

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 13, 2012 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, Schimek; City Clerk, Joan E. Ross; Absent: Hornung.

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

EMERY Having been appointed to read the minutes of the City Council proceedings of February 6, 2012 reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Beutler came forward to present the Mayor's Award of Excellence for the month of January 2012 to Jeffrey Janda, Bus Operator for the StarTran division of the Public Works & Utilities Department in the category of Valor. Mr. Janda was nominated by coworker, Tony Kent, for his quick, calm and compassionate reaction when a StarTran patron was in need of emergency medical attention.

Mr. Janda came forward in appreciation to accept his award on behalf of all StarTran operators.

Mike Weston, Operations Superintendent of StarTran, came forward to state that Mr. Janda is a great example of the type of employees at StarTran and that they are all proud of him.

Miki Esposito, Director of Public Works, came forward to thank Mr. Janda and all Public Works employees who go above and beyond the call of duty.

Council Chair Carroll thanked Jeffrey Janda for his service.

PUBLIC HEARING

APPLICATION OF ASENA CORPORATION DBA SOUTH STREET LIQUOR FOR A CLASS D LIQUOR LICENSE AT 1000 SOUTH STREET;

MANAGER APPLICATION OF AMANUEL T. TEDLA FOR ASENA CORPORATION DBA SOUTH STREET LIQUOR AT 1000 SOUTH STREET - Amanuel T. Tedla, 1000 South Street, came forward to take the oath and to answer any questions.

This matter was taken under advisement.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND AWARDS UNLIMITED II LLC FOR THE LEASE OF A PORTION OF A VACANT CITY OWNED LOT GENERALLY LOCATED AT 20TH AND N STREETS FOR A FOUR MONTH TERM WITH THE OPTION TO RENEW FOR AN ADDITIONAL TWO MONTH TERM - David Landis, Director of Urban Development, came forward to address the needs of local business, Awards Unlimited, who request to rent a City owned lot to serve as their temporary parking area. There is both a temporary and a permanent easement, paid for by the Joint Antelope Valley Authority, which will make their existing lot unavailable for parking while the City replaces a sewer line. The business agrees to pay \$400.00/month and to improve the rented lot with crushed rock and by maintaining weeds. A two month option will be given if they need to extend the lease, and they are not able to sublet the area without approval. Mr. Landis stated that though the City is paying for the inconvenience during the four month construction project, it is important that the local business succeed and this lease agreement is a positive way for the City to aid in that success.

This matter was taken under advisement.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN NEBRASKA NURSERIES, INC. AND THE CITY OF LINCOLN TO ASSURE THAT DIRECT ACCESS TO PIONEERS BLVD. WILL BE RELINQUISHED AND THAT A PUBLIC ACCESS EASEMENT WILL BE GRANTED SHOULD THE PROPERTY GENERALLY LOCATED AT SOUTH 80TH STREET AND PIONEERS BLVD. BE RE-ZONED TO O-2 SUBURBAN OFFICE DISTRICT;

CHANGE OF ZONE 11043 - APPLICATION OF NEBRASKA NURSERIES INC. FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 80TH STREET AND PIONEERS BOULEVARD - Tim Gergen, Olsson Associates, came forward to represent the applicant. He stated that they have met with the Planning Department regarding a 5,000 square foot dental office to be placed at the stated location. They agree with the conditions suggested by the Planning Department and they gained the support of the Planning Commission with an 8-0 vote. Mr. Gergen also reported that a letter was sent to the Neighborhood Association who replied in support of their application. An access point to their lot would be located in the south part of the property in order to avoid a substandard median break and traffic on Pioneers Boulevard. Exiting customers could make a u-turn to access the main arterial. Acting in accordance with the proposed Lincoln Access Management Policy, the applicant will voluntarily provide access to a nearby lot that will likely become a commercial zone in the future. The dental office will not have weekend hours and will be open from 8:00a.m. through 5:00p.m. The building will go through the Architectural Review Committee and will be built to the same standards as the existing neighborhood. The property is currently zoned R-3 with the possibility of adding apartments. Converting the zone to O-2 is

better for the neighborhood due to less traffic and regular business hours. Mr. Gergen answered questions about adjacent lots and neighbors in the area.

Marvin Krout, Director of Planning, came forward to answer questions regarding access to a nearby residential property, a buffer between the commercial zone and townhomes, and future land use.

Larry Pfeil, 7820 Viburnum Drive, came forward in opposition to a requested easement placed on the south half of the lot. He is concerned about traffic making u-turns near the entrance of the Grand Lodge where there are elderly drivers. He is also concerned about the potential increase of traffic in the residential area. Mr. Pfeil stated that he believes when the final residential property is converted to a commercial zone, it will further exacerbate the problems. He and another resident appeared before the Planning Commission and did not come to any agreement, but were just seeking information. The Association is not yet controlled by the residents, but by the developer who is also seeking this change in zone. Mr. Pfeil answered questions and stated that he is not opposed to the entire project, only that there needs to be further discussion.

Dave Piester, 8001 Preserve Lane, came forward to ask for postponement of decision on this matter so that neighbors have more time to meet with the applicants and express their concerns with the easement and the potential road that would connect the shopping area at Lucille and Pioneers Boulevard with South 80th Street. Mr. Piester stated willingness to meet soon.

Todd Stark, 2108 The Knolls, is currently under contract to purchase the discussed property. He stated that he is more than willing to work with the neighborhood and that the easement on the south side of the property was the suggestion of the City. Mr. Stark answered questions about the dental practice, which would belong to his wife, and questions regarding the number of patients, hours, and workdays. In regard to the property to the west, the owner was consulted but does not wish to make zoning changes at this time.

Randy Hoskins, Assistant City Engineer, stated that the reason for suggesting the easement is to create the means for the property to the west to avoid having a driveway that flows into oncoming traffic on Pioneers Boulevard. Mr. Hoskins believes a road connecting the side streets would create a minimal increase in traffic in the neighborhood and would improve traffic flow in the area by providing easier access to the intersection with a traffic signal. He also stated that there is minimal risk to drivers due to customers making u-turns because of low speed limits and wide lanes in the area. He does not anticipate a future traffic signal being installed at 80th and Pioneers.

Mr. Gergen came forward to state that they are willing to relinquish the access break. If the residential property to the west develops in the future, they will include only the two properties. He requested that a decision be made in a timely manner or the applicant may need to pursue different locations out of due diligence on the current property. He is willing to meet with the neighborhood before the next City Council meeting and would like a City official present since the applicant is attempting to meet the conditions of the City.

This matter was taken under advisement.

CHANGE OF ZONE 11047 - APPLICATION OF CITY IMPACT FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 33RD STREET AND APPLE STREET;

SPECIAL PERMIT 11033 - APPLICATION OF CITY IMPACT FOR A NEIGHBORHOOD SUPPORT SERVICES FACILITY ON PROPERTY GENERALLY LOCATED AT NORTH 33RD STREET AND OVERLAND TRAIL - Councilman Carroll stated that he has a conflict of interest on both of these items and will run the meeting but not be involved in the discussion.

Gus Ponstingl, 916 South 13th Street, came forward to present proposals for City Impact Homes LLC for the construction of 6 new duplexes and 2 new single family homes, and a permanent facility for City Impact and for recreational, educational, and health programs they provide for the neighborhood. 9 new residential lots and a 45 stall parking lot on the north side of Overland Trail will be added. They will also modify and expand existing lots. They are requesting a special permit to allow the Neighborhood Support Services Building to be remodeled and expanded by 9,300 feet which will increase the number of children and families that City Impact reaches by expanding the number of days they are reached. They will also revitalize Peter Pan Park. Parks & Recreation has also agreed to a 10 foot building restriction easement along the common property line to allow windows along the south facade of the existing building. They are requesting a change of zone between Overland Trail and Apple Street from I-1 to R-4 to allow for the residential lots. The Planning Department has recommended approval of this project and City Impact also has support of neighbors they have contacted.

Brad Bryan, Executive Director and Founder of City Impact, stated that City Impact is very excited about this project. They have rented facilities for the last 15 years and would like this to be the future home of their organization. They work to build long-term relationships with youth and families, to develop their strengths, and to help them become leaders in the urban community.

Mr. Bryan states the desire of the organization to partner with Parks & Recreation and NeighborWorks to transform this area of the community and to provide a space for neighbors to gather.

This matter was taken under advisement.

CHANGE OF ZONE 11046 - APPLICATION OF GEALY INVESTMENTS LLC FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO AG AGRICULTURAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 134TH STREET AND O STREET - Michael Gealy, 5320 Woodsvew Street, came forward to answer questions.

This matter was taken under advisement.

AMENDING CHAPTER 14.75 OF THE LINCOLN MUNICIPAL CODE RELATING TO DRIVEWAY APPROACHES AND CURBS BY AMENDING SECTION 14.75.010 TO AMEND THE DEFINITION OF "REGULATIONS" TO MEAN GUIDELINES AND REGULATIONS UNDER THE CITY OF LINCOLN ACCESS MANAGEMENT POLICY; AMENDING SECTION 14.75.060 TO PROVIDE THAT BEFORE A PERMIT FOR A DRIVEWAY APPROACH MAY BE DENIED, THE BUILDING OFFICIAL OR PUBLIC WORKS OFFICIAL, AS APPLICABLE, SHALL INDICATE THE STANDARDS OR REQUIREMENTS THAT PREVENT APPROVAL OF THE PERMIT APPLICATION; ADDING A NEW SECTION NUMBERED 14.75.065 TO PROVIDE FOR THE SUBMISSION OF A REQUEST FOR DEVIATION BY THE APPLICANT; ADDING A NEW SECTION NUMBERED 14.75.067 TO PROVIDE THE PROCESS FOR APPEALING THE DECISION OF THE BUILDING OFFICIAL OR PUBLIC WORKS DECISION ON A REQUESTED DEVIATION; AND ADDING A NEW SECTION NUMBERED 14.75.069 TO PROVIDE THE PROCESS FOR APPEALING THE DECISION FOR ACCESS ON A STATE OR FEDERAL CONTROLLED ROUTE;

ADOPTING THE CITY OF LINCOLN ACCESS MANAGEMENT POLICY TO REPLACE THE EXISTING DRIVEWAY DESIGN STANDARDS;

MISC. 11007 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS TO REPEAL CHAPTER 4.00 DRIVEWAY DESIGN STANDARDS TO ALLOW FOR THE ADOPTION OF THE CITY'S ACCESS MANAGEMENT POLICY AND AMENDING SECTION 1 OF CHAPTER 1.00 AND REPEALING SECTION 2.34 OF CHAPTER 1.00 TO CLARIFY THE NECESSITY OF REPEALING CHAPTER 4.00 - Rick Hoppe, Chief of Staff for Mayor Beutler, came forward to give background on this issue. Access Management is a tool used to ensure that driveways and other access points for properties are safe and do not unnecessarily impede traffic flow. Mr. Hoppe stated that disputes over access were the number one dispute that Mayor Beutler encountered between City Hall and developers. It was concluded that the City of Lincoln required a clear and concise plan that everyone could follow to promote accountability, consistency, and to reduce conflicts. The plan will also address a weakness in City service to potential developers who request an access management policy. Lincoln does not have a single, official policy in place at this time, which slows the process for investors. This plan includes a clear set of standards which, if followed, will lead to a quick approval. Mr. Hoppe added that there are other ways to be approved in addition to the quick process. The manual was developed in conjunction with Fred Hoke, Director of Building and Safety, and a number of private sector experts. Finally, Mr. Hoppe added that this process should not be confused with road standards.

Fred Hoke, Director of Building and Safety, came forward to explain the effort, the amount of time spent, and the people involved with this project. A packet was distributed to Council. On February 14th, 2011, a rough draft was issued to the office of the City Attorney. Nebraska Department of Roads received a copy on March 1st. A copy was posted on the Web on March 14th. Randy Hoskins made a PowerPoint presentation to other stakeholders, who are listed on page 3 of the packet. Page 1 of the packet describes the meeting of the internal committee on June 21st, 2011. August 23rd was the first meeting of the Access Management Study Team. All four associations are referenced and the Team includes members at large, an attorney and road design engineer from NDOR, and City staff. The packet lists all areas where there was some disagreement about the policy manual, including questions about its purpose and how it will work. The Study Team met five more times, including a Board Briefing with the Mayor on December 16th, 2011. This meeting was open to anyone who was interested in the entire process of Access Management, including the general public.

Randy Hoskins, Assistant City Engineer, came forward to present the Power Point presentation explaining why the Access Management Policy is needed. As the comprehensive plan was developed, it was discovered that there will not be enough funds to pay for all the roads that will be needed in the future. As a result, it is important to make sure that current roads continue to function properly in order to move traffic quickly. Safety and economic vitality are two other areas of emphasis in this manual. Mr. Hoskins restated the convenience to developers who follow this process and are approved quickly. The policy also clarifies points that are vague in the existing driveway standards. Finally, the policy allows for flexibility for preexisting environments to be handled on a case-by-case basis. There is a hierarchy of streets from those that exist just to move traffic to those that only provide access to homes or business. This policy ensures that standards are being applied appropriately to different types of streets. There are new items in this policy including access spacing requirements, turn lane requirements, throat length requirements, on-site storage requirements, traffic impact studies, and deviation procedures to provide for an appeals process for denials. In review, Mr. Hoskins reiterated that development of this policy has been long and thorough and it included professional, technical, legal and public reviews.

Margaret Blatchford, Assistant City Attorney, came forward to request that the ordinance and two resolutions be voted on at the same time at the next City Council meeting after the holiday break.

Tom Huston, Cline Williams Law Firm, 233 S. 13th St., stated that his main concern with the process was acknowledging the special needs of the built environment. It is easier to comply with standards when starting with a fresh build site. The main foci in built environments is redevelopment, increasing density, and making good use of existing infrastructure. Mr. Huston explains the policy as a three step process which first requires Public Works to use a "common sense" approach to apply standards on a case-by-case basis in the built

environment. Step two applies rights to appeal to the Director of Public Works through the deviation process. This removes original language that had a presumption against the property owner. The third step includes the right to an ultimate appeal to the City Council. The process should decrease the number of appeals made to the Council. Mr. Huston was encouraged by the process and felt all participating parties brought their best to make a policy that would work well for the City for years to come.

Peter Katt; Baylor, Evnen, Curtiss, Grit & Witt, LLP; came forward to reiterate that the process was very thorough. No one on the Committee spent time reworking the effective standards. The main concern was being able to apply those standards. Time, energy, and effort was spent balancing issues of good access management with how they work in the real world. There are other values other than just moving cars quickly through town. The updated plan makes a conscious commitment to redevelop and use the existing environment. He agreed that the number of disputes brought to City Council pertaining to this issue will be diminished. They are committed to working with this policy to balance access management with other needs in the community.

Mr. Huston said that they may not be able to comply with all requirements in some preexisting environments, but they can improve the situation from a design perspective.

This matter was taken under advisement.

AMENDING CHAPTERS 10.06 AND 10.44 OF THE LINCOLN MUNICIPAL CODE RELATING TO AUTOMOBILE IMPOUNDMENT BY AMENDING SECTION 10.06.100 RELATING TO PARKING SERVICES; AMENDING SECTION 10.06.120 RELATING TO PAYMENT OF FINES AND COSTS; AMENDING SECTION 10.06.140 RELATING TO MAILING NOTICE OF COMPLAINT; ADDING A NEW SECTION 10.44.035 RELATING TO IMMOBILIZATION OF VEHICLES; AND AMENDING SECTION 10.44.040 RELATING TO ACCOUNTING FOR FEES;

APPROVING AN IMMOBILIZATION RELEASE FEE OF \$50 FOR THE RELEASE OF A VEHICLE IMMOBILIZED BY THE CITY, PURSUANT TO LINCOLN MUNICIPAL CODE § 10.44.035 - David Landis, Director of Urban Development, came forward to give background on this matter. The City issues many thousands of parking tickets each year. Compliance has improved since the city made a difference for citizens who pay tickets early but there are still over 200 people who have amassed 5 or more tickets. Last year, a total of 385 cars were towed. This number did not include those towed from snow bans, handicap zones, or those blocking traffic. Cars in those situations will continue to be towed. The City would like to add the immobilization device as an alternative to towing only for vehicles with outstanding tickets. The immobilization boots are not expensive and are easy to operate. A notice will be placed on the car so the driver is made aware of the device. Using the boot as an alternative to towing has several advantages to the driver. There is less confusion and inconvenience because they know the location of their car, do not have to access a second vehicle to retrieve it, and they have immediate access to assistance. The driver would be required to pay their tickets and a \$50.00 administrative fee, all of which can be done online, in person, or via telephone and will amount to less than paying the towing and impoundment fees. Staff will be sent immediately to unlock the boot anytime between the hours of 7:30a.m. and 10:00p.m. once tickets and the administrative fee are paid. The 10:00p.m. time limit is for the protection of City Parking staff. Immobilized cars will still be towed if the driver has not resolved the situation by the next day. The boots will most likely be placed on cars during the morning and early afternoon hours. In response to Council questions, Mr. Landis stated that the 10:00p.m. cutoff time is an administrative choice and that adjustments could be made in policies for drivers needing access to their vehicles outside of regular hours. The \$50.00 administrative fee was based on a past resolution for towing. People move on and off of the immobilization list as they pay or accumulate tickets.

Ken Smith, City Parking Services Manager, came forward to answer Council questions. He clarified that the immobilization device will be placed on vehicles with either 5 or more outstanding parking tickets, or more than \$250.00 in parking violations. They are currently testing 3 brands of boots. He anticipated that they will purchase a total of 6 to 8 boots which will be owned by the Parking Enterprise Fund and cost of between \$270.00 to \$580.00 per boot, depending on which model they select. Drivers are able to pay by telephone 24 hours. No additional staff would be needed to accommodate this. He also explained how the boot works and that it is nearly impossible for the driver to remove.

Jon Camp, Council Member, added that the visibility of the boots might encourage other drivers to pay their tickets.

Carl Eskridge, Council Member, acknowledged that this device will not be for one-time offenders or people visiting from out of town. He also noted that the \$50.00 administrative fee is considerably less than paying for towing and that it is important for the public to know this.

Mr. Landis added that the \$50.00 administrative fee will cover administrative costs and goes to the general fund, consistent with the tow fee. The reimbursement for the cost of boot removal, which is performed by parking staff, will be covered by the contract between the city and the parking management company, currently Republic.

Mr. Smith stated that parking attendants have instant access to the ticket history of each car that is issued a new ticket.

Mr. Landis stated that drivers are sent a notice alerting them that their ticket payment is late. Currently there is no special notice that warns the driver that if they receive one more ticket without paying outstanding tickets their vehicle is eligible for immobilization. But it might be considered as an administrative change in the future.

Mr. Smith stated that ticket history is available to drivers online.

Mr. Landis stated that the City is legally obligated to use immobilization boots city wide and that it is important not to give the public the impression that the only place they are at risk is downtown. He reiterated

the timeline for the immobilization process. Boots will most likely be applied during the morning and early afternoon. It is unlikely boots will be applied after 6:00p.m. when fewer tickets are issued. Parking staff is available until 10:00p.m. to remove the boot. If a driver urgently needs the immobilized vehicle after those hours, they may have it towed to resolve the matter. If tickets have not been payed, the car will be towed after 24 hours. Tow companies will be provided keys to remove boots. It would be possible to seek out offenders and immobilize any visible vehicle even on private property, but the City has no history of doing so.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND WINDSTREAM FOR UPGRADE OF 911 TELEPHONE SYSTEM MAINTENANCE, PURSUANT TO BID NO. 11-146 FOR A 60 MONTH TERM - Vince Mejer, Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

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

A-86693 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended December 31, 2011, \$86,957.02 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 Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Schimek; NAYS: None; ABSENT: Hornung.

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

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF DECEMBER, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JANUARY 30, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 12004 to Use Permit No. 117C, Horizon Business Center, approved by the Planning Director on February 3, 2012 requested by Olsson Associates to increase the total square footage allocated to Lots 23 and 24 from 48,000 to 59,000 by increasing the overall permitted square footage for this development by 5,603 square feet or approximately 1% of the total approved square footage of 582,497 square feet. Property is generally located at S. 14th Street and Infinity Court.

MISCELLANEOUS

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No.05004A - Requested by Lenity Group for an amendment to the Pine Garden Planned Unit Development to include an approximately 66-bed memory care facility with approval of a development plan which proposes modifications to the Zoning Ordinance, Subdivision Ordinance and Design Standards, on property generally located at S. 84th Street and Old Cheney Road.

Change of Zone No. 12002 - Requested by the Director of Planning, amending Title 27 of the Lincoln Municipal Code, the Zoning Code, by adding a new section numbered 27.03.417 to provide the definition of "market garden"; amending Sections 27.07.040 and 27.09.040 to add market gardens as a permitted special use in the AG and AGR zoning districts, respectively; amending Section 27.63.680 to add market gardens as an exception to a licensed premises 100-foot spacing requirement from a residential district; adding a new section numbered 27.63.820 to provide conditions for approval for market gardens as a permitted special use and to allow certain accessory uses to market gardens, including the sale of alcoholic beverages for consumption on the premises; amending Section 27.67.040 to provide parking requirements for farm wineries and market gardens; and repealing Sections 27.07.040, 27.09.040, 27.63.680 and 27.67.040 of the Lincoln Municipal Code as hitherto existing.

LIQUOR RESOLUTIONS

APPLICATION OF ASENA CORPORATION DBA SOUTH STREET LIQUOR FOR A CLASS D LIQUOR LICENSE AT 1000 SOUTH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86694 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 Asena Corporation dba South Street Liquor for a Class "D" liquor license at 1000 South Street, 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 Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Schimek; NAYS: None; ABSENT: Hornung.

MANAGER APPLICATION OF AMANUEL T. TEDLA FOR ASENA CORPORATION DBA SOUTH STREET LIQUOR AT 1000 SOUTH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86695 WHEREAS, Asena Corporation dba South Street Liquor located at 1000 South Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Amanuel T. Tedla be named manager; WHEREAS, Amanuel T. Tedla 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 Amanuel T. Tedla 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 Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Schimek; NAYS: None; ABSENT: Hornung.

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND AWARDS UNLIMITED II LLC FOR THE LEASE OF A PORTION OF A VACANT CITY OWNED LOT GENERALLY LOCATED AT 20TH AND N STREETS FOR A FOUR MONTH TERM WITH THE OPTION TO RENEW FOR AN ADDITIONAL TWO MONTH TERM - CLERK read an ordinance, introduced by DiAnna Schimek, accepting and approving the Lease between the City of Lincoln and Awards Unlimited II LLC for the lease of a portion of Lot 3, Block 6, Antelope Valley 2nd Addition generally located at 20th and N Street to use as a parking lot for client and employee parking, the second time.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN NEBRASKA NURSERIES, INC. AND THE CITY OF LINCOLN TO ASSURE THAT DIRECT ACCESS TO PIONEERS BLVD. WILL BE RELINQUISHED AND THAT A PUBLIC ACCESS EASEMENT WILL BE GRANTED SHOULD THE PROPERTY GENERALLY LOCATED AT SOUTH 80TH STREET AND PIONEERS BLVD. BE RE-ZONED TO O-2 SUBURBAN OFFICE DISTRICT. (RELATED ITEMS: 12R-19, 12-10) (ACTION DATE: 2/27/12) - PRIOR to reading:

COOK Moved to continue Public Hearing on Bill No. 12R-19 to 02/27/12 with Action on 02/27/12.

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

CHANGE OF ZONE 11043 - APPLICATION OF NEBRASKA NURSERIES INC. FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 80TH STREET AND PIONEERS BOULEVARD. (RELATED ITEMS: 12R-19, 12-10) (ACTION DATE: 2/27/12) - PRIOR to reading:

COOK Moved to continue Public Hearing on Bill No. 12-10 to 02/27/12 with Action on 02/27/12.

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

CLERK Read an ordinance, introduced by DiAnna Schimek, 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 11047 - APPLICATION OF CITY IMPACT FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 33RD STREET AND APPLE STREET. (RELATED ITEMS: 12-11, 12R-12) (ACTION DATE: 2/27/12) - CLERK read an ordinance, introduced by DiAnna Schimek, 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 11033 - APPLICATION OF CITY IMPACT FOR A NEIGHBORHOOD SUPPORT SERVICES FACILITY ON PROPERTY GENERALLY LOCATED AT NORTH 33RD STREET AND OVERLAND TRAIL. (RELATED ITEMS: 12-11, 12R-20) (ACTION DATE: 2/27/12)

CHANGE OF ZONE 11046 - APPLICATION OF GEALY INVESTMENTS LLC FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO AG AGRICULTURAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 134TH STREET AND O STREET - CLERK read an ordinance, introduced by DiAnna Schimek, 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.

AMENDING CHAPTER 14.75 OF THE LINCOLN MUNICIPAL CODE RELATING TO DRIVEWAY APPROACHES AND CURBS BY AMENDING SECTION 14.75.010 TO AMEND THE DEFINITION OF "REGULATIONS" TO MEAN GUIDELINES AND REGULATIONS UNDER THE CITY OF LINCOLN ACCESS MANAGEMENT POLICY; AMENDING SECTION 14.75.060 TO PROVIDE THAT BEFORE A PERMIT FOR A DRIVEWAY APPROACH MAY BE DENIED, THE BUILDING OFFICIAL OR PUBLIC WORKS OFFICIAL, AS APPLICABLE, SHALL INDICATE THE STANDARDS OR REQUIREMENTS THAT PREVENT APPROVAL OF THE PERMIT APPLICATION; ADDING A NEW SECTION NUMBERED 14.75.065 TO PROVIDE FOR THE SUBMISSION OF A REQUEST FOR DEVIATION BY THE APPLICANT; ADDING A NEW SECTION NUMBERED 14.75.067 TO PROVIDE THE PROCESS FOR APPEALING THE DECISION OF THE BUILDING OFFICIAL OR PUBLIC WORKS DECISION ON A REQUESTED DEVIATION; AND ADDING A NEW SECTION NUMBERED 14.75.069 TO PROVIDE THE PROCESS FOR APPEALING THE DECISION FOR ACCESS ON A STATE OR FEDERAL CONTROLLED ROUTE. (RELATED ITEMS: 12-13, 12R-22, 12R-21) (ACTION DATE: 2/27/12) - CLERK read an ordinance, introduced by DiAnna Schimek, amending Chapter 14.75 of the Lincoln Municipal Code relating to Driveway Approaches and Curbs by amending Section 14.75.010 to amend the definition of "regulations" to mean guidelines and regulations under the City of Lincoln Access Management Policy; amending Section 14.75.060 to provide that before a permit for a driveway approach may be denied, the Building Official or Public Works Official, as applicable, shall indicate the standards or requirements that prevent approval of the permit application; adding a new section numbered 14.75.065 to provide for the submission of a request for deviation by the applicant; adding a new section numbered 14.75.067 to provide the process for appealing the decision of the Building Official or Public Works Decision on a requested deviation; adding a new section numbered 14.75.069 to provide the process for appealing the decision for access on a state or federal controlled route; and repealing Sections 14.75.010 and 14.75.060 of the Lincoln Municipal Code as hitherto existing, the second time.

ADOPTING THE CITY OF LINCOLN ACCESS MANAGEMENT POLICY TO REPLACE THE EXISTING DRIVEWAY DESIGN STANDARDS. (RELATED ITEMS: 12-13, 12R-22, 12R-21) (ACTION DATE: 2/27/12)

MISC. 11007 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS TO REPEAL CHAPTER 4.00 DRIVEWAY DESIGN STANDARDS TO ALLOW FOR THE ADOPTION OF THE CITY'S ACCESS MANAGEMENT POLICY AND AMENDING SECTION 1 OF CHAPTER 1.00 AND REPEALING SECTION 2.34 OF CHAPTER 1.00 TO CLARIFY THE NECESSITY OF REPEALING CHAPTER 4.00. (RELATED ITEMS: 12-13, 12R-22, 12R-21) (ACTION DATE: 2/27/12)

AMENDING CHAPTERS 10.06 AND 10.44 OF THE LINCOLN MUNICIPAL CODE RELATING TO AUTOMOBILE IMPOUNDMENT BY AMENDING SECTION 10.06.100 RELATING TO PARKING SERVICES; AMENDING SECTION 10.06.120 RELATING TO PAYMENT OF FINES AND COSTS; AMENDING SECTION 10.06.140 RELATING TO MAILING NOTICE OF COMPLAINT; ADDING A NEW SECTION 10.44.035 RELATING TO IMMOBILIZATION OF VEHICLES; AND AMENDING SECTION 10.44.040 RELATING TO ACCOUNTING FOR FEES. (RELATED ITEMS: 12-14, 12R-24) (ACTION DATE: 2/27/12) - CLERK read an ordinance, introduced by DiAnna Schimek, amending Chapters 10.06 and 10.44 of the Lincoln Municipal Code relating to automobile impoundment by amending Section 10.06.100 relating to parking services; amending Section 10.06.120 relating to payment of fines and costs; amending Section 10.06.140 relating to mailing notice of complaint; adding a new Section 10.44.035 relating to immobilization of vehicles; and amending Section 10.44.040 relating to accounting for fees; and repealing Sections 10.06.100, 10.06.120, 10.06.140, 10.44.040 of the Lincoln Municipal Code as hitherto existing, the second time.

APPROVING AN IMMOBILIZATION RELEASE FEE OF \$50 FOR THE RELEASE OF A VEHICLE IMMOBILIZED BY THE CITY, PURSUANT TO LINCOLN MUNICIPAL CODE § 10.44.035. (RELATED ITEMS: 12-14, 12R-24) (ACTION DATE: 2/27/12)

PUBLIC HEARING - RESOLUTIONS

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND WINDSTREAM FOR UPGRADE OF 911 TELEPHONE SYSTEM MAINTENANCE, PURSUANT TO BID NO. 11-146 FOR A 60 MONTH TERM - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86696 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the Contract Agreement between the City of Lincoln and Windstream for Upgrade of 911 Telephone System Maintenance, pursuant to Bid No. 11-146, for a 60 month term, effective upon execution by both parties, upon the terms and conditions 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 DiAnna Schimek

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

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ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 16 - 31, 2012 - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86697 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the claims listed in the attached report, marked as Exhibit "A", dated February 1, 2012, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Matthew & Lori Hirt	\$27,500.00	Daniel W. Cook	\$8,676.62
Matt Fouts	500.00	Hongly Nguyen	300.00
Marcia Hovermale	34.99	Sandy Burkhardt	199.99
Adela R. Florez	1,223.17		
Justin Carlson	231.25		

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 DiAnna Schimek

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

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required) - NONE

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

AMENDING TITLE 20 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW CHAPTER 20.12 TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES IN THE CITY OF LINCOLN; AND REPEALING CHAPTER 20.10 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - PRIOR to reading:

CAMP Moved to amend Bill No. 12-7 to include language stating that existing homeowners are encouraged to install an ice shield.

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

CLERK Read an ordinance, originally introduced by Adam Hornung, amending Title 20 of the Lincoln Municipal Code by adding a new Chapter 20.12 to adopt the 2009 edition of the International Residential Code regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses in the City of Lincoln; and repealing Chapter 20.10 of the Lincoln Municipal Code as hitherto existing, the third time.

SCHIMEK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19674**, is recorded in Ordinance Book #27, Page .

APPROVING A REDUCTION IN THE FISCAL YEAR 2011-12 CIP BUDGET IN THE AMOUNT OF \$105,000.00 IN PARKS AND RECREATION DEPARTMENT MAINTENANCE AND THE TRANSFER OF CIP APPROPRIATIONS WITHIN THE PARKS AND RECREATION DEPARTMENT - CLERK read an ordinance, originally introduced by Adam Hornung, approving a reduction in the Fiscal Year 2011-12 CIP Budget in the amount of \$105,000.00 due to a loss of incoming revenue and the transfer of unencumbered appropriations between certain capital improvement projects within the Capital Projects Fund for the Parks & Recreation Department, the third time.

SCHIMEK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19675**, is recorded in Ordinance Book #27, Page .

OPEN MICROPHONE

Dana Garrison, 924 Goodhue Boulevard, came forward as a member of Occupy Lincoln to share information about group activities that are open to the public. This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to February 27, 2012.

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

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on February 27,
2012. Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Schimek; NAYS: None; ABSENT: Hornung.

ADJOURNMENT 4:57 P.M.

CAMP Moved to adjourn the City Council meeting of February 13, 2012.
 Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Schimek; NAYS: None; ABSENT: Hornung.

Joan E. Ross, City Clerk

Amy H. Huffman, Senior Office Assistant

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