

THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, FEBRUARY 27, 2012 AT 5:30 P.M.

The Meeting was called to order at 5:30 p.m. Present: Council Chair Carroll; Council Members: Cook, Emery, Eskridge, Hornung, 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

ESKRIDGE Having been appointed to read the minutes of the City Council proceedings of February 13, 2012 reported having done so, found same correct.

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

PUBLIC HEARING

MISC. NO. 11008 - DECLARING THE THERESA STREET REDEVELOPMENT AREA AS BLIGHTED AND SUBSTANDARD IN AN ESTIMATED 114 ACRES GENERALLY BOUNDED BETWEEN CORNHUSKER HIGHWAY AND SALT CREEK ROADWAY, FROM APPROXIMATELY NORTH 20TH STREET AT THE WEST BOUNDARY TO APPROXIMATELY NORTH 27TH STREET AT THE EAST BOUNDARY - David Landis, Director of Urban Development, came forward to describe the work done by the Hanna:Keelan Associates, P.C., a community planning and research firm, at the request of a developer, who is also developing nearby Innovation Campus. The developer has the availability of using tax increment financing because there is already a blighted substandard finding for State Fair Park itself. They have access to a piece of land that falls outside the traditional boundaries of State Fair Park, but is in their ownership, and they would like to be able to use that over time as they develop their land. The City owns another nearby piece of land. It is better for the City to own the land belonging to the developer in case of a future expansion of the St. Theresa project. The land belonging to the city is more convenient for the development purposes of the developer. There is no doubt that this area meets the substandard blighted standards. There are four standards for substandard and twelve standards for blighted and land must meet some of both standards to qualify. All four of the substandard standards are met and ten of the twelve blight requirements are met. Sixty-six percent of the buildings are old and dilapidated and the findings of the study are imminently clear. Planning Commission supported this unanimously.

This matter was taken under advisement.

AUTHORIZING THE TRANSFER OF AN AMOUNT NOT TO EXCEED \$700,000 FROM THE FAST FORWARD FUND TO THE PUBLIC WORKS STREET CONSTRUCTION FUND FOR INSTALLATION OF A 4 INCH CONDUIT TO COMPLETE A FIBER NETWORK GRID IN CONJUNCTION WITH THE DOWNTOWN STREET REPAVING PROJECT - Ricke Hoppe, Chief of Staff for Mayor Beutler, came forward to talk about the conduit project. Telecommunications fiber has taken its place next to roads as key infrastructure for the promotion of economic growth and job creation. Most of the vital interactions taking place in society are online. The goal of Mayor Beutler and the City Council has been to make Lincoln as competitive economically as possible. With so much of what we do taking place online, telecommunications fiber has become a key means of maintaining economic viability as a community. The downtown conduit project will stamp Lincoln as a national leader in critical communication infrastructure and further the goal of our City of being a community that can compete. The proposal is to complete a downtown cable conduit grid that ultimately will hold high-speed telecommunications fiber, greatly enhancing the internet service to the community. The fiber creates a number of opportunities. First, it will increase competition for internet services, creating pressure for lower prices and expanded services. The new fiber and conduits will lay the foundation that could ultimately result in private sector investments known as carrier hotels. They allow greater access to multiple providers and are key infrastructure components. Interest has already been expressed in creating a carrier hotel as a result of this project. Second, the conduit will create critical redundancy for businesses that depend on internet service and do thousands of transactions online everyday. Even a little down time due to something going wrong with a carrier could be disastrous. Having that backup is critically important. Third, City government is going to benefit from the additional fiber capability, potentially saving tax payer dollars. There is currently copper in the ground running street signals. Telecommunications fiber will allow us to implement a smarter grid technology as well as manage and operate new smart technology in garages. The project will also benefit taxpayers as the City will not install the fiber, just the conduit. Others will be laying the fiber, saving the City the expense. Finally, laying the conduit now, while the downtown streets are being resurfaced, leads to greater efficiency, better planning, and saving of taxpayer dollars. The plan is for the Council to pass this resolution and transfer up to \$700,000 from the Fast Forward Fund to the City's Public Works Street Construction Fund. The project is estimated to cost approximately \$600,000. The extra money is to cover any unexpected contingencies that result from doing construction on old streets. While the installation proceeds, a governance structure is being created to ensure that the conduit allows fair access to all carriers who may wish to put telecommunications fiber into the conduit. It is important to lay out the responsibilities and obligations in

advance. The City is working jointly with Unite Private Networks to install the conduit. The City will own the conduit and Unite will maintain it. Unite will place fiber in the conduit and other carriers will do so as the governance structure is created. This is a great example of combining the know-how of the private sector with that of the public sector to benefit the entire community. In closing, the proposal has great economic potential and will provide greater access to service for the entire community. Mr. Hoppe thanked the Chamber of Commerce and Jason Ball, who has been a contact person on this project and has done a fantastic job of organizing the private sector to come up with this solution.

Adam Hornung, Council Member, expressed his excitement about this project, and he thanked everyone for their work. He asked Mr. Hoppe how the funds will be tracked to ensure that money will be used for this purpose only.

Mr. Hoppe replied that the word of the Administration has been given. Public Works Director, Miki Esposito, will also ensure that funds are used correctly. He added that the Council is free to add language to ensure that funds go only to the project, and if the project comes in under budget, the funds are returned to the Fast Forward Fund.

Councilman Hornung stated that a report at the completion of the project would be an efficient assessment of amounts spent and funds that remain.

Bradly Walker, President & CEO of Nanonation, 1800 High Street, stated that he serves on the Board of Directors for the Chamber of Commerce. He believes this project is an enabling investment for the City and it lays the groundwork for years of new capabilities. His technology firm, like many other businesses, thrives on internet commerce. The large-capacity conduit project provides flexibility to adapt to future technology and to add services as they become available and necessary. The conduit will also act as an encouragement to private investment in our community and will secure the existing infrastructure. Many downtown business are dependant on telecommunications services. The more that the City offers in terms of capabilities, the more secure existing and future business will be. Finally, completing two projects at once is a proactive way of securing investments already made in our streets and also in the future. He stated that this project has been an excellent example of governance, starting with the creation of the Fast Forward Fund. Many departments and private businesses worked together to seize this moment by identifying a need and using funds that were set aside years ago to make this possible. There are few examples where so many groups have worked together for a single project.

DiAnna Schimek, Council Member, asked if there will be implications for those outside of the downtown area.

Mr. Walker replied that it will not have an immediate effect, but will lay the foundation for businesses to expand out over time. The benefits to City government and operations would be a benefit to citizens.

Terry Heimes, Chief Financial Officer for Nelnet, Board of Directors for Chamber of Commerce, 1120 N. 42<sup>nd</sup> Street, came forward to state how this project will positively impact Nelnet. Since 2009, their customer base has more than doubled. They service more than 5 million borrowers, 5 thousand schools, and work with nearly 1 million families. They recently expanded their service to 24 hours to better serve their customers. Lincoln is corporate headquarters for Nelnet and they employ approximately 1,300 associates. Customer service and the ability to communicate with borrowers is critical. Having dependable, dynamic communications infrastructure is key. The redundancy and the competitive options the conduit will provide are vital for their continued future growth. He is in favor of this project and stated that Lincoln is trying to position itself for growth and they need to make sure they plant seeds for that growth now.

Kyle Fischer, Lincoln Chamber of Commerce, 1135 M Street, came forward to go on record officially to state that in consultation with the Partnership for Economic Development, the Chamber of Commerce and its Board of Directors wholly support this project. This project came about from a task force that the Partnership put together. They asked businesses what they need in the way of technology to grow and expand jobs here in Lincoln and the conduit grid project was part of the answer. This is exactly the type of project the Chamber envisioned when it fought for the creation of the Fast Forward Fund. Mr. Fischer also thanked former City Council members, John Spatz and Ken Svoboda, who supported this issue.

Bill Schmeckle, Chairman of Downtown Lincoln Association Board, came forward in support of this resolution. On behalf of DLA, Mr. Schmeckle concurred with all the positive aspects of the conduit presented thus far. He stated they believe strongly in the proactive investment in the future. There are two significant qualities that will set cities apart in the future: the availability of technology, and its innovative use. Technology is a cornerstone to any business and the Council's actions confirm their commitment to a better, more technology-competitive Lincoln.

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 - PRIOR to reading, Jonathan Cook, Council member, announced that these items will have a Motion to Delay Action and Public Hearing one week to 3/5/12. He then invited speakers to approach for the Public Hearing.

Kent Sprague, 7977 Pioneers Boulevard, came forward as the owner of the adjacent residential property. He and his wife have resided there for approximately 24 years and are in full support of the Change of Zone. He stated they are in favor of maintaining the City's easement to the existing property. In the future, the land will be used for commercial purpose and he wants to be sure that any future developer will have the access they desire from the east or west. In answer to Council questions, Mr. Sprague said he was unwilling to rezone his property at this time because their situation is ideal for their family, but they will be moving in the future. He has been told by the City that his current access will remain intact until he sold his property. He is concerned that in the future, due to the length of the development between 80<sup>th</sup> Street and Lucille Street, people will need better access from both directions.

Tim Gergen, Olsson Associates, came forward as representative to the small family dentist requesting the zone change. He presented the facts from the meeting held with the neighborhood. He stated that by the end of the meeting, the project had full support of the neighbors. The remaining issue was the access across the property. The clients have no issue with the access set forth by the conditions recommended by the City, but it is controversial to the neighborhood. It will also ultimately effect the property value of Mr. Sprague's residence if he is not able to have access to and from it, which is the reason he was encouraged to come forward to state his position on this matter.

Larry Pfeil, 7820 Viburnum Drive, came forward in opposition to this matter. It was the understanding of the neighborhood that the Council allowed this two week period to find common ground with the City departments and the developer. They indicated that although they continue to oppose both the change in zoning and the additional traffic on South 80<sup>th</sup> Street, they were willing to compromise if the easement request was withdrawn. The dental office can operate without the easement and have access to 80<sup>th</sup> Street for their customers. When the remaining residential lot is rezoned, it will become part of the existing commercial development, which will not involve the dental office traffic. A representative from Olsson Associates asked Mr. Sprague if his property would be worth more or less depending on the easement; this was a factor not previously considered, but upon the change in zone to his property, Mr. Sprague will no longer be residing there, while the remaining homeowners in the neighborhood will. The neighbors offered the compromise but still have some disagreement about how additional traffic on 80<sup>th</sup> will be handled. Traffic will meet head-on with traffic exiting the Grand Lodge. The person who runs the Grand Lodge is opposed to this change and additional traffic. If the traffic does not do the u-turn, they would turn around in the residential neighborhood. Both the developer and the City departments have been totally inflexible in this matter and have offered no compromise. The dental office itself will generate additional traffic at the rate of a vehicle every 2 minutes. This does not include additional traffic generated by support services for the office, including mail delivery, package delivery, sales calls, trash removal, and other service providers. All traffic would be using the private street without any visible compensation to the home owners. Approval of the easement would guarantee that the traffic count would increase exponentially in the future. This will compound the aforementioned issues. In answer to Council questions, Mr. Pfeil said they discussed additional cuts in the median but neither the City nor the Association would take financial responsibility for it.

Randy Hoskins, Assistant City Engineer, came forward to answer questions from the Council. An easement to a private street is not unheard of, though it is more common on public streets. It would be sufficient to provide access on either side, but that would be an issue for potential buyers who might prefer access from both directions. If the remaining residential property becomes a commercial zone in the future, the City is trying to avoid a driveway directly onto Pioneers. He addressed the lack of compromise on part of the city and stated that several options were discussed. There is no guarantee that the current residential lot will become commercial. If it does, the required zoning change will give the neighborhood an additional opportunity to discuss new options. There is also no requirement from the standpoint of the City that the development areas eventually be connected. Mr. Hoskins indicated that in talks with the Planning Department, they would not allow this area to be zoned for businesses with high traffic volumes such as restaurants or gas stations. The proposed access the developer is suggesting is at the back of the property. Properties to the west have front access. A connection between all properties will snake through several business parking lots so it is unlikely there will be a high volume of traffic using the development as a through road.

Eugene Carroll, Council Member, asked why the developer could not provide a public access easement across this property privately in an agreement, and why this matter was in front of Council. The Council could hypothetically approve the rezoning of the property, but not the removal of the driveway onto Pioneers and the public access easement across the property, and nothing would stop the developer from providing that easement. The developer could do it anyway, protecting the landowner to the west.

Mr. Hoskins replied that there is no reason that could not happen. Their concern is that this is their one chance to make requirements of the developer. This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

APPOINTING ELIZABETH KENNEDY-KING TO THE LINCOLN COMMISSION ON HUMAN RIGHTS FOR A TERM EXPIRING DECEMBER 31, 2014 - CLERK read the following resolution, introduced by Jon Camp.

Carl Eskridge moved its adoption, seconded by DiAnna Schimek:  
A-86698 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointment of Elizabeth Kennedy-King to the Lincoln Commission on Human Rights for a term expiring December 31, 2014 is hereby approved.  
Introduced by Jon Camp  
Seconded by Schimek & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Eskridge, Schimek; NAYS: None; ABSENT: Camp

APPOINTING PETER HIND TO THE URBAN DESIGN COMMITTEE FOR A TERM EXPIRING FEBRUARY 1, 2015 - CLERK read the following resolution, introduced by Jon Camp.

Carl Eskridge moved its adoption, seconded by DiAnna Schimek:  
A-86699 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointment of Peter Hind to the Urban Design Committee for a term expiring February 1, 2015 is hereby approved.  
Introduced by Jon Camp  
Seconded by Schimek & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Eskridge, Schimek; NAYS: None; ABSENT: Camp.

REAPPOINTING JOANNE KISSEL TO THE URBAN DESIGN COMMITTEE FOR A TERM EXPIRING FEBRUARY 1, 2015 - CLERK read the following resolution, introduced by Jon Camp.

Carl Eskridge moved its adoption, seconded by DiAnna Schimek:  
A-86700 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of Joanne Kissel to the Urban Design Committee for a term expiring February 1, 2015 is hereby approved.  
Introduced by Jon Camp.  
Seconded by Schimek & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None. ABSENT: Camp.

REAPPOINTING CHRISTIE DIONISOPOULOS TO THE CAPITOL ENVIRONS COMMISSION FOR A TERM EXPIRING JANUARY 9, 2015 - CLERK read the following resolution, introduced by Jon Camp.

Carl Eskridge moved its adoption, seconded by DiAnna Schimek:  
A-86701 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of Christie Dionisopoulos to the Capitol Environs Commission for a term expiring January 9, 2015 is hereby approved.  
Introduced by Jon Camp  
Seconded by Schimek & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None. ABSENT: Camp.

REAPPOINTING CECIL STEWARD TO THE CAPITOL ENVIRONS COMMISSION FOR A TERM EXPIRING JANUARY 9, 2015 - CLERK read the following resolution, introduced by Jon Camp.

Carl Eskridge moved its adoption, seconded by DiAnna Schimek:  
A-86702 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of Cecil Steward to the Capitol Environs Commission for a term expiring January 9, 2015 is hereby approved.  
Introduced by Jon Camp  
Seconded by Schimek & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None. ABSENT: Camp.

REAPPOINTING TODD BLOME TO THE AUDIT ADVISORY BOARD FOR A TERM EXPIRING MARCH 2, 2015 - CLERK read the following resolution, introduced by Jon Camp.

Carl Eskridge moved its adoption, seconded by DiAnna Schimek:  
A-86703 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of Todd Blome to the Audit Advisory Board for a term expiring March 2, 2015 is hereby approved.  
Introduced by Jon Camp  
Seconded by Schimek & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None. ABSENT: Camp.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON FEBRUARY 6, 2012 - 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 FEBRUARY 13, 2012 - 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, MARCH 12, 2012 AT 3:00 P.M. FOR THE APPLICATION OF GREENFIELD'S CAFÉ INC. DBA GREENFIELD'S FOR A CLASS CK LIQUOR LICENSE LOCATED AT 7900 SOUTH 87TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86704 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 12, 2012, 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 Greenfield's Café dba Greenfield's for a Class CK liquor license located at 7900 South 87th Street.  
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

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

SETTING THE HEARING DATE OF MONDAY, MARCH 12, 2012 AT 3:00 P.M. FOR THE APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP 27 FOR A CLASS D LIQUOR LICENSE LOCATED AT 1301 S STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86705 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 12, 2012, 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 Whitehead Oil Company dba U-Stop 27 Class D liquor license located at 1301 S Street.  
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 12001 to Special Permit No. 1653, for a Community Hall, approved by the Planning Director on February 16, 2012, requested by Ben and Nancy Sand, to decrease the permit area to 20.00 acres by removing a portion of Lot 2, Sand Addition from the permitted area, on property generally located at 6305 W. Adams St.

REFERRED TO PLANNING DEPARTMENT:

Change of Zone No. 3310A - Requested by the Director of Planning, designating the Haymarket Park Sign District as an Overlay Special Sign District on property generally located at North 6th Street and Charleston Street, between I-180 and Sun Valley Boulevard, in accordance with the provisions of § 27.69.300 of the Lincoln Municipal Code and adopting special criteria for signs in said district.  
Special Permit No. 12004 - Requested by Orange Development, Inc., for expansion of a nonconforming use for the sale of alcohol for consumption off the premises, on property legally described as Lot 2, Christensen Addition generally located at S. 48th Street and Van Dorn Street. The Planning Commission action is final action, unless appealed to the City Council.  
Special Permit No. 12005 - Requested by Olsson Associates, for a Club Facility for the Girl Scouts Spirit of Nebraska, located on property generally located at N. 14th Street and Hilltop Road. The Planning Commission action is final action, unless appealed to the City Council.

#### MISCELLANEOUS REFERRALS - NONE

#### LIQUOR RESOLUTIONS - NONE

ORDINANCE - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required) - NONE

#### PUBLIC HEARING - RESOLUTIONS

MISC. NO. 11008 - DECLARING THE THERESA STREET REDEVELOPMENT AREA AS BLIGHTED AND SUBSTANDARD IN AN ESTIMATED 114 ACRES GENERALLY BOUNDED BETWEEN CORNHUSKER HIGHWAY AND SALT CREEK ROADWAY, FROM APPROXIMATELY NORTH 20TH STREET AT THE WEST BOUNDARY TO APPROXIMATELY NORTH 27TH STREET AT THE EAST BOUNDARY - CLERK read the following resolution, introduced by Jon Camp.

Carl Eskridge moved its adoption, seconded by DiAnna Schimek:  
A-86706 WHEREAS, it is desirable and in the public interest that the City of

Lincoln, Nebraska, a municipal corporation and a city of the primary class, undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1943, as amended, known as the Community Development Law, is the urban renewal and redevelopment law for the State of Nebraska and prescribes the requirements and procedures for the planning and implementation of urban redevelopment projects; and

WHEREAS, the City in accordance with its Home Rule Charter and the laws of the State of Nebraska applicable to cities of the primary class has duly prepared and approved a general plan for the development of the City known as its Comprehensive Plan, all as required by Section 18-2110, R.R.S. 1943; and

WHEREAS, this Council has received and duly considered evidence relating to the present condition of the Theresa Street Redevelopment Area, generally bounded by Cornhusker Highway and Salt Creek Roadway from approximately North 20th Street at the west boundary to approximately North 27th Street at the east boundary, as shown and described on Attachment "A" (entitled Theresa Street Redevelopment Area Blight and Substandard Determination Study); and

WHEREAS, this Council has received and duly considered other evidence, including evidence relating to the scope and limitations of the nearby redevelopment plans in the area, and the inability of the other plans to effectively remedy the substandard and blighted conditions;

WHEREAS, Article 8, Section 12 of the Constitution of the State of Nebraska requires that said area must be found to be both substandard and blighted in order for tax increment financing to be used in said area; and

WHEREAS, Section 18-2109, R.R.S. 1943, as amended, requires that prior to the preparation by the City of an urban redevelopment plan for a redevelopment project for the Theresa Street Redevelopment Area, this Council as governing body of the City, by resolution, after review and recommendation from the Lincoln City Lancaster County Planning Commission, find and determine that said area is both a substandard and blighted area as defined in said Community Development Law, and in need of redevelopment; and

WHEREAS, on January 13, 2012, notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within a one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on January 25, 2012, before the Lincoln City - Lancaster County Planning Commission regarding the proposed determination that the Theresa Street Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission on January 25, 2012 recommended that the Theresa Street Redevelopment Area be found to be both a substandard and blighted area as defined in said Community Development Law and the evidence demonstrates that said Theresa Street Redevelopment Area as shown and described on Attachment "A" constitutes both a substandard and blighted area as defined in said Community Development Law, which area is in need of redevelopment.

WHEREAS, on February 10, 2012 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on February 27, 2012 regarding the proposed determination that the Theresa Street Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on February 10, 2012 and February 17, 2012 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on February 27, 2012 regarding the proposed determination that the Theresa Street Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on February 27, 2012 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed determination that the Theresa Street Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed determination.

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

1. That it is hereby found and determined that substandard and blighted conditions exist as set forth and discussed in Attachment "A" (entitled Theresa Street Redevelopment Area Blight and Substandard Determination Study) attached hereto and incorporated herein as though fully set forth verbatim.

2. That it is hereby found and determined that the Theresa Street Redevelopment Area as shown and described on Attachment "A", constitutes both a substandard and blighted area as defined by subsections (10) and (11), respectively, of Section 18-2103, R.R.S. 1943, as amended, and that said area is in need of redevelopment.

3. That it is hereby found and determined that said area is an eligible site for redevelopment projects under the provision of Chapter 18, Article 21, Nebraska Revised Statutes of 1943, as amended.

4. That the elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

5. That such substandard and blighted conditions are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aid provided by the Community Development law, specifically including Tax Increment Financing.

BE IT FURTHER RESOLVED that the Department of Urban Development as the duly designated community development agency for the City of Lincoln is hereby authorized and directed to immediately proceed with the preparation of a new redevelopment plan and associated projects for the Theresa Street Redevelopment Area, which plan shall be prepared in accordance with the requirements and procedures of said Chapter 18, Article 21, for ultimate review and consideration by this Council.

Introduced by Jon Camp

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

AUTHORIZING THE TRANSFER OF AN AMOUNT NOT TO EXCEED \$700,000 FROM THE FAST FORWARD FUND TO THE PUBLIC WORKS STREET CONSTRUCTION FUND FOR INSTALLATION OF A 4 INCH CONDUIT TO COMPLETE A FIBER NETWORK GRID IN CONJUNCTION WITH THE DOWNTOWN STREET REPAVING PROJECT - CLERK read the following resolution, introduced by Jon Camp. Carl Eskridge moved its adoption, seconded by Adam Hornung:

A-86707 WHEREAS, pursuant to Resolution No. A-84988 there was established Fund No. 230, designated as the Fast Forward Fund, the purpose of which is to make funds available for economic development and infrastructure projects where there is a demonstrated benefit to the community; and

WHEREAS, the City is undertaking a roadway resurfacing project in the downtown area and is including a component to install fiber conduits in the same areas; and

WHEREAS, the conduit component of the project calls for the construction of a grid of fiber conduits throughout the downtown area costing not to exceed \$700,000; and

WHEREAS, Resolution No. A-85490, which provided subsequent parameters for the use of Fast Forward Funds, allows for the construction of projects associated with the Capital Improvement Program. This project is associated with the Roadway and Bridge Rehabilitation component of the CIP.  
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. The fiber conduit component of the roadway resurfacing project meets the criteria necessary to expend funds from the Fast Forward Fund.

2. The downtown area of Lincoln has historically been one of the most difficult areas of the city to conduct excavations and borings for the installation of a number of utilities. The current scarcity of available conduit space in the downtown area is well known and has hampered the expansion of high speed broadband in a number of instances.

3. The proposed fiber component of the project would accomplish several things: a) provide fiber facilities to accomplish redundancy in the downtown area with existing businesses; b) provide fiber connections to any future carrier hotel(s) to be located in the downtown area; c) provide the City with fiber for downtown traffic control and parking garage needs; d) provide additional available conduit space for any fiber need or potential user thereby enhancing economic development in this area; and e) extend the life of the City's newly resurfaced streets in the downtown area, thereby saving the City street maintenance costs.

4. There is hereby authorized and appropriated a sum not to exceed \$700,000 from the Fast Forward Fund to the Street Construction Fund for the purposes of completing the fiber conduit component of the resurfacing project.

Introduced by Jon Camp

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

**PUBLIC HEARING**  
**ORDINANCES 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)**

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) (2/13/12- CON'T P.H. ON 2/27/12) (ACTION DATE: 2/27/12) - PRIOR to reading:

COOK Moved to continue Public Hearing on Bill No. 12R-19 to 03/05/12 with Action on 03/05/12.

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

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) (2/13/12- CON'T P.H. ON 2/27/12) (ACTION DATE: 2/27/12) - PRIOR to reading:

COOK Moved to continue Public Hearing on Bill No. 12-10 to 03/05/12 with Action on 03/05/12.

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

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 third time.

**ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required)**

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$355,000,000 CITY OF LINCOLN, NEBRASKA LINCOLN ELECTRIC SYSTEM REVENUE AND REFUNDING BONDS - CLERK read an ordinance, introduced by Jonathan Cook, sixth series ordinance adopted under and pursuant to Ordinance No. 17879 Passed July 23, 2001; authorizing the issuance of Lincoln Electric System revenue and refunding bonds of the City of Lincoln, Nebraska in one or more series in an aggregate principal amount not to exceed \$355,000,000; Fixing in part and providing for the fixing in part of the details of such bonds; providing for the sale of such bonds and the application of the proceeds of such sale; taking other action in connection with the foregoing; and related matters, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND E.J.C. CORPORATION FOR THE LEASE OF 6.42 ACRES OF PUBLIC PARK PROPERTY AT OAK LAKE PARK FOR A FIVE YEAR TERM WITH AN OPTION TO RENEW FOR THREE ADDITIONAL FIVE YEAR TERMS - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and E.J.C. Corporation for the lease of 6.42 acres of public park property at Oak Lake Park in Lincoln, Lancaster County, Nebraska for a five year term with options for three additional five year terms, whereby E.J.C. Corporation is leasing the property for parking, storage of trucks, trailers, related equipment and raw materials used in the manufacture of trucks and trailers, the first time.

VACATION NO. 11011 - VACATING A PORTION OF FALLBROOK BOULEVARD ADJACENT TO OUTLOT G, FALLBROOK 18TH ADDITION, GENERALLY LOCATED AT U.S. HIGHWAY 34 AND FALLBROOK BLVD - CLERK read an ordinance, introduced by Jonathan Cook, vacatin a portion of Fallbrook Boulevard adjacent to Outlot G, Fallbrook 18<sup>th</sup> Addition generally located at U.S. Highway 34 and Fallbrook Boulevard, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

AMENDING SECTION 6.12.050 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY DOCUMENTATION REQUIRED TO RECEIVE A REDUCED LICENSE FEE FOR ALTERED CATS - CLERK read and ordinance, introduced by Jonathan Cook, amending Section 6.12.050 of the Lincoln Municipal Code relating to cat licenses to clarify the documentation required to receive a reduced license fee for altered cats; and repealing Section 6.12.050 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 6.08.040 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY DOCUMENTATION REQUIRED TO RECEIVE A REDUCED LICENSE FEE FOR ALTERED DOGS - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 6.08.040 of the Lincoln Municipal Code relating to dog licenses to clarify the documentation required to receive a reduced license fee for altered dogs; and repealing Section 6.08.040 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 6.10.090 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY WHEN A DANGEROUS DOG OR POTENTIALLY DANGEROUS DOG MAY BE CONFISCATED AND DESTROYED - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 6.10.090 of the Lincoln Municipal Code relating to the confiscation of dangerous or potentially dangerous dogs to revise the code provisions as to when a dangerous dog or potentially dangerous dog shall or may be confiscated and destroyed; and repealing Section 6.10.090 of the Lincoln Municipal Code as hitherto existing, the first time.



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

APPROVING A REAL ESTATE PURCHASE AGREEMENT AND LEASE AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION ON BEHALF OF THE CITY OF LINCOLN AND LANCASTER COUNTY & ALFRED BENESCH & COMPANY FOR THE PURCHASE AND LEASE BACK OF PROPERTY LOCATED AT 825 J STREET (REQUEST TO CONTINUE P.H. TO 1/30/12) (1/9/12 - P.H. CON'T TO 1/30/12 W/ACTION ON 2/6/12) (2/6/12 - Action Delayed 3 wks. To 2/27/12) - PRIOR to reading:

COOK Moved to delay Action on Bill No. 11-191 one week to 3/5/12.  
Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

CLERK Read an ordinance, introduced by Doug Emery, accepting and approving a Real Estate Purchase Agreement and a Lease Agreement between the Lincoln-Lancaster County Public Building Commission, on behalf of the City of Lincoln and Lancaster County, and Alfred Benesch & Company for the purchase and leaseback of property generally located at 825 J Street, the third time.

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 2<sup>nd</sup> Addition generally located at 20<sup>th</sup> and N Street to use as a parking lot for client and employee parking, the third time.

EMERY Moved to pass the ordinance as read.  
Seconded by Cook & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None. ABSENT: Camp.

The ordinance, being numbered #19677, is recorded in Ordinance Book #27, Page .

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 third time.

SCHIMEK Moved to pass the ordinance as read.  
Seconded by Cook & carried by the following vote: AYES: Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None. ABSENT: Camp; CONFLICT OF INTEREST: Carroll.

The ordinance, being numbered #19678, is recorded in Ordinance Book #27, Page .

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) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86708 WHEREAS, City Impact has submitted an application designated as Special Permit No. 11033 to allow a Neighborhood Support Services facility on property generally located at North 33rd Street and Overland Trail, legally described as:

Lot 25 and a portion of Lot 24, Flat Iron Crossing, said tract of land located in the Northwest Quarter of Section 19, Township 10 North, Range 7 East of the 6th P.M., more particularly described as follows: Beginning at the southeast corner of said Lot 25, Flat Iron Crossing; thence south 89 degrees 48 minutes 31 seconds west on the south line of Flat Iron Crossing, a distance of 354.06 feet; thence north 00 degrees 36 minutes 41 seconds east, a distance of 102.64 feet; thence south 89 degrees 23 minutes 57 seconds east on the north line of Flat Iron Crossing, a distance of 352.61 feet; thence south 00 degrees 13 minutes 03 seconds east on the east line of Flat Iron Crossing, a distance of 97.76 feet to the point of beginning; said tract contains 0.81 acres, or 35,402.22 square feet;

WHEREAS, the real property adjacent to the area included within the site plan for this Neighborhood Support Services facility will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of City Impact, hereinafter referred to as "Permittee", to develop a Neighborhood Support Services facility on property legally described above be and the same is hereby granted under the provisions of Section 27.63.170 of the Lincoln Municipal Code upon condition that construction of said facility be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the remodel and expansion of an existing building on Lot 24, Flat Iron Crossing, for a Neighborhood Support Services facility.

2. Before a final plat is approved, the Permittee must provide verification from the Lancaster County Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

3. Before receiving building permits the construction plans must

substantially comply with the approved plans.

4. Before occupying the building all development and construction must substantially comply with the approved plans.

5. All privately-owned improvements, including landscaping and recreational facilities, must be permanently maintained by the Permittee.

6. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

7. The terms, conditions, and requirements of this resolution shall run with the land and be binding on the Permittee, its successors, and assigns.

8. The Permittee shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Introduced by DiAnna Schimek

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

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 third time.

SCHIMEK Moved to pass the ordinance as read.

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

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

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) - PRIOR to reading:

COOK Moved to delay Action on Bill No. 12-13 one week to 3/5/12.

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

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 third 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)  
- PRIOR to reading:

COOK Moved to delay Action on Bill No. 12-13 one week to 3/5/12.  
Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None. ABSENT: Camp.

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) - PRIOR to reading:

COOK Moved to delay Action on Bill No. 12-13 one week to 3/5/12.  
Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None. ABSENT: Camp.

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 third time.

HORNUNG Moved to pass the ordinance as read.  
Seconded by Eskridge & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None. ABSENT: Camp.  
The ordinance, being numbered #19676, is recorded in Ordinance Book 27, Page .

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) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86709 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That, pursuant to Lincoln Municipal Code Section 10.44.035, an immobilization release fee of Fifty and no/100 Dollars (\$50.00) is hereby established for the release of a vehicle immobilized by the City, which shall be in addition to any other fees charged by any contractor for release of an immobilized vehicle.

Introduced by DiAnna Schimek

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

#### OPEN MICROPHONE

Jane Svoboda, no address given, came forward to express her concerns on several topics, including the closing of exotic dance clubs and the use of paper ballots.

This matter was taken under advisement.

Allan Allen, 1320 SW 24<sup>th</sup> Street, came forward to express his concerns regarding loud motorcycle exhaust systems. He explained the causes and effects of the problem. He answered questions from the Council regarding his personal experience with this issue.

This matter was taken under advisement.

Mike Morosin, 1500 N. 15<sup>th</sup> Street, came forward to read into the record an Affidavit of Status.

This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS

##### PENDING -

COOK Moved to extend the Pending List to March 5, 2012.  
Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

##### UPCOMING RESOLUTIONS

COOK Moved to approve the resolutions to have Public Hearing on March 5, 2012.  
Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook,

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Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

**ADJOURNMENT 6:49 P.M.**

COOK Moved to adjourn the City Council meeting of February 27, 2012.  
Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook,  
Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

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Joan E. Ross, City Clerk

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Amy H. Huffman, Senior Office Assistant