

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MARCH 12, 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, Hornung, Schimek; City Clerk, Joan E. Ross.

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

READING OF THE MINUTES

SCHIMEK Having been appointed to read the minutes of the City Council proceedings of March 5, 2012 reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Beutler came forward to present the Mayor's Award of Excellence for the month of February 2012 to a Team from the Public Works & Utilities Street Maintenance Operations Division comprised of Public Works Equipment Operators Douglas Miller, Gale Ogg and Lance Sittner in the categories of Customer Relations and Valor. Mayor Beutler said Miller has worked for the City since 1990, Ogg since 1979 and Sittner since 2004. He said the team was nominated by Supervisor John Rausch for their actions to help citizens in distress on two occasions.

Mr. Miller came forward to accept his award in appreciation.

Mr. Sittner came forward to thank the Mayor and Council for the award.

Mr. Ogg was unable to attend today's presentation.

Scott Opfer, Public Works & Utilities Dept., came forward to state that these men's actions are the core of what the Public Works Department represents.

John Rausch, Public Works & Utilities Street Maintenance, came forward to express pride and stated the men deserved recognition of the award.

Miki Esposito, Director of Public Works & Utilities, came forward to thank these three men who demonstrate two great community principles: compassion and heart.

PUBLIC HEARING

APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #27 FOR A CLASS D LIQUOR LICENSE AT 1301 SOUTH STREET;

MANAGER APPLICATION OF BRITANY S. GRADY FOR WHITEHEAD OIL COMPANY DBA U-STOP #27 AT 1301 SOUTH STREET - Michael Wilson, 5000 Elkridge Rd., Whitehead Oil Marketing Director, came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF GREENFIELDS CAFÉ INC. DBA GREENFIELDS FOR A CLASS CK LIQUOR LICENSE AT 7900 S. 87TH STREET;

MANAGER APPLICATION OF JAMES A. DONALDSON FOR GREENFIELDS CAFÉ INC. DBA GREENFIELDS AT 7900 S. 87TH STREET - James Donaldson, 1336 Plum St., came forward to take oath and answer questions. In response to Council questions, Mr. Donaldson said the former IHOP restaurant was sold three years ago and new owners reopened it as Greenfields, a breakfast/pancake house. He said since September a new lunch, dinner and catering menu was developed and he felt that offering beer and wine would be a natural pairing to some of their menu items.

This matter was taken under advisement.

CHANGE OF ZONE 05004A - APPLICATION OF LENITY GROUP AND REALTY TRUST GROUP TO AMEND THE PINE GARDEN PLANNED UNIT DEVELOPMENT TO REPLACE 28 DWELLING UNITS WITH A 66-BED MEMORY CARE FACILITY AND TO REDUCE THE TOTAL COMMERCIAL FLOOR AREA FROM 25,300 SQUARE FEET TO 17,420 SQUARE FEET, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND OLD CHENEY ROAD - Brad Marshall, Olsson Associates, 1111 Lincoln Mall, Suite 111, came forward on behalf of Lenity Group to build a 66-bed memory care facility on a portion of the property. He said Realty Trust will maintain commercial space on the south side of the property.

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Mr. Marshall said they have worked very closely with Public Works on the site plan; there is a waiver to have a smaller cul-de-sac on South 83rd Street; and they have addressed public access on/off 84th Street.

Mike Marsh, Realty Trust CEO, came forward to answer questions. He said the amended plan replaces townhomes and commercial with a memory-care facility. He explained that since the memory-care facility does not have high traffic volumes, the traffic count patterns have not changed.

Mr. Marshall came forward to state that Lenity Group held a neighborhood meeting before the Planning Commission convened. He said no neighbors were in attendance nor any opposing communication was received.

This matter was taken under advisement.

CHANGE OF ZONE 11040 - AMENDING SECTION 27.67.040 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PARKING REQUIREMENTS TO DELETE SPECIAL PARKING REQUIREMENTS FOR ROOMING AND BOARDING HOUSES AND TO REVISE THE PARKING REQUIREMENTS FOR FRATERNITIES AND SORORITIES - Marvin Krout, Director of Planning, came forward to request that Council place this item on pending for six weeks with continued public hearing. He said there is an idea to solve complicated issues and an amendment will be brought forward at that time. In response to Council questions, Mr. Krout said originally they contacted all the Greek organizations and hosted two neighborhood round tables which did not net any concerns. He said an East Campus representative brought concerns to the Planning Commission and that, therefore, led Planning Department to do more research on City Campus/East Campus/Wesleyan to have a good understanding of their situations. Council Member Cook requested Mr. Krout to include the Downtown Neighborhood Association on a contact list.

Council Member Camp asked for Mr. Krout to give a brief summary of what the objective is for the downtown University Campus vs. the East Campus. Mr. Krout summarized by stating that East Campus is a situation where there is free and convenient on-street parking that is used by students, faculty and employees of the University. East Campus neighborhood has had continuing issues with an on-street parking problem and dealing with emergency access and marked "No Parking" zones. Wesleyan has their own unique situation because they have free parking with minimal issues. City Campus is more like downtown with short-term metered parking, structures & lots controlled by UNL. Mr. Krout said UNL has been asking all Greek houses to update their fire code requirements and he feels it is the right time to address this issue so they won't have case by case requests for variances or special permits.

This matter was taken under advisement.

CHANGE OF ZONE 11042 - APPLICATION OF LANCASTER COUNTY SCHOOL DISTRICT #1 FOR A CHANGE OF ZONE FROM R-1 RESIDENTIAL DISTRICT, R-2 RESIDENTIAL DISTRICT, B-1 LOCAL BUSINESS DISTRICT, AND H-2 HIGHWAY BUSINESS DISTRICT TO B-1 LOCAL BUSINESS DISTRICT PUD ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF LYNCREST DRIVE AND O STREET, FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY, AND APPROVAL OF A DEVELOPMENT PLAN TO ALLOW OFFICE AND COMMERCIAL USES NOT EXCEEDING APPROXIMATELY 183,000 SQUARE FEET IN FLOOR AREA - Scott Wieskamp, Director of Facilities & Maintenance for Lincoln Public Schools, came forward to request a change of zone as it related to the step process following a fire in May 2011. He said LPS intends to meet all of the Planning Commission's conditions for approval. In response to Council questions about access to North Cotner Boulevard, Mr. Wieskamp said they do not have intentions to acquire properties to the west of their project but the door is open to that possibility in the future.

Council Member Cook asked for a brief description of the future plan. Mr. Wieskamp said the Lincoln Public Schools' three-story office building is proposed on the northwest corner of the site, a retail grocer (primary tenant) will be on the northeast corner and a strip of retail shops will be between the two facilities with parking to the south. Frontage on "O" Street will be architecturally inviting with sidewalks pulled off the curb allowing room for adequate landscaping. He clarified that he is asking for a parking requirement reduction based upon the fact that LPS is sharing space with the other tenants.

This matter was taken under advisement.

APPROVING AN INTERLOCAL COOPERATION AGREEMENT FOR SALINE WETLANDS BETWEEN THE CITY OF LINCOLN, LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT, AND NEBRASKA GAME & PARKS COMMISSION FOR THE COOPERATIVE DEVELOPMENT, ADMINISTRATION, IMPLEMENTATION, MANAGEMENT, AND EVALUATION OF THE "IMPLEMENTATION PLAN FOR THE CONSERVATION OF NEBRASKA'S EASTERN SALINE WETLANDS" FOR A TERM OF THREE YEARS AND FOUR MONTHS BEGINNING MARCH 1, 2012 - Terry Genrich, Parks & Recreation

Department, came forward to state this is the third time for the renewal of the three-year agreement. He said this agreement allows different agencies to work together coordinating efforts for restoration of the saline wetlands in the county.

This matter was taken under advisement.

SPECIAL PERMIT NO. 12001 - APPLICATION OF UMBAY CORPORATION TO DEVELOP A HEALTH CARE FACILITY FOR AN ASSISTED LIVING FACILITY ON PROPERTY GENERALLY LOCATED AT 2231 WEST O STREET - Peter Katt, Baylor Evnen, 600 Wells Fargo Center, 1248 O Street, came forward as the attorney representing the owner of the property. He said the main issue is the proximity of residential property adjacent to industrial property. Mr. Katt said his client was willing to modify an existing motel which is sitting & ready to go and the residents are excited about moving in. Mr. Katt said the very neighbor who is appealing this project due to adverse impact to his own property has actually had 99 weed complaints reported to the Lancaster County Weed Authority over the last five years. Mr. Katt believes there is a balance between respecting residential rights & keeping them safe and allowing industrial people to fully develop.

Council Member Cook asked for clarification of the non-profit application error. Mr. Katt said City staff discovered that the operator of the facility was a "for-profit" entity. He explained that the application was submitted by the architect for the owner and the architect erroneously assumed activities such as these were primarily non-profit. Mr. Katt said he recommended that his client not skew their good efforts & waste hundreds of dollars spent, but simply explain the application error.

Larry Conover, 4520 N. 56th St., came forward as a resident of CSL and expressed excitement about moving into a new facility.

David Starkel, 4520 N. 56th St., came forward to share his opinion that their health care facility should not lower the property value of the industrial neighbor. Mr. Starkel said he is looking forward to moving to the new location.

Steven Sheffield, 4520 N. 56th St., came forward to share that he approves relocating to the new facility.

Gary Christensen, 6830 Shadow Ridge Rd., came forward to state that he and his wife are owners of the property immediately west and south of the motel property. He said that over 10 years, they have invested well over \$1 million in land and infrastructure. Mr. Christensen feels traffic in and out of his industrial zone is not safe next to the residential facility. He said a residential use next to a busy commercial area on West O Street is not compatible.

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 JANUARY 31, 2012 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86716 BE IT RESOLVED by the City council of the City of Lincoln, Nebraska:

That during the month ended January 31, 2012, \$60,175.87 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Carl Eskridge

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

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

PETITIONS & COMMUNICATIONS - NONE

MISCELLANEOUS REFERRALS - NONE

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LIQUOR RESOLUTIONS

APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #27 FOR A CLASS D LIQUOR LICENSE AT 1301 SOUTH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86717 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 Whitehead Oil Company dba U-Stop #27 for a Class "D" liquor license at 1301 South Street, Lincoln, Nebraska, for the license period ending April 30, 2013, be approved with the condition that the premises must comply in every respect with all city and state regulations.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF BRITANY S. GRADY FOR WHITEHEAD OIL COMPANY DBA U-STOP #27 AT 1301 SOUTH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86718 WHEREAS, Whitehead Oil Company dba U-Stop #27 located at 1301 South Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Britany S. Grady be named manager; WHEREAS, Britany S. Grady 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 Britany S. Grady 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 Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPLICATION OF GREENFIELDS CAFÉ INC. DBA GREENFIELDS FOR A CLASS CK LIQUOR LICENSE AT 7900 S. 87TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86719 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 Greenfields Café Inc. dba Greenfields for a Class "CK" liquor license at 7900 S. 87th Street, Lincoln, Nebraska, for the license period ending October 31, 2012, be approved with the condition that the premises must comply in every respect with all city and state regulations.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF JAMES A. DONALDSON FOR GREENFIELDS CAFÉ INC. DBA GREENFIELDS AT 7900 S. 87TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86720 WHEREAS, Greenfields Café Inc. dba Greenfields located at 7900 S. 87th Street, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that James A. Donaldson be named manager;

WHEREAS, James A. Donaldson 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 James A. Donaldson 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 Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

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

CHANGE OF ZONE 05004A - APPLICATION OF LENITY GROUP AND REALTY TRUST GROUP TO AMEND THE PINE GARDEN PLANNED UNIT DEVELOPMENT TO REPLACE 28 DWELLING UNITS WITH A 66-BED MEMORY CARE FACILITY AND TO REDUCE THE TOTAL COMMERCIAL FLOOR AREA FROM 25,300 SQUARE FEET TO 17,420 SQUARE FEET, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND OLD CHENEY ROAD - CLERK read an ordinance, introduced by Doug Emery, amending the development plan for the Pine Garden Planned Unit Development in order to replace 28 dwelling units with a 66-bed memory care facility, to reduce the total commercial floor area from 25,300 square feet to 17,420 square feet and to reduce the Design Standard turnaround radius for cul-de-sacs from 43.1 feet to 30 feet on property generally located northwest of the intersection of South 84th Street and Old Cheney Road and legally described as: Lot 113 I.T., and Lots 90, 91 I.T. except the east 13 feet thereof, located in the Southeast Quarter of Section 10, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, the second time.

CHANGE OF ZONE 11040 - AMENDING SECTION 27.67.040 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PARKING REQUIREMENTS TO DELETE SPECIAL PARKING REQUIREMENTS FOR ROOMING AND BOARDING HOUSES AND TO REVISE THE PARKING REQUIREMENTS FOR FRATERNITIES AND SORORITIES - PRIOR to reading:

COOK Moved to Continue 2nd Reading with Public Hearing on Bill No. 12-21 to April 23, 2012.

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

CLERK Read an ordinance, introduced by Doug Emery, amending Section 27.67.040 of the Lincoln Municipal Code relating to special parking requirements to delete special parking requirements for rooming and boarding houses and to revise the parking requirements for fraternities and sororities; and repealing 27.67.040 Section of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 11042 - APPLICATION OF LANCASTER COUNTY SCHOOL DISTRICT #1 FOR A CHANGE OF ZONE FROM R-1 RESIDENTIAL DISTRICT, R-2 RESIDENTIAL DISTRICT, B-1 LOCAL BUSINESS DISTRICT, AND H-2 HIGHWAY BUSINESS DISTRICT TO B-1 LOCAL BUSINESS DISTRICT PUD ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF LYNCREST DRIVE AND O STREET, FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY, AND APPROVAL OF A DEVELOPMENT PLAN TO ALLOW OFFICE AND COMMERCIAL USES NOT EXCEEDING APPROXIMATELY 183,000 SQUARE FEET IN FLOOR AREA - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 16 - 29, 2012 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86721 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 March 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:

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<u>DENIED CLAIMS</u>	<u>ALLOWED/SETTLED CLAIMS</u>
Jemille Ray	198.06 Ed & Julie Shimerda \$11,000.00
Tim Riley	225.00
Danielle Berlowitz	2,798.32

* No Amount Specified

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 Doug Emery

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

APPROVING AN INTERLOCAL COOPERATION AGREEMENT FOR SALINE WETLANDS BETWEEN THE CITY OF LINCOLN, LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT, AND NEBRASKA GAME & PARKS COMMISSION FOR THE COOPERATIVE DEVELOPMENT, ADMINISTRATION, IMPLEMENTATION, MANAGEMENT, AND EVALUATION OF THE "IMPLEMENTATION PLAN FOR THE CONSERVATION OF NEBRASKA'S EASTERN SALINE WETLANDS" FOR A TERM OF THREE YEARS AND FOUR MONTHS BEGINNING MARCH 1, 2012 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86722 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Cooperation Agreement for Saline Wetlands between the City of Lincoln, the Nebraska Game & Parks Commission and the Lower Platte South Natural Resources District, to continue the Saline Wetlands Conservation Partnership for the cooperative development, administration, implementation, management, and evaluation of the "Implementation Plan for the Conservation of Nebraska's Eastern Saline Wetlands" upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is hereby directed to transmit an executed original Interlocal Agreement to Tom Malmstrom, City Parks and Recreation Department, for transmittal and execution by the parties.

Introduced by Doug Emery

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

SPECIAL PERMIT NO. 12001 - APPLICATION OF UMBAY CORPORATION TO DEVELOP A HEALTH CARE FACILITY FOR AN ASSISTED LIVING FACILITY ON PROPERTY GENERALLY LOCATED AT 2231 WEST O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86723 WHEREAS, Umbay Corporation has submitted an application designated as Special Permit No. 12001 for authority to develop a health care facility for an assisted living facility on property generally located at S. Coddington and West O Street a/k/a 2231 West O Street, and legally described as:

The remaining portion of Lot 105 I.T., located in the Northwest Quarter of Section 28, township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on said application and adopted Resolution No. PC-01267 conditionally approving the same; and

WHEREAS, Gary Christensen has filed a Notice of Appeal appealing the action of the Planning Commission conditionally approving Special Permit No. 01267; and

WHEREAS, pursuant to Lincoln Municipal Code § 27.63.025, the action appealed from is deemed advisory and the City Council is authorized to take final action on the application for Special Permit No. 12001; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this health care facility will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and 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 Umbay Corporation, hereinafter referred to as "Permittee", to develop a health care facility for an assisted living facility be and the same is hereby granted under the provisions of Section 27.63.080 the Lincoln Municipal Code upon condition that construction of said health care 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 use of the existing building on the premises as a health care facility for an assisted living facility.
2. Before receiving building permits the Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final site plan including five copies showing the following revisions:
 - a. Provide an evacuation plan to the satisfaction of the Health Department.
 - b. Add to the General Notes, "Signs need not be shown on this site plan but need to be in compliance with Chapter 27.69 of the Lincoln Zoning Ordinance and must be approved by the Building & Safety Department prior to installation."
 - c. Identify the odd line shown on the south end of the parking lot.
3. Before the issuance of a building permit:
 - a. All development and construction must substantially comply with the approved plans.
 - b. The Permittee shall provide verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
 - c. Remove all nonconforming signs on the premises.
4. Before occupying buildings or starting the operation all development and construction shall substantially comply with the approved plans.
5. 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.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee and the Permittee's successors and assigns. The building official shall report violations to the City Council, which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. 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 Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

Introduced by Doug Emery

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

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

ANNEXATION NO. 11004 - AMENDING ORDINANCE NO. 19672 PASSED ON FEBRUARY 6, 2012 TO CORRECT THE LEGAL DESCRIPTION REGARDING THE ANNEXATION OF APPROXIMATELY 418 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 48TH STREET, NORTH OF SUPERIOR STREET, TO CONFORM WITH THE LEGAL DESCRIPTION TO THE CORPORATE LIMITS MAP ATTACHED TO ORDINANCE NO. 19672 - CLERK read an ordinance, introduced by Carl Eskridge, amending Ordinance No. 19672, passed by the City Council of the City of Lincoln, Nebraska, on February 6, 2012 to correct the legal description regarding the annexation of approximately 418 acres of property generally located at North 48th Street, north of Superior Street, to conform the legal description to the Corporate Limits Map amendment shown on Attachment "A" to Ordinance No. 19672, the first time.

APPROVING THE WEST HAYMARKET REDEVELOPMENT AGREEMENT BETWEEN TDP PHASE ONE LLC AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 7TH AND THE FUTURE PINNACLE ARENA DRIVE, AND Q AND R STREETS. (RELATED ITEMS: 12R-39, 12R-40, 12R-41) (ACTION DATE: 3/26/12)

AMENDING THE FY 11/12 CIP TO AUTHORIZE AND APPROPRIATE \$7,385,000 IN TIF FUNDS FOR THE WEST HAYMARKET REDEVELOPMENT PROJECT GENERALLY LOCATED BETWEEN 7TH AND THE FUTURE PINNACLE ARENA DRIVE, AND Q AND R STREETS. (RELATED ITEMS: 12R-39, 12R-40, 12R-41) (ACTION DATE: 3/26/12)

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS IN AN AMOUNT NOT TO EXCEED \$7,385,000 FOR THE CITY OF LINCOLN WEST HAYMARKET REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN (RELATED ITEMS: 12R-39, 12R-40, 12R-41) (ACTION DATE: 3/26/12) - CLERK read an ordinance, introduced by Carl Eskridge, authorizing and providing for the issuance of City of Lincoln, Nebraska Tax Allocation Bonds, Notes or other obligations, in one or more taxable or tax-exempt series, in an aggregate

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principal amount not to exceed \$7,385,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the City's West Haymarket Redevelopment project area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the Bonds, Notes or other obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the Bonds, Notes or other obligations as the same become due; limiting payment of the Bonds, Notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the Finance Director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the Bonds, Notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the first time.

ORDINANCES - 3RD 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 third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19683**, is recorded in Ordinance Book #27, Page .

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 third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19684**, is recorded in Ordinance Book #27, Page .

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, vacating a portion of Fallbrook Boulevard adjacent to Outlot G, Fallbrook 18th Addition generally located at U.S. Highway 34 and Fallbrook Boulevard, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19685**, is recorded in Ordinance Book #27, Page .

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 an 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 third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19686**, is recorded in Ordinance Book #27, Page .

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 third time.

COOK Moved to pass the ordinance as read.
Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.
The ordinance, being numbered #19687, is recorded in Ordinance Book #27, Page .

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 third time.

COOK Moved to pass the ordinance as read.
Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.
The ordinance, being numbered #19688, is recorded in Ordinance Book #27, Page .

OPEN MICROPHONE

Jane Svoboda, address not given, came forward to express her belief that property destruction by tornadoes is actually the result of terroristic activity. She believes treasonist behavior is running rampant throughout the nation.

This matter was taken under advisement.

Jo Tetherow, 3118 Shirley Court, came forward representing Occupy Lincoln. She presented facts to Council in an effort to end corporate personhood. She feels corporations place profits over people. Ms. Tetherow believes laws should be put back in place to regulate immoral corporations.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to March 19, 2012.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on March 19, 2012.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

ADJOURNMENT 4:22 P.M.

CAMP Moved to adjourn the City Council meeting of March 12, 2012.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant

REGULAR MEETING
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