESLEYAN UNIVERSITY PROJECT) IN THE AMOUNT OF $21,000,000 - CLERK read an ordinance, introduced by Jon Camp, authorizing the issuance of one or more series of Educational Facilities Revenue and Refunding Bonds (Nebraska Wesleyan University Project) Series 2012 in the principal amount not to exceed $21,000,000 (the "Bonds") for the purpose of (1) Providing funds for defraying the cost of the acquisition, construction and purchase of certain capital improvements to the campus of Nebraska Wesleyan University (the "University") located in Lincoln, Nebraska, (2) Refinancing certain outstanding indebtedness of the University (collectively, the "Projects"); (3) Funding a Debt Service Reserve Fund and (4) Paying certain expenses of such Bond issue, which Bonds and the interest thereon shall be payable solely from the revenues pledged to the payment of said Bonds; making findings and determinations with reference to the Projects and the Bonds; granting public approval within the meaning of section 147(f) of the Internal Revenue Code of 1986, as amended; authorizing the sale of said Bonds; approving and authorizing the execution of an Indenture of Trust, a Loan Agreement and other related documents; determining that said Bonds shall not be a liability of the City nor a charge against its general credit of taxing powers; providing that the invalidity of any part of this ordinance shall not affect the remainder; incorporating within this ordinance the provisions of Chapter 13, Article 11, of the Nebraska Reissue Revised Statutes, as amended; approving and authorizing the distribution of a preliminary official statement and a final official statement with respect to the Bonds; and other related matters, the first time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND DAS/STATE BUILDING DIVISION ON BEHALF OF NEBRASKA DEPARTMENT OF EDUCATION, VOCATIONAL REHABILITATION SERVICES, AT THE ONE STOP CAREER CENTER AT 1010 N STREET FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF JANUARY 1, 2012 THROUGH DECEMBER 31, 2015 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln and the State Building Division, on behalf of Nebraska Department of Education, Vocational Rehabilitation Services, for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2012 through December 31, 2015 whereby the City of Lincoln is subleasing 143 sq. ft. of its 13,718 sq. ft. of space to the Nebraska Department of Education, vocational Rehabilitation Services at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the first time.

CREATING A BUSINESS IMPROVEMENT DISTRICT FOR THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF CERTAIN PUBLIC FACILITIES AND IMPROVEMENTS WITHIN THE AREA GENERALLY LOCATED ALONG SOUTH 48TH STREET BETWEEN CALVERT STREET AND PIONEERS BOULEVARD AND PROVIDING FOR SPECIAL ASSESSMENTS TO BE IMPOSED WITHIN THE DISTRICT - CLERK read an ordinance, introduced by Jon Camp, creating a Business Improvement district under the authority of the Business Improvement District Act (Nebraska Revised Statutes, § 19-4015 et seq.) to be known as the College View Business Improvement District for the purpose of providing specified maintenance, repair and reconstruction of certain public facilities and improvements within the area of South 48th Street between Calvert Street and Pioneers Boulevard; providing for special assessments to be imposed within the district based upon the benefits conferred; and providing maximum limits upon such assessments, the first time.

AMENDING TABLE 1A OF SECTION 20.08.090 OF THE LINCOLN MUNICIPAL CODE RELATING TO BUILDING CODE PERMIT FEES TO INCLUDE THE $50.00 BASE FEE APPLIED TO EVERY COMMERCIAL PROJECT REGARDLESS OF THE VALUATION OF CONSTRUCTION - CLERK read an ordinance, introduced by Jon Camp, amending Table 1A of Section 20.08.090 of the Lincoln Municipal Code relating to Building Code Permit Fees to include the $50.00 base fee applied to every commercial project regardless of the valuation of construction; and repealing Section 20.08.090 of the Lincoln Municipal Code as hitherto existing, the first time.
ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required)

CHANGE OF ZONE 11036 - APPLICATION OF ROBERT AND SALLY SCHMIEDING FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 40TH STREET AND FREDERICK CIRCLE - 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 third time.

ESKRIDGE Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Schimek.
The ordinance, being numbered #19653, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE 11037 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 86TH STREET AND LEXINGTON AVENUE - 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 third time.

ESKRIDGE Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Schimek.
The ordinance, being numbered #19654, is recorded in Ordinance Book #27, Page .

VACATION NO. 11009 - VACATING BANCROFT AVENUE FROM SOUTH 49TH STREET TO SOUTH 51ST STREET AND SOUTH 51ST STREET FROM CALVERT STREET TO BANCROFT AVENUE - CLERK read an ordinance, introduced by Carl Eskridge, vacating Bancroft Avenue from South 49th Street to South 51st Street and South 51st Street from Calvert Street to Bancroft Avenue, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

ESKRIDGE Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Schimek.
The ordinance, being numbered #19655, is recorded in Ordinance Book #27, Page .

APPROVING AN ENERGY GRANT INTERLOCAL AGREEMENT BETWEEN THE CITY OF OMAHA AND THE CITY OF LINCOLN TO ACCOMPLISH RESIDENTIAL AND COMMERCIAL UPGRADES IN LINCOLN UNDER THE REENERGIZE PROGRAM, FUNDED BY THE U.S. DEPARTMENT OF ENERGY "BETTER BUILDINGS PROGRAM" - CLERK read an ordinance, introduced by Carl Eskridge, approving an Energy Grant Interlocal Agreement between the City of Omaha and the City of Lincoln to accomplish residential and commercial upgrades in Lincoln under the ReEnergize Program, funded by the U.S. Department of Energy "Better Buildings Program", the third time.

ESKRIDGE Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Schimek.
The ordinance, being numbered #19656, is recorded in Ordinance Book #27, Page .

RESOLUTIONS - ACTION ONLY

ADOPTING THE LES RATE SCHEDULES PROVIDING FOR A SYSTEM AVERAGE RATE INCREASE OF 3.5%, EFFECTIVE JANUARY 1, 2012. (ACTION DATE: 12/5/11) (REQUEST TO DELAY ACTION 1 WEEK TO 12/12/11) - PRIOR to reading:

COOK Moved to Delay Action on Bill No. 11R-285 one week to December 12, 2011. Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Schimek.

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2012, TO BECOME EFFECTIVE JANUARY 1, 2012. (ACTION DATE: 12/5/11) (REQUEST TO DELAY ACTION 1 WEEK TO 12/12/11) - PRIOR to reading:

COOK Moved to Delay Action on Bill No. 11R-286 one week to December 12, 2011. Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Schimek.
OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to December 12, 2011.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Schimek.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on December 12, 2011.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Schimek.

ADJOURNMENT 4:57 P.M.

CAMP Moved to adjourn the City Council meeting of December 5, 2011.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Schimek.

__________________________________________
Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant