

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JUNE 25, 2012 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Hornung; Council Members: Camp, Carroll, Cook, Emery, Eskridge, Schimek; City Clerk, Joan E. Ross.

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

READING OF THE MINUTES

EMERY Having been appointed to read the minutes of the City Council proceedings of June 18, 2012 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF COUNTRYVIEW STUDIOS INC. DBA ART & SOUL FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS C LIQUOR LICENSE AT 5740 HIDCOTE DRIVE - Justina Slattery, 5740 Hidcote Dr., came forward to take oath and answer questions. She said her studio has provided a popular street market this summer and plans to provide a beer garden with live music.

This matter was taken under advisement.

APPLICATION OF LAMI ENTERPRISES LLC DBA GUESTHOUSE INN FOR A CLASS I LIQUOR LICENSE AT 5250 CORNHUSKER HIGHWAY;

MANAGER APPLICATION OF TAMRA L. WARDYN FOR LAMI ENTERPRISES LLC DBA GUESTHOUSE INN AT 5250 CORNHUSKER HIGHWAY - Kayla Grasz, representative for Lami Enterprises, came forward to take oath and answer questions. She stated Ms. Wardyn was out of town and could not attend today's Council Meeting. In response to Council questions, she said that Ms. Wardyn took over the bar/hotel/restaurant on May 1.

Clerk Ross stated that Ms. Wardyn had telephoned City Clerk's office prior to the meeting to report she could not appear on her scheduled date. In response to Council questions to delay the hearing, Clerk clarified that today is the 45-day deadline. She reported that, although Inv. Fosler was not in attendance, he did not have an issue with the license.

Council Member Cook expressed concern over Ms. Wardyn's DUI from 2010.

Rod Confer, City Attorney, came forward to answer questions about the applicant's information.

This matter was taken under advisement.

APPROVING AMENDMENT NO. 3 TO THE VILLAGE GARDENS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN VILLAGE GARDENS DEVELOPMENT COMPANY, LLC, AND THE CITY OF LINCOLN TO AMEND THE TERMS OF THE AGREEMENT WITH RESPECT TO DEVELOPMENT OF APPROXIMATELY 40.68 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 56TH STREET AND YANKEE HILL ROAD;

ANNEXATION NO. 12003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 41 ACRES GENERALLY LOCATED AT SOUTH 63RD STREET AND PINE LAKE ROAD;

CHANGE OF ZONE 04075C - APPLICATION OF VILLAGE GARDENS DEVELOPMENT COMPANY, LLC, TO AMEND THE VILLAGE GARDENS PLANNED UNIT DEVELOPMENT TO CHANGE THE ZONING FROM AG AGRICULTURE TO R-3 RESIDENTIAL PUD, TO EXPAND THE AREA OF THE PUD BY APPROXIMATELY 41 ACRES, FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION, AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES CERTAIN MODIFICATIONS TO THE ZONING AND LAND SUBDIVISION ORDINANCES TO ALLOW NEIGHBORHOOD GENERAL USES - DaNay Kalkowski, Seacrest & Kalkowski, PC, LLO, 1111 Lincoln Mall, Suite 350, came forward as attorney representing her client, 1640, LLC, to answer questions. She said the entity has a purchase agreement to purchase a large portion of the undeveloped part of the Village Gardens area. She said the PUD request includes a waiver for two block lengths to provide additional areas in greenspace for over-detention. There will also be pedestrian sidewalk connections in both of those blocks. She clarified the development's connection to Pine Lake Road and the conditions for the triple-box culvert on Blanchard Boulevard to satisfy the roadway, allow for creek drainage and to facilitate the underground trail crossing. In response to Council questions, Ms. Kalkowski described a dry detention area proposed to detain more stormwater runoff that will benefit the public.

REGULAR MEETING

June 25, 2012

Page 136

Bob Benes, Principal of 1640, LLC, was on hand for questioning.

Brad Carver, 1801 E. Burmuda, came forward with concerns of developing more park areas requiring care & maintenance.

Ms. Kalkowski came forward to answer questions about the area indicated by Mr. Carver. She said the marked area is neither parkland nor intended wetland. The creek channel will be a natural with the possibility of wetland areas. She said the City is working with LPS to potentially jointly locate a park on the north part of the LPS site in the center of the residential development.

Council Member Camp suggested that any future park could be maintained by the developer. Ms. Kalkowski said ideas for maintenance were discussed.

This matter was taken under advisement.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND HABITAT FOR HUMANITY, INC. FOR THE SALE OF SURPLUS CITY PROPERTY DESCRIBED AS LOTS 3 AND 5, BLOCK 10, OLYMPIC HEIGHTS FIRST ADDITION AND COMMONLY KNOWN AS 2501 AND 2521 NW 52ND STREET - David Landis, Director of Urban Development, came forward to speak on the sale of surplus property. He said in 1989, the City paid \$3,000 for each property in a tax foreclosure sale. Mr. Landis said Habitat For Humanity has purchased two lots for \$20,000 a piece to place a single-family, homeowner building on each site. He said neighbors were opposed to a cookie-cutter rental operation by a developer. In response to Council questions, Mr. Landis said funds from the sale will go to the Advanced Land Acquisition Fund.

This matter was taken under advisement.

APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT: NEBRASKA INNOVATION CAMPUS, PHASE I, BETWEEN THE CITY OF LINCOLN AND NEBRASKA NOVA LLC, THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA, AND NEBRASKA INNOVATION CAMPUS DEVELOPMENT CORPORATION RELATING TO THE DEVELOPMENT OF PHASE I PROJECTS;

AMENDING THE FY 11/12 CIP TO AUTHORIZE AND APPROPRIATE \$10,739,724.00 IN TIF FUNDS FOR THE NEBRASKA INNOVATION CAMPUS PHASE I PROJECTS;

AUTHORIZING THE ISSUANCE OF CITY OF LINCOLN, NEBRASKA INNOVATION CAMPUS PROJECT TAX ALLOCATION BONDS IN AN AMOUNT NOT TO EXCEED \$10,739,724;

APPROVING AN EXCHANGE AGREEMENT BETWEEN THE CITY OF LINCOLN, THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA AND THE NEBRASKA INNOVATION CAMPUS DEVELOPMENT CORPORATION FOR AN EXCHANGE OF A PORTION OF NEBRASKA INNOVATION CAMPUS PROPERTY FOR A PORTION OF CITY OF LINCOLN WASTEWATER SYSTEM PROPERTY TO FACILITATE THE DEVELOPMENT AND OPERATION OF THE NEBRASKA INNOVATION CAMPUS SITE - David Landis, Director of Urban Development, came forward to clarify that this significant development constitutes \$79 million of private sector investment, making it the largest single investment through Tax Increment Financing -- the previous record holder being Assurity at about \$53 million. He described the construction of buildings in two areas. He said to make this campus a reality for the developer and University, the State of Nebraska has given \$25 million. He described the significant amount of infrastructure needed for development of the area. The traditional elements of the TIF agreement include \$7.9 million for sewers, storm sewers & roads and \$2.8 million toward historical renovation of buildings for a total of \$10.7 million. He identified Section 602 which exists for the purpose of creating a campus phase by phase; it brings the partnership into the future for survival; and it establishes an ethical exchange of responsibility.

Council Member Camp wanted assurances that after 15 years of tax benefits the property would return to the tax roles.

Zach Wiegert, Woodbury Corp., came forward representing Nebraska NOVA Development, LLC, to answer questions. He said infrastructure costs total \$25 million and \$8 million is in the first agreement. He responded to questions of future ownership. Mr. Wiegert said if the University built their own building or owned something that wasn't on the tax roles, they would be responsible for their infrastructure costs. He went on to further explain that a non-profit group wouldn't be generating any TIF to pay back the initial or future TIF loans but they would pay their pro-rata share of those infrastructure costs. He said it would be a land cost to that non-profit group. Mr. Wiegert clarified the land swap as satisfying two needs: the Regents plan to utilize the Theresa Street Plant as a renewable energy source to complete a geothermal loop throughout the campus and the Theresa Street Plant needs an area for future expansion. He said it was an even trade across.

Kent Seacrest, Seacrest & Kalkowski, PC, LLO, 1111 Lincoln Mall, Suite 350, came forward representing Nebraska NOVA Development, LLC, to answer questions. He said since the University is out of research space, they found \$132 million of total grants equivalent to 2,500 jobs. He clarified that the University set it up so that the 501(c)3 is in charge of the whole former State Fair Grounds.

Mr. Wiegert came forward to answer questions. In response to Council questions about historic renovations, Mr. Wiegert said infrastructure is number one. He said his client is backing the TIF and any shortfalls will be covered with loan funding.

Mr. Seacrest clarified the reasoning for the amendment as giving flexibility in the construction timelines. He said it doesn't make sense to delay construction, which in turn delays the creation of jobs.

Mr. Wiegert spoke on behalf of Nebraska NOVA to express appreciation to City employees and others for the multiple years of planning in this project.

Randy Woodbury, Woodbury Corp. President, came forward clarify value. He said potential clients will be lured to Innovation Campus because of the University's focus in the areas of science. He related examples occurring at the University of Utah Park to that which could be occurring in Lincoln.

Dan Duncan, Executive Director of the Nebraska Innovation Campus Development Corporation, came forward to clarify answers about the corporate governance structure. He said as a 501(c)3, not-for-profit corporation owned by the University of Nebraska, it operates under a nine-person board. He said the bylaws state that one more member on the board has to be from the private sector than from the University. In 2009, when consultants took a look at economic engines in Nebraska, they found three thematic areas: food, fuel and water. Mr. Duncan said it is critical going forward to bring the City, the State, the University and multiple private enterprises together to make this project work.

Gary Brandt, Public Works & Utilities Dept., Division Manager for Wastewater/Solid Waste Operations, came forward to answer questions about the land swap and timing. He said it will be the City's cost to make changes to move a minimal-storage building, relocate above-ground material storage and consolidate operations to one location.

Tim Sieh, Asst. City Attorney, came forward to clarify that the land swap will be a cost to the City.

JoAnn Murphy, 1930 N. 76th St., came forward to question the ongoing existence of Technology Park and if Innovation Campus will take it over.

Jane Kinsey, 6703 Hawkins Bend, came forward representing Watch Dogs of Lincoln Government, to express concerns of a budget shortfall, high poverty and TIF concerns.

Brad Carver, 1801 E. Bermuda, came forward to express concerns about TIF and the 15-year time frame before the City reaps the benefits from increased property values.

Richard Halvorsen, 6311 Inverness Rd., came forward to comment. He said the developer should have considered infrastructure costs when submitting their bid.

Mr. Landis came forward to explain the TIF. He said at the present time, nothing is being contributed to City/County/School services from 160 acres. He said of the past 15 finished TIF projects, the City has received 400% more money than invested during the time of TIF projects and is growing 45% per year. In response to questions about the viability of Tech Park, he identified hundreds of jobs being produced by Verizon, Perot and The World's Foremost Bank.

This matter was taken under advisement.

APPROVING A MEMORANDUM OF UNDERSTANDING CONCERNING VOIP SYSTEM BETWEEN LANCASTER COUNTY AND THE CITY OF LINCOLN TO FACILITATE FINANCING OF VOIP EQUIPMENT BY THE CITY AND THE COUNTY;

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND NACR FOR THE PURCHASE AND INSTALLATION OF VOICE OVER INTERNET PROTOCOL PHONE SYSTEM - Steve Hubka, Finance Department, came forward to explain the upgrade of telephone services. He said it is another example of cooperation between the City and the County in a \$1.986 million contract. The City share is \$1.2 million and the County share is about \$800,000. The Certificate of Participation financing will be brought forward in the next few weeks before the end of the fiscal year. In response to Council questions about debt terms, Mr. Hubka said it will be a 5-year term with annual payments of \$500,000 at an interest rate of 1 - 1.5%.

Lisa Porter, NACR, came forward to answer questions about moving forward with the project.

Council Member Carroll clarified efficiencies and cost savings. Mr. Hubka said due to costs of maintaining the system within Information Services, the negative cash flow will turn around by the 4th year and be a positive cash flow.

Brian Johnson, Account Manager for Avaya, which is the manufacturer of the VOIP system, came forward to speak to the cost savings potential for the City.

This matter was taken under advisement.

REGULAR MEETING

June 25, 2012

Page 138

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE PUBLIC ASSOCIATION OF GOVERNMENT EMPLOYEES TO BE EFFECTIVE AUGUST 18, 2011 - Don Taute, Asst. City Attorney, came forward to speak about the three-year labor contract that is effective August 18, 2011 through August 31, 2014. He said as a result of negotiations, an agreement was achieved. Mr. Taute said that as a key part of the discussions between parties, the Union has agreed to no longer resist any change to the current civilian pension in place for this group. Mr. Taute requested Council to remove Item 52, Bill No. 10-101, from Pending and for placement on the Agenda of July 9, 2012 for public hearing, with action on July 16. He said there will be a motion to amend to change a date and adopt an amendment to the pension plan.

Douglas McDaniel, Director of Personnel Dept., was on hand for questioning.

Coby Mach, LIBA, came forward to comment on the contract. He expressed appreciation to the City for negotiating a reduction in the PAGE retirement match. He asked Council to consider other employee benefits ordered by the CIR and questioned if those benefits were affordable to communities in the state.

This matter was taken under advisement.

AMENDING CITY COUNCIL PROCEDURE FOR THE OPEN MICROPHONE SESSION AT CITY COUNCIL MEETINGS TO PROVIDE THAT ANY PERSON WHO APPEARS SHALL BE PERMITTED TO ADDRESS ANY MATTER THAT HAS NOT BEEN PUBLISHED ON THE AGENDA - Council Member Camp stated his goal was to give the public a better understanding of his introduced resolution. He said he wanted to allow any subject, unless it was on a published Agenda.

Kevin Hauptman, 1500 N. 15th St., came forward to comment on citizen input and requested that open mic be allowed at every Council meeting.

Council Member Camp said during the last 14 years he experienced the change from weekly open microphone sessions to twice monthly. He explained the reasoning to the change of frequency but also stated that City Council members are very accessible to the citizens of Lincoln in the interim.

Coby Mach, LIBA, came forward to comment on the troubling interpretation of the "future Agenda item" at open microphone sessions. He expressed dismay that his organization was identified as not complying with the City Open Microphone Policy when testimony regarding Community Learning Centers constituted a future agenda item relating to the City Budget. Mr. Mach stated that LIBA's testimony was in May, but he has yet to see it on the Agenda. He offered suggestions to give citizens an opportunity to provide helpful input into the budget process before decisions are made in late August.

Council Member Emery expressed concern that one side may come forward and present an argument during open mic and the other side has no idea that someone has come forward to present the argument. He said it results in a fairness issue.

Jane Svoboda, address not given, came forward to speak. Council clarified the legislative issue at hand and encouraged her to return during actual open mic session.

Jane Kinsey, 6703 Hawkins Bend, came forward representing Watch Dogs of Lincoln Government to request clarification of the procedure. She expressed the importance of allowing citizens the right to speak.

Rod Confer, City Attorney, came forward to answer Council questions regarding the Open Meetings Act. He said the Open Meetings Law recognizes that the public should be allowed to participate in meetings and leaves it open to the Body itself to determine how that would be done. He said Council could restrict people to speaking only to items on the Agenda which is permissible under the First Amendment. Mr. Confer said the purpose of this Body is to consider legislation for the City.

Council Member Carroll expressed his concerns about a fairness consideration. He provided the example of a developer who goes through a process and follows the law to have a project before the Planning Commission. He said if the public jumps the hoop and complains during open mic before City Council holds a public hearing, it would be unfair to the developer/business person who isn't present to defend himself.

Council Member Eskridge clarified the balance between the value of openness & allowing citizens to talk and the process to achieve that. Mr. Confer agreed with Mr. Eskridge in stating that the Council Chair determines the questions of procedure and order.

Jo Tetherow, 3118 Shirley Ct., came forward to comment on open mic issues.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JUNE 11, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

ASSESSMENT RESOLUTION ASSESSING THE MAINTENANCE COSTS OF THE SOUTH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT AND SETTING THE BOARD OF EQUALIZATION DATE OF JULY 9, 2012 AT 3:00 P.M. - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86863 WHEREAS, the City Council in Resolution No. A-86769 adopted by the City Council on April 23, 2012, found that \$9,148.09 was the cost of providing for the maintenance of certain public facilities in the South Street Business Improvement District including:

- a. Maintenance of the irrigation system including Spring start-up and Fall shut-off;
- b. Removal of litter from sidewalks, median planting beds, planting areas in the South Street right-of-way and the 14th Street plaza area;
- c. Removal of trash from the 14th Street plaza area trash receptacles;
- d. Replacement, as needed, of street furniture, planters, ornamental lights and trash receptacles;
- e. Care and maintenance of all landscaping, including watering, fertilizing, weeding, pruning, spraying, mulching and removal and replacement of dead plants and shrubs and trees;

including the employment of or contracting for personnel, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto; and

WHEREAS, the City Council further apportioned and assessed said costs upon the property in said district as described in the attachment to Resolution No. A-86769 marked "Proposed Distribution of Assessment of the South Street Business Improvement District" and made a part of said Resolution; and

WHEREAS, certain eligible costs of providing for the maintenance of the above described public facilities were omitted and not assessed against the benefitted properties; and

WHEREAS, the City Council now desires to amend Resolution No. A-86769 to assess the total cost of providing for such maintenance.

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

That Resolution No. A-86769, adopted by the City Council on April 23, 2012 by amended as follows:

1. That the proposed Distribution of Assessment of the South Street Business Improvement District attached hereto as Attachment A be substituted for the proposed Distribution of Assessment of the South Street Business Improvement District attached to Resolution No. A-86769.

2. That on page 1, paragraph number 2, be revised to read as follows:

2. The cost of said activities is the sum of ~~\$9,148.09~~
\$11,708.84.

BE IT FURTHER RESOLVED that the City Council sit as a Board of Equalization for the purpose of equalizing said assessments on the 9th day of July, 2012, at 3:00 p.m. with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Doug Emery

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

AFFIDAVIT OF MAILING FOR THE SOUTH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPOINTING RACHEL WARMAN TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2013 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

REGULAR MEETING

June 25, 2012

Page 140

A-86864 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Rachel Warman to the Air Pollution Control
Advisory Board for a term expiring September 1, 2013 is hereby approved.
Introduced by Jon Camp
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

REAPPOINTING MARGARET E.S. STINE TO THE CITY PERSONNEL BOARD FOR A TERM EXPIRING JUNE
22, 2017 - CLERK read the following resolution, introduced by Jon Camp, who
moved its adoption:

A-86865 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Margaret E.S. Stine to the City Personnel Board
for a term expiring June 22, 2017 is hereby approved.
Introduced by Jon Camp
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

REAPPOINTING DR. LAURIE THOMAS LEE AND ED HOFFMAN TO THE CABLE TELEVISION ADVISORY
BOARD FOR TERMS EXPIRING JULY 1, 2015 - CLERK read the following resolution,
introduced by Jon Camp, who moved its adoption:

A-86866 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Dr. Laurie Thomas Lee and Ed Hoffman to the
Cable Television Advisory Board for terms expiring July 1, 2015 is hereby
approved.
Introduced by Jon Camp
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPOINTING CAITLYN DO AND CLEOME MULLISON TO THE PARKS AND RECREATION ADVISORY BOARD
FOR TERMS EXPIRING JUNE 1, 2013 - CLERK read the following resolution,
introduced by Jon Camp, who moved its adoption:

A-86867 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Caitlyn Do and Cleome Mullison to the Parks and
Recreation Advisory Board for terms expiring June 1, 2013 is hereby approved.
Introduced by Jon Camp
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

REAPPOINTING DALLAS MCGEE TO THE LINCOLN HOUSING AUTHORITY BOARD FOR A TERM EXPIRING
JULY 1, 2017 - CLERK read the following resolution, introduced by Jon Camp, who
moved its adoption:

A-86868 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Dallas McGee to the Lincoln Housing Authority
Board for a term expiring July 1, 2017 is hereby approved.
Introduced by Jon Camp
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

PETITIONS & COMMUNICATIONS

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Waiver No. 12008 to Administrative Final Plat No. 99056 approved by the Planning
Director on June 12, 2012 requested by Mike Lindberg for a waiver to extend the
time for two years to install sidewalks along the south side of Plantation Drive
and the west side of Union Drive in Williamsburg Village North 28th Addition.
The improvements shall be completed by June 12, 2014. Property is generally
located southeast of S. 34th St. and Old Cheney Rd.

Administrative Amendment No. 12024 to Change of Zone 05085A Fallbrook Planned
Unit Development, approved by the Planning Director on June 12, 2012 requested
by Olsson Associates to revise the lot layout in undeveloped Blocks 7 & 8, to
create Residential Type 6 and revise the PUD notes to add Residential Type 6,
and to allow a detached two-family dwelling and reduced rear yard setback from
30 feet to 20 feet on Lot 20, Block 27 (6630 Stonebrook Parkway), on property
generally located at Highway 34 and Fallbrook Blvd.

Administrative Amendment No. 12018 to Use Permit No. 11003 Liberty First
Addition approved by the Planning Director on June 13, 2012 requested by ESP,
Inc. to show a specific site plan for a 5,000 square foot commercial building on
Lot 1 as required on property generally located at N. 84th St. and Lexington
Ave.

Administrative Amendment No. 12023 to Special Permit No. 1813A, The Preserve on Antelope Creek Planned Unit Development, approved by the Planning Director on June 14, 2012 requested by Olsson Associates to amend the plan to remove Lot 1 (adjacent to the southwest corner of S. 80th St. and Pioneers Blvd.) from the boundary of the CUP as required by Change of Zone No. 11043 on property generally located near S. 80th St. and Pioneers Blvd.
Administrative Amendment No. 12019 to Change of Zone No. 04075A, Village Gardens Planned Unit Development, approved by the Planning Director on June 15, 2012 requested by Olsson Associates to revise the site plan to show additional on-street parking stalls along the south side of Hidcote Drive near the intersection of Hidcote Drive and S. 59th St.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

CLERK Read the following resolutions introduced by DiAnna Schimek.
The Clerk called for action on all three liquor license applications.
SCHIMEK Moved adoption for approval of all three liquor license applications.
Seconded by Eskridge.
CAMP Moved to split the question and vote on items separately.

APPLICATION OF COUNTRYVIEW STUDIOS INC. DBA ART & SOUL FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS C LIQUOR LICENSE AT 5740 HIDCOTE DRIVE.

A-86869 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 ordinance, the City Council recommends that the application of Countryview Studios Inc. dba Art & Soul for the issuance of a Catering Permit to the existing liquor license, located at 5740 Hidcote Drive, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all city and state regulations.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted by the City Clerk to the Nebraska Liquor Control Commission.

Introduced by DiAnna Schimek

The approval was carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPLICATION OF LAMI ENTERPRISES LLC DBA GUESTHOUSE INN FOR A CLASS I LIQUOR LICENSE AT 5250 CORNHUSKER HIGHWAY.

38-4621 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 Lami Enterprises LLC dba Guesthouse Inn for a Class "I" liquor license at 5250 Cornhusker Highway, Lincoln, Nebraska, for the license period ending April 30, 2013, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
2. The premises must comply in every respect with all city and state regulations.

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

Introduced by DiAnna Schimek

The resolution **LOST** by the following vote: AYES: None; NAYS: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek.

The resolution, having **LOST**, was assigned File #38-4621 & was placed on file in the Office of the City Clerk.

EMERY Moved its adoption for denial:
A-86870 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, pertinent City ordinances, and the following:

REGULAR MEETING

June 25, 2012

Page 142

- a. If the applicant is of a class of person to whom no license can be issued.
- b. If the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are adequate to support the proposed license.
- c. If the issuance of the license would be compatible with the nature of the neighborhood or community.
- d. If existing licenses with similar privileges adequately serve the area.
- e. If there are any existing motor vehicle and/or pedestrian traffic flow issues in the area or if this application would cause motor vehicle and/or pedestrian traffic flow issues.
- f. If there is an adequate number of existing law enforcement officers in the area.
- g. If there are zoning and/or distance restrictions that prevent the issuance of a license.
- h. If there are sanitation and/or sanitary conditions on or about the area.
- i. If a citizens' protest has been made.

The City Council recommends to the Nebraska Liquor Control Commission that the application of Lami Enterprises LLC dba Guesthouse Inn for a Class "I" liquor license at 5250 Cornhusker Highway, Lincoln, Nebraska, be denied. The City Council has determined that the application should be denied for one or more of the following reasons:

- a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.
- b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.
- d. The applicant has not demonstrated that the issuance of the license is or will be required by the present or future public convenience and necessity.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Doug Emery

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

MANAGER APPLICATION OF TAMRA L. WARDYN FOR LAMI ENTERPRISES LLC DBA GUESTHOUSE INN AT 5250 CORNHUSKER HIGHWAY.

38-4622 WHEREAS, Lami Enterprises LLC dba Guesthouse Inn located at 5250 Cornhusker Highway, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Tamra L. Wardyn be named manager;

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 to the Nebraska Liquor Commission that Tamra L. Wardyn be denied as manager of this business for said licensee. The City Council has determined that the application should be denied for one or more of the following reasons:

- a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.
- b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.

- c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.

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

Introduced by DiAnna Schimek

The resolution **LOST** by the following vote: AYES: None; NAYS: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek.

The resolution, having **LOST**, was assigned File #38-4622 & was placed on file in the Office of the City Clerk.

EMERY Moved adoption for denial.

A-86871 WHEREAS, Lami Enterprises LLC dba Guesthouse Inn located at 5250 Cornhusker Highway, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Tamra L. Wardyn be named manager; 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 to the Nebraska Liquor Commission that Tamra L. Wardyn be denied as manager of this business for said licensee. The City Council has determined that the application should be denied for one or more of the following reasons:

- a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.
- b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.

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

Introduced by Doug Emery

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

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

APPROVING AMENDMENT NO. 3 TO THE VILLAGE GARDENS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN VILLAGE GARDENS DEVELOPMENT COMPANY, LLC, AND THE CITY OF LINCOLN TO AMEND THE TERMS OF THE AGREEMENT WITH RESPECT TO DEVELOPMENT OF APPROXIMATELY 40.68 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 56TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 12R-129, 12-70, 12-71) (ACTION DATE: 7/9/12)

ANNEXATION NO. 12003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 41 ACRES GENERALLY LOCATED AT SOUTH 63RD STREET AND PINE LAKE ROAD (RELATED ITEMS: 12R-129, 12-70, 12-71) (ACTION DATE: 7/9/12) - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 04075C - APPLICATION OF VILLAGE GARDENS DEVELOPMENT COMPANY, LLC, TO AMEND THE VILLAGE GARDENS PLANNED UNIT DEVELOPMENT TO CHANGE THE ZONING FROM AG AGRICULTURE TO R-3 RESIDENTIAL PUD, TO EXPAND THE AREA OF THE PUD BY APPROXIMATELY 41 ACRES, FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION, AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES CERTAIN MODIFICATIONS TO THE ZONING AND LAND SUBDIVISION ORDINANCES TO ALLOW NEIGHBORHOOD GENERAL USES (RELATED ITEMS: 12R-129, 12-70, 12-71) (ACTION DATE: 7/9/12) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps

REGULAR MEETING

June 25, 2012

Page 144

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.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND HABITAT FOR HUMANITY, INC. FOR THE SALE OF SURPLUS CITY PROPERTY DESCRIBED AS LOTS 3 AND 5, BLOCK 10, OLYMPIC HEIGHTS FIRST ADDITION AND COMMONLY KNOWN AS 2501 AND 2521 NW 52ND STREET - CLERK read an ordinance, introduced by Jon Camp, approving a Real Estate Sales Agreement between the City of Lincoln and Lincoln/Lancaster County Habitat for Humanity, Inc. authorizing the sale of City owned property described as Lots 3 and 5, Block 10, Olympic Heights First Addition, more commonly known as 2501 and 2521 NW 52nd Street, the second time.

APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT: NEBRASKA INNOVATION CAMPUS, PHASE I, BETWEEN THE CITY OF LINCOLN AND NEBRASKA NOVA LLC, THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA, AND NEBRASKA INNOVATION CAMPUS DEVELOPMENT CORPORATION RELATING TO THE DEVELOPMENT OF PHASE I PROJECTS. (RELATED ITEMS: 12R-130, 12R-131, 12-73, 12-74) (ACTION DATE: 7/9/12)

AMENDING THE FY 11/12 CIP TO AUTHORIZE AND APPROPRIATE \$10,739,724.00 IN TIF FUNDS FOR THE NEBRASKA INNOVATION CAMPUS PHASE I PROJECTS. (RELATED ITEMS: 12R-130, 12R-131, 12-73, 12-74) (ACTION DATE: 7/9/12)

AUTHORIZING THE ISSUANCE OF CITY OF LINCOLN, NEBRASKA INNOVATION CAMPUS PROJECT TAX ALLOCATION BONDS IN AN AMOUNT NOT TO EXCEED \$10,739,724 (RELATED ITEMS: 12R-130, 12R-131, 12-73, 12-74) (ACTION DATE: 7/9/12) - CLERK read an ordinance, introduced by Jon Camp, 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 principal amount not to exceed \$10,739,724 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 Nebraska Innovation Campus Phase I 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 and 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 second time.

APPROVING AN EXCHANGE AGREEMENT BETWEEN THE CITY OF LINCOLN, THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA AND THE NEBRASKA INNOVATION CAMPUS DEVELOPMENT CORPORATION FOR AN EXCHANGE OF A PORTION OF NEBRASKA INNOVATION CAMPUS PROPERTY FOR A PORTION OF CITY OF LINCOLN WASTEWATER SYSTEM PROPERTY TO FACILITATE THE DEVELOPMENT AND OPERATION OF THE NEBRASKA INNOVATION CAMPUS SITE (RELATED ITEMS: 12R-130, 12R-131, 12-73, 12-74) (ACTION DATE: 7/9/12) - CLERK read an ordinance, introduced by Jon Camp, accepting and approving an Exchange Agreement between the City of Lincoln, Nebraska and the Board of Regents of the University of Nebraska for an exchange of a portion of Nebraska Innovation Campus property for a portion of City of Lincoln Wastewater System property to facilitate the development and operation of the Nebraska Innovation Campus Site, 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 JUNE 1 - 14, 2012 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86872

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 June 14, 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:

DENIED CLAIMS

Lynn Mahagoub \$ 655.19
 Manyang Akuany 5,000.00
 Sarah E. Stone 465.00

ALLOWED/SETTLED CLAIMS

Steven R. Tonkin \$263.63

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 Jon Camp

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

APPROVING A MEMORANDUM OF UNDERSTANDING CONCERNING VOIP SYSTEM BETWEEN LANCASTER COUNTY AND THE CITY OF LINCOLN TO FACILITATE FINANCING OF VOIP EQUIPMENT BY THE CITY AND THE COUNTY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86873 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Memorandum of Understanding Concerning Sub-Lease of VOIP System between the City of Lincoln and Lancaster County regarding the sub-lease of a voice over internet protocol telephone system for the financing, acquisition and implementation of the VOIP System, upon the terms and conditions set forth in said Memorandum of Understanding, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit one fully executed original of said Agreement to the Finance Director for transmittal and execution by Lancaster County.

Introduced by Jon Camp

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

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND NACR FOR THE PURCHASE AND INSTALLATION OF VOICE OVER INTERNET PROTOCOL PHONE SYSTEM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86874 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreements between the City of Lincoln and North American Communications Resource, Inc. (NACR) for the purchase and installation of a Voice Over Internet Protocol (VOIP) phone system for \$1,986,716.65, upon the terms and conditions as set forth in the Agreement, are hereby approved, and the Mayor is authorized to execute the Master Sales Agreement, the Master Support Services Agreement, the Support and Upgrade Advantage Addendum, and any associated amendments, associated maintenance agreements, statements of work, implementation documents or other project documents required to accomplish the purchase and installation related to the Agreement.

Introduced by Jon Camp

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

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE PUBLIC ASSOCIATION OF GOVERNMENT EMPLOYEES TO BE EFFECTIVE AUGUST 18, 2011 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86875 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln, Nebraska and the Public Association of Government Employees for the period of August 18, 2011 through August 31, 2014, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Jon Camp

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

AMENDING CITY COUNCIL PROCEDURE FOR THE OPEN MICROPHONE SESSION AT CITY COUNCIL MEETINGS TO PROVIDE THAT ANY PERSON WHO APPEARS SHALL BE PERMITTED TO ADDRESS ANY MATTER THAT HAS NOT BEEN PUBLISHED ON THE AGENDA - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

38-4623 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That the procedure for the Open Microphone Session at Council Meetings of the City Council of the City of Lincoln, Nebraska is hereby revised to provide that any person who appears at an Open Microphone Session shall be permitted to address any matter that has not been published on the agenda, either as an item for consideration at that meeting or an upcoming meeting.

REGULAR MEETING

June 25, 2012

Page 146

2. That the statement that appears on the weekly Council Meeting agenda of matters that speakers may address during Open Microphone Sessions shall be amended as follows:

Anyone wishing to address the council on a matter not published on this agenda as a matter to be considered at this meeting or an upcoming meeting, and not planned to appear on a future agenda, may do so at the Open Microphone Session.

Seconded by Hornung & **LOST** by the following vote: AYES: Camp, Hornung; NAYS: Carroll, Cook, Emery, Eskridge, Schimek.
The resolution, having **LOST**, was assigned File **#38-4623** & was placed on file in the Office of the City Clerk.

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

AUTHORIZING THE CITY OF LINCOLN, NEBRASKA TO ENTER INTO AN EQUIPMENT LEASE PURCHASE AGREEMENT NO. LIN2012-05E WITH COMMUNITY FIRST NATIONAL BANK, MANHATTAN, KANSAS IN THE AMOUNT OF \$575,412 FOR THE ACQUISITION OF PLOW TRUCKS FOR THE USE OF THE CITY - CLERK read an ordinance, introduced by DiAnna Schimek, authorizing and approving equipment lease purchase agreement No. LIN2012-05E with Community First National Bank for plow trucks in the amount of \$575,412.00 and an escrow agreement; and related matters, the third time.

SCHIMEK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19731**, is recorded in Ordinance Book #27, Page .

AMENDING CHAPTER 8.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO BODY ART ESTABLISHMENTS TO UPDATE REGULATIONS OF HEALTH AND SANITATION TO REFLECT THE CURRENT STATE OF INDUSTRY PRACTICE AND TO CLARIFY PROVISIONS BY AMENDING SECTION 8.08.030 TO REQUIRE AT LEAST ONE PERSON WITH A PRACTITIONER PERMIT TO BE PRESENT AT ALL TIMES THE ESTABLISHMENT IS OPEN; AMENDING SECTION 8.08.100 RELATING TO THE DISPLAY OR POSTING OF THE PRACTITIONER PERMIT; AMENDING SECTION 8.08.200 TO CLARIFY SINK REQUIREMENTS; AMENDING SECTION 8.08.230 TO ALLOW AUTOCLAVED INSTRUMENTS TO BE USED FOR UP TO 90 DAYS FROM THE DATE AUTOCLAVED; AND AMENDING SECTION 8.08.310 TO CHANGE A RECORD KEEPING REQUIREMENT - CLERK read an ordinance, introduced by DiAnna Schimek, amending Chapter 8.08 of the Lincoln Municipal Code relating to Body Art Establishments to update regulations of health and sanitation to reflect the current state of industry practice and to clarify provisions by amending Section 8.08.030 to require at least one person with a practitioner permit to be present at all times the establishment is open; amending Section 8.08.100 relating to the display or posting of the practitioner permit; amending Section 8.08.200 to clarify sink requirements; amending Section 8.08.230 to allow autoclaved instruments to be used for up to 90 days from the date autoclaved; amending Section 8.08.310 to change a record keeping requirement; and repealing Sections 8.08.030, 8.08.100, 8.08.200, 8.08.230 and 8.08.310 of the Lincoln Municipal Code as hitherto existing, the third time.

SCHIMEK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19732**, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE 12008 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE ("ZONING CODE") GENERALLY TO REFORMAT AND STREAMLINE THE ZONING CODE TO REDUCE THE LIST OF OVER 270 DIFFERENT LAND USES DOWN TO 14 USE GROUPS, AND TO ELIMINATE THE POSSIBILITY THAT A USE TYPE IS NOT LISTED BY MAKING THE USE GROUPS ALL-ENCOMPASSING, THEREBY INCREASING THE EMPHASIS ON TREATING LIKE USES IN A SIMILAR MANNER; BY ADDING A NEW CHAPTER 27.02 TO PROVIDE DEFINITIONS; BY ADDING A NEW CHAPTER 27.06 TITLED "USE GROUPS" TO CLASSIFY AND COMBINE THE MAIN USES OF BUILDINGS AND/OR PREMISES INTO 14 USE GROUPS BASED UPON FUNCTIONAL AND PHYSICAL USE TYPE CHARACTERISTICS, TO DESIGNATE SPECIFIC USE TYPES WITHIN EACH USE GROUP AS PERMITTED, PERMITTED CONDITIONAL, AND PERMITTED SPECIAL USES WITHIN EACH ZONING DISTRICT PER THE USE GROUP TABLES IN CHAPTER 27.06 AND TO PROVIDE THAT THE MAXIMUM HEIGHT AND MINIMUM LOT REQUIREMENTS WITHIN SAID ZONING DISTRICTS SHALL BE REGULATED IN CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 27.72; BY ADDING A NEW CHAPTER 27.62 TITLED "CONDITIONAL USES" TO RELOCATE AND CONSOLIDATE ALL ZONING DISTRICT TYPES WHICH ARE ALLOWED AS PERMITTED CONDITIONAL USES IN DESIGNATED ZONING DISTRICTS IN CONFORMANCE WITH THE SPECIFIC CONDITIONS OF APPROVAL FOR SUCH USE TYPES INTO A SINGLE CHAPTER; BY ADDING A NEW CHAPTER 27.64 TITLED USE PERMITS TO COMBINE AND

CONSOLIDATE THE PROCESS FOR OBTAINING A USE PERMIT IN THE O-3, R-T, B-2, B-5, AND I-3 ZONING DISTRICTS INTO A SINGLE CHAPTER; BY AMENDING CHAPTER 27.69 TO AUTHORIZE CERTAIN SIGNS FOR MOTORIZED VEHICLE FUEL SALES FACILITIES, RESIDENTIAL HEALTH CARE FACILITIES AND NON-RESIDENTIAL HEALTH CARE FACILITIES; AND BY ADDING A NEW CHAPTER 27.72 TITLED HEIGHT AND LOT REQUIREMENTS, TO RELOCATE AND CONSOLIDATE HEIGHT AND LOT REGULATIONS FOR ALL THE ZONING DISTRICTS INTO A SINGLE CHAPTER AND TO INCORPORATE ADDITIONAL HEIGHT AND AREA REGULATIONS FROM CHAPTER 27.71 INTO CHAPTER 27.72 - CLERK read an ordinance, introduced by DiAnna Schimek, amending Title 27 of the Lincoln Municipal Code ("Zoning Code") generally to reformat and streamline the Zoning Code to reduce the list of over 270 different land uses down to 14 Use Groups, and to eliminate the possibility that a use type is not listed by making the use groups all-encompassing, thereby increasing the emphasis on treating like uses in a similar manner; by adding a new Chapter 27.02 to provide definitions; by adding a new Chapter 27.06 titled "Use Groups" to classify and combine the main uses of buildings and/or premises into 14 Use Groups based upon functional and physical use type characteristics, to designate specific use types within each Use Group as permitted, permitted conditional, and permitted special uses within each zoning district per the Use Group Tables in Chapter 27.06 and to provide that the maximum height and minimum lot requirements within said zoning districts shall be regulated in conformance with the requirements of Chapter 27.72; by adding a new Chapter 27.62 titled "Conditional Uses" to relocate and consolidate all zoning district types which are allowed as permitted conditional uses in designated zoning districts in conformance with the specific conditions of approval for such use types into a single chapter; by adding a new Chapter 27.64 titled Use Permits to combine and consolidate the process for obtaining a use permit in the O-3, R-T, B-2, B-5, and I-3 zoning districts into a single chapter; by amending Chapter 27.69 to authorize certain signs for motorized vehicle fuel sales facilities, residential health care facilities and non-residential health care facilities; and by adding a new Chapter 27.72 titled Height and Lot Requirements, to relocate and consolidate height and lot regulations for all the zoning districts into a single chapter and to incorporate additional height and area regulations from Chapter 27.71 into Chapter 27.72, the third time.

SCHIMEK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19733**, is recorded in Ordinance Book #27, Page .

MISC. NO. 12002 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING SECTIONS 7.7 AND 7.11 OF CHAPTER 3.50, DESIGN STANDARDS FOR SCREENING AND LANDSCAPING, TO MODIFY THE REQUIREMENTS IN SECTION 7.7 REGARDING THE SCREENING OF OUTDOOR STORAGE AREAS OF SALVAGE YARDS AND TO DELETE REFERENCE TO THE SCREENING OF SCRAP PROCESSING OPERATIONS AND VEHICLE BODY REPAIR SHOPS, AND TO EXPAND THE LIST OF AREAS IN SECTION 7.11 OUTSIDE A BUILDING WHICH MUST BE SCREENED - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86876 WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Design Standards by Resolution No. A-80518; and

WHEREAS, an amendment to Sections 7.7 and 7.11 of Chapter 3.50, Design Standards for Screening and Landscaping, is necessary to modify the requirements in Section 7.7 regarding the screening of outdoor storage areas of salvage yards and to delete reference to the screening of scrap processing operations and vehicle body repair shops; and to expand the list of areas in Section 7.11 outside a building which must be screened.

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

That Section 7.7 "Salvage Yards" of Chapter 3.50, Design Standards for Screening and Landscaping, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same is hereby amended as shown on Attachment "A" which is attached hereto and incorporated herein by reference.

Introduced by DiAnna Schimek

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

CHANGE OF ZONE 12009 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE ZONING CODE BY AMENDING SECTIONS 27.60.060 AND 27.65.060 TO GRANT THE PLANNING DIRECTOR AUTHORITY TO APPROVE AMENDMENTS TO A PLANNED UNIT DEVELOPMENT OR COMMUNITY UNIT PLAN TO ALLOW A HEIGHT INCREASE NOT TO EXCEED TEN FEET OVER THE MAXIMUM HEIGHT LIMIT FOR A MULTI-FAMILY DWELLING; BY FURTHER AMENDING SECTION 27.65.060 TO GRANT THE PLANNING DIRECTOR AUTHORITY TO APPROVE AMENDMENTS TO A COMMUNITY UNIT PLAN TO ALLOW A PERCENTAGE OF STACKED PARKING STALLS ON A DRIVEWAY BEHIND A GARAGE ATTACHED TO A MULTI-FAMILY DWELLING TO BE USED TOWARD

REGULAR MEETING

June 25, 2012

Page 148

SATISFACTION OF REQUIRED PARKING; AND BY AMENDING SECTION 27.65.090 TO DELETE THE REQUIREMENT THAT THE USE OF SUCH STACKED PARKING STALLS IN SATISFACTION OF REQUIRED PARKING BE APPROVED BY THE PLANNING COMMISSION - CLERK read an ordinance, introduced by DiAnna Schimek, amending Title 27 of the Lincoln Municipal Code relating to the Zoning Code by amending Sections 27.60.060 and 27.65.060 to grant the Planning Director authority to approve amendments to a planned unit development or community unit plan to allow a height increase not to exceed ten feet over the maximum height limit for a multi-family dwelling; by further amending Section 27.65.060 to grant the Planning Director authority to approve amendments to a community unit plan to allow a percentage of stacked parking stalls on a driveway behind a garage attached to a multi-family dwelling to be used toward satisfaction of required parking; by amending Section 27.65.090 to delete the requirement that the use of such stacked parking stalls in satisfaction of required parking be approved by the Planning Commission; and repealing Sections 27.60.060, 27.65.060 and 27.65.090 of the Lincoln Municipal Code as hitherto existing, the third time.

SCHIMEK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19734, is recorded in Ordinance Book #27, Page .

MISC. NO. 12003 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING SECTION 1.2 OF CHAPTER 3.35, DESIGN STANDARDS FOR COMMUNITY UNIT PLANS, TO PROVIDE A MINIMUM SETBACK FOR MULTI-FAMILY DWELLINGS THAT EXCEED THE ZONING DISTRICT HEIGHT ABUTTING A SINGLE OR TWO FAMILY DWELLING AND TO CONDITIONALLY ALLOW ACCESSORY GARAGES AND DRIVEWAYS WITHIN THE SETBACK AREA, AND BY AMENDING SECTION 7.3 OF CHAPTER 3.50, DESIGN STANDARDS FOR MULTI-FAMILY DWELLINGS AND CERTAIN ACCESSORY GARAGES AND DRIVEWAYS WHEN THE MULTI-FAMILY DWELLING EXCEEDS THE ZONING DISTRICT HEIGHT AND ABUTS AN EXISTING OR PLANNED SINGLE OR TWO FAMILY DWELLING - CLERK read the Bill Nos. under the heading: Ordinances - 3rd Reading & Related Resolutions (as required). The reading of Item 32, Bill No. 12R-120, Misc. No. 1203, was inadvertently omitted; therefore, Council did not have action on this date.

CHANGE OF ZONE 12012 - APPLICATION OF LANA PEREZ FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT AND R-4 RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT AND FROM R-4 RESIDENTIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 505 S.W. 1ST STREET AND GENERALLY FROM SALT CREEK WEST OF S.W. 1ST STREET AND NORTH OF J 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 Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

The ordinance, being numbered #19735, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE 12014 - APPLICATION OF EIGER CORPORATION FOR A CHANGE OF ZONE FROM B-5 PLANNED REGIONAL BUSINESS DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2 - 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 Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

The ordinance, being numbered #19736, is recorded in Ordinance Book #27, Page .

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

CHANGE OF ZONE 12013 - APPLICATION OF GATEWAY PROPERTIES FOR A CHANGE OF ZONE FROM H-2 HIGHWAY COMMERCIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 52ND STREET AND R STREET - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

AMENDING SECTION 10.34.030 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKING METERS: DEPOSIT OF COINS AND TIME LIMITS, TO PROVIDE THAT NO PARKING FEE SHALL BE CHARGED ON MARTIN LUTHER KING DAY, PRESIDENTS DAY AND VETERANS DAY - PRIOR to reading:

ESKRIDGE Moved to place Bill No. 12-76 on Pending, No Date Certain.

Seconded by Cook & 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 10.34.030 of the Lincoln Municipal Code relating to Parking Meters: Deposit of Coins and Time Limits, to provide that no parking fee shall be charged on Martin Luther King Day, Presidents Day and Veterans Day; and repealing Section 10.34.030 of the Lincoln Municipal Code as hitherto existing, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

APPROVING THE MOST RECENT UPDATED AND REVISED VERSION OF THE CITY OF LINCOLN FEDERAL TRANSIT ADMINISTRATION PROGRAM FOR DRUG AND ALCOHOL TESTING FOR MASS TRANSIT WORKERS IN SAFETY SENSITIVE FUNCTIONS.

APPROVING THE MOST RECENT UPDATED AND REVISED VERSION OF THE CITY OF LINCOLN FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM FOR DRUG AND ALCOHOL TESTING FOR EMPLOYEES OPERATING COMMERCIAL MOTOR VEHICLES.

COMPREHENSIVE PLAN AMENDMENT 12002 - AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADD THE ANTELOPE CREEK WATERSHED BASIN MANAGEMENT PLAN TO THE LIST OF SUBAREA PLANS IN THE PLAN REALIZATION CHAPTER AND TO ADD LANGUAGE TO THE ENERGY AND UTILITIES CHAPTER TO BETTER DESCRIBE THE VARIETY OF WATERSHED PLANNING ACTIVITIES BEING CONDUCTED IN LINCOLN AND LANCASTER COUNTY.

COMBINED SPECIAL PERMIT/USE PERMIT NO. 10B - APPLICATION OF EAST PARK IMPROVEMENTS, LLC, TO REDUCE THE AMOUNT OF REQUIRED OFF-STREET PARKING FOR EAST PARK PLAZA GENERALLY LOCATED AT NORTH 66TH STREET AND O STREET.

APPROVING THE FISCAL YEAR 2012 ACTION PLAN: ONE YEAR USE OF FUNDS FOR HUD ENTITLEMENT PROGRAMS.

APPROVING THE 2012-13 WORK PLAN FOR THE INTERLOCAL AGREEMENT ON STORMWATER MANAGEMENT BETWEEN THE CITY AND LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO ADDRESS STORMWATER QUALITY AND QUANTITY ISSUES.

APPROVING AN INTER-GOVERNMENTAL AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY OF LINCOLN REGARDING THE IMPLEMENTATION OF THE SECTION 319 PROJECT ENTITLED "TYRRELL PARK WATER QUALITY IMPROVEMENT."

MISCELLANEOUS BUSINESS

ADOPTING AN AMENDED AND RESTATED VERSION OF THE CITY OF LINCOLN EMPLOYEES' RETIREMENT PLAN AND TRUST TO PROVIDE THAT THE EMPLOYER CONTRIBUTION FOR EMPLOYEES HIRED IN POSITIONS AND PAY RANGES PREFIXED BY THE LETTER "N" ON OR AFTER SEPTEMBER 1, 2010 WILL BE AN AMOUNT EQUAL TO 9% OF AN EMPLOYEE'S COMPENSATION; AND TO FURTHER PROVIDE THAT THE MANDATORY EMPLOYEE CONTRIBUTION FOR EMPLOYEES HIRED IN POSITIONS AND PAY RANGES PREFIXED BY THE LETTER "N" ON OR AFTER SEPTEMBER 1, 2010 WILL BE IN AN AMOUNT EQUAL TO 7% OF AN EMPLOYEE'S COMPENSATION (8/23/10 - RECONSIDERED ORDINANCE NO. 19430 - PLACED ON PENDING INDEFINITELY) - PRIOR to reading:

CARROLL Moved to have Bill No. 10-101 removed from Pending and have 2nd Reading with Public Hearing on July 9, 2012 and 3rd Reading with Action on July 16, 2012.

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

REGULAR MEETING
June 25, 2012
Page 150

OPEN MICROPHONE

Jane Svoboda, address not given, came forward to speak on various issues.
This matter was taken under advisement.

Kevin Hauptman, 1500 N. 15th St., came forward to speak on various issues.
This matter was taken under advisement.

ADJOURNMENT 8:42 P.M.

CAMP Moved to adjourn the City Council meeting of June 25, 2012.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Office Specialist