

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 24, 2012 AT 5:30 P.M.**

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

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

READING OF THE MINUTES

ESKRIDGE Having been appointed to read the minutes of the City Council proceedings of September 17, 2012 reported having done so, found same correct. Seconded by Schimek & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

PUBLIC HEARING

CHANGE OF ZONE 12026 - APPLICATION OF NEIGHBORWORKS LINCOLN FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT WITH A LANDMARK OVERLAY TO DESIGNATE THE DR. O.C. REYNOLDS HOUSE AS A LANDMARK ON PROPERTY GENERALLY LOCATED AT 2530 Q STREET. (RELATED ITEMS: 12-118, 12R-222) (ACTION DATE: 10/1/12);

SPECIAL PERMIT 12030 - APPLICATION OF NEIGHBORWORKS LINCOLN TO PERMIT THE USE OF A DESIGNATED LANDMARK FOR OFFICES, EDUCATION CENTER AND MEETING SPACE AND TO MODIFY THE FRONT AND REAR YARD SETBACKS ON PROPERTY GENERALLY LOCATED AT 2530 Q STREET. (RELATED ITEMS: 12-118, 12R-222) (ACTION DATE: 10/1/12) - Mike Renken, Executive Director of NeighborWorks Lincoln, came forward to describe his organization, whose mission is to make Lincoln a safer and more prosperous community. This mission is accomplished through various home ownership services including training, downpayment assistance, community development and property rehabilitation. This project involves converting this historic home into the permanent office facility for NeighborWorks. This will have a positive impact on this organization, the neighborhood, and the community.

Kent Seacrest, Seacrest & Kalkowski, PC, LLO, 1111 Lincoln Mall, Suite 350, came forward to state for the record that staff recommended support on both items. His clients are very comfortable with all of the conditions. The Planning Commission supported this with a vote of 8-0. The neighborhood was also contacted and involved and they like this project; one person from the neighborhood came in support. The Historic Preservation Commission also supports this project.

In answer to Council questions, Mr. Renken replied that the offices will be two blocks from the Antelope Creek Village townhomes project. In addition, this location is near many homes they have touched in the Malone Neighborhood, which has been one of their key focus areas.

Mr. Seacrest stated that one of the prominent, unique architectural features of this 1905 home is that it is constructed entirely of concrete block. The home qualified as historical on two fronts; in addition to the structure itself, Dr. Reynolds is a historical figure in this community.

Mr. Renken stated that details of the design are still being worked out. The goal is to respect the integrity of the home. It will not look like offices and will be able to be easily reconverted back into a residence should someone choose to do that in the future.

This matter was taken under advisement.

AMENDING TITLE 17 OF THE LINCOLN MUNICIPAL CODE RELATING TO WATER BY AMENDING SECTION 17.26.010, EMERGENCY RESTRICTIONS, TO PROVIDE THAT A VIOLATION OF THE SECTION SHALL BE AN INFRACTION AND TO PROVIDE THE PENALTY THEREFOR; AMENDING SECTION 17.62.010, PENALTIES, TO PROVIDE THAT THE PENALTIES IN SECTION 17.62.010 SHALL APPLY TO ALL VIOLATIONS OF TITLE 17 UNLESS OTHERWISE STATED - Council Chair Hornung announced that this item would be withdrawn but because this is the Public Hearing, anyone wishing to address it should come forward today.

Council Member Jonathan Cook objected to withdrawing this item without a motion, second and vote.

Mr. Hornung expressed appreciation for input received on this topic. An effort is being made to resolve the more egregious situations involving the water restrictions and there has been discussion regarding pardons from the Mayor. A better long-term solution needs to be reached.

Council Member Doug Emery moved to withdraw this item and Council voted.

This matter was taken under advisement.

AMENDING TITLE 14 OF THE LINCOLN MUNICIPAL CODE RELATING TO PUBLIC PROPERTY AND PUBLIC WAYS BY ADDING A NEW CHAPTER 14.34 ENTITLED "FILM PERMITS" TO CREATE AN EFFICIENT PROCESS FOR ISSUING PERMITS FOR FILMING OPERATIONS WITHIN THE CITY OF LINCOLN - Jeff Kirkpatrick, City Law Department, came forward to state that currently, if a film crew wishes to film on public property or right-of-way, they apply for a Special Event Permit through the Office of the City Clerk. This process involves several components. It was designed for events such as street festivals and therefore, many of the steps involved do not pertain to filming. The Mayor wants the process to be as responsive as possible to potential film projects. Therefore, a committee was created last June and input was gathered from City departments, a film location scout and representatives from the Nebraska Film Office. The result was a simplification of the application process as well as the elimination of the requirement for a \$5,000 bond which was considered a barrier and is not required for filming in other locations, including Omaha. There is still a requirement for proof of insurance. In answer to Council questions, Mr. Kirkpatrick replied that any disruptions that occur could be treated and charged as disturbing the peace. The Mayor's office is allowed to refuse a permit if there is any reason to believe that filming could cause problems, be disruptive or be too much of an inconvenience.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND BUTLER COUNTY, NEBRASKA FOR THE OPERATION, MANAGEMENT, SUPPORT, MONITORING AND EVALUATION OF THE BUTLER SENIOR SERVICES PROGRAM THROUGH THE LINCOLN AREA AGENCY OF AGING'S COMMUNITY AGING SERVICE PROGRAMS - June Pederson, Director of Aging Partners, came forward to state that Butler County is part of Aging Partners' public service area. There is an interlocal agreement with all other counties in that service area, but until now, Butler County has been operating under a body that hired and fired, but did not have much authority. After a State audit, they have decided to make the interlocal agreement happen.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND LANCASTER COUNTY, ON BEHALF OF THE LANCASTER COUNTY CORRECTIONS COMMUNITY SERVICE PROGRAM, TO PROVIDE ROADSIDE LITTER PICKUP ALONG COUNTY ROADS FOR THE HEALTH DEPARTMENT FOR A TERM OF APRIL 15, 2012 THROUGH DECEMBER 15, 2012 - Judy Halstead, Director of Lincoln-Lancaster County Health Department, came forward to report that this is the 10th year that the Health Department will be entering into this agreement. It will provide up to \$5,000 to the County, with the potential for an additional \$1,500 if there are additional 2012 funds. The money is grant funded and is used to offset the costs of the supervisors who oversee the inmates volunteering for roadside litter collection. In answer to Council questions, Ms. Halstead replied that the City has multiple programs on litter reduction and recycling. There are many opportunities for neighborhood associations or other groups to participate in collection projects.

This matter was taken under advisement.

AUTHORIZING AND SUPPORTING THE COUNTY OF LANCASTER'S APPLICATION TO THE STATE OF NEBRASKA GAME AND PARKS COMMISSION FOR FINANCIAL ASSISTANCE FROM THE RECREATIONAL TRAILS PROGRAM FOR REPLACING THE WILDERNESS PARK BIKE BRIDGE LOCATED BETWEEN OLD CHENEY ROAD AND PIONEERS BOULEVARD - Lynn Johnson, Director of Parks & Recreation, came forward to describe the terms of this ongoing relationship with the County for maintenance and management of Wilderness Park. The park is owned by the County and the City provides some maintenance services. Parks Department is working with the County to make an application for Recreational Trails Program funds to replace the north bike bridge and are asking Council to approve a commitment to manage that facility for 25 years. Beyond the maintenance, the City will not have any additional financial obligations for this.

This matter was taken under advisement.

APPROVING AN EXTENSION OF THE TERM OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION THROUGH DECEMBER 29, 2012, FOR THE INSTALLATION OF A SOLAR RENEWABLE ENERGY ROOFTOP ARRAY ON THE LINCOLN POLICE DEPARTMENT CENTER TEAM HEADQUARTERS BUILDING AT 1501 NORTH 27TH STREET, UTILIZING FEDERAL ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FUNDS - Rod Confer, City Attorney, came forward to state that last spring, Council approved an interlocal agreement with the Building Commission to use Department of Energy grant funds to install a solar panel on top of the 27th Street police station. That project is not yet complete and this will extend the interlocal agreement until the end of the year.

Council Member Jonathan Cook stated that they will only go ahead with this project if bids come in at or under the grant amount so that no local money is at risk.

This matter was taken under advisement.

APPROVING A MEMORANDUM OF AGREEMENT REGARDING ESTABLISHING AND FUNDING OF THE ENDOWMENT FOR IDYLWILD PARK AND MEDIANS BETWEEN SAM PROPERTIES, INC. AND THE CITY OF LINCOLN WHICH PROVIDES FOR THE ESTABLISHMENT OF AN ENDOWMENT FUND TO FUND MAJOR REPAIRS, REPLACEMENTS, RENOVATION AND REGULAR MAINTENANCE FOR IDYLWILD PARK GENERALLY LOCATED AT THE INTERSECTION OF IDYLWILD DRIVE AND APPLE STREET AND THE IDYLWILD DRIVE MEDIANS - Lynn Johnson, Director of Parks & Recreation, came forward to summarize this agreement which is in conjunction to the redevelopment that is happening at Idylwild Boulevard and Holdrege Streets involving the Valentino's property. The four main components of this include \$60,000 in funding for some renovations to Idylwild Park, the establishment of the endowment with a request to rename the park "Valentino's Park", \$140,000 in funding for renovation and improvements to the medians along the boulevard area of Idylwild drive, and the establishment of a pledge of commitment for a \$75,000 endowment for the care of those improvements over the next fifteen years. There is a provision that the management of the pledge funds can be transferred to the Parks Foundation for management over time. In answer to Council questions, Mr. Johnson replied that they will find out the historical significance of the current name of the park before the renaming is brought before Council again.

Council Member Jonathan Cook stated that getting an endowment to revitalize and maintain an older, existing park is fairly rare, but it is an option that the public should know about, especially with the knowledge that the City might rename the area.

Mr. Johnson added that the City will want to install a plaque that recognizes why the park is named Valentino's Park.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR A COMMUNICATIONS CENTER TO CONTINUE TO SERVE THE COMMUNICATIONS NEEDS OF THE LINCOLN POLICE DEPARTMENT, LINCOLN FIRE & RESCUE, LANCASTER COUNTY SHERIFF'S OFFICE, AND THOSE RURAL FIRE/EMS AGENCIES WITH MEMBERSHIP IN THE LANCASTER COUNTY MUTUAL AID ASSOCIATION. (8/20/12 - P.H. CON'T TO 9/10/12) (9/10/12 - CON'T P.H. TO 9/17/12) (9/17/12 - P.H. CON'T TO 9/24/12) - Rod Confer, City Attorney, came forward to state that the City is still negotiating with the County on this interlocal agreement and requests a delay of two weeks on this item.

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 COUNCIL ON SEPTEMBER 10, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, OCTOBER 8, 2012 AT 5:30 P.M. FOR THE APPLICATION OF RICKETY CRICKET, LLC DBA N STREET DRIVE IN FOR A CLASS C LIQUOR LICENSE LOCATED AT 1801 O STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87005 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 8, 2012, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Rickety Cricket, LLC. dba N Street Drive In Class C liquor license located at 1801 O Street.

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

Introduced by Eugene Carroll

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 8, 2012 AT 5:30 P.M. FOR THE APPLICATION OF GRANDMOTHER'S, INC. DBA DON & MILLIE'S FOR A CLASS I LIQUOR LICENSE LOCATED AT 8150 O STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87006 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 8, 2012, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Grandmother's Inc. dba Don & Millie's Class I liquor license located at 8150 O Street.

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

Introduced by Eugene Carroll

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

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SETTING THE HEARING DATE OF MONDAY, OCTOBER 8, 2012 AT 5:30 P.M. FOR THE APPLICATION OF TALEXMO, LLC DBA WOODEES BAR FOR A CLASS C LIQUOR LICENSE LOCATED AT 2001 WEST O STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87007 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 8, 2012, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Talexmo LLC., dba Woodees Bar Class C liquor license located at 2001 West O Street.

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

Introduced by Eugene Carroll

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 8, 2012 AT 5:30 P.M. FOR THE APPLICATION OF CVS PHARMACY, LLC DBA CVS/PHARMACY 8294 FOR A CLASS C LIQUOR LICENSE LOCATED AT 4808 O STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87008 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 8, 2012, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Nebraska CVS Pharmacy LLC dba CVS/Pharmacy 8294 Class C liquor license located at 4808 O Street.

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

Introduced by Eugene Carroll

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 12042 to Pre-Existing Use Permit No. 9S, Edgewood Shopping Center, approved by the Planning Director on September 13, 2012, requested by Orange Development Inc., to amend the site plan to show a revised lot layout to accommodate a proposed pharmacy, on property generally located near S. 56th St. and Highway 2.

REFERRED TO THE PLANNING DEPARTMENT:

Special Permit No. 06001B - Requested by Fox Hollow, LLC, for an amendment to the Grand Terrace Community Unit Plan, to expand the boundaries by adding a five acre lot to allow approximately 31 additional dwelling units, with a waiver request to cul-de-sac radius, on property legally described as Lot 1, Amber Hill Estates 2nd Addition, located in the NE 1/4 of Section 22-9-7, Lancaster County, Nebraska, generally located at S. 84th Street and Amber Hill Road. The Planning Commission action is final action, unless appealed to the City Council.

INFORMAL PETITION TO CREATE AN ASSESSMENT DISTRICT FOR THE REPAIR OF 66TH STREET FROM HIGHWAY 2 TO PINE LAKE ROAD, TO INCLUDE ALMIRA LANE, MARCUS ROAD AND ANN'S COURT, FILED BY AUDRA KELLY, FOR COUNTRY MEADOWS, HOA - CLERK presented said petition which was referred to the Public Works Dept. on September 19, 2012.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS - NONE

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

CHANGE OF ZONE 12026 - APPLICATION OF NEIGHBORWORKS LINCOLN FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT WITH A LANDMARK OVERLAY TO DESIGNATE THE DR. O.C. REYNOLDS HOUSE AS A LANDMARK ON PROPERTY GENERALLY LOCATED AT 2530 Q STREET (RELATED ITEMS: 12-118, 12R-222) (ACTION DATE: 10/1/12) - CLERK read an ordinance, introduced by DiAnna Schimek, amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the second time.

SPECIAL PERMIT 12030 - APPLICATION OF NEIGHBORWORKS LINCOLN TO PERMIT THE USE OF A DESIGNATED LANDMARK FOR OFFICES, EDUCATION CENTER AND MEETING SPACE AND TO MODIFY THE FRONT AND REAR YARD SETBACKS ON PROPERTY GENERALLY LOCATED AT 2530 Q STREET (RELATED ITEMS: 12-118, 12R-222) (ACTION DATE: 10/1/12).

AMENDING TITLE 17 OF THE LINCOLN MUNICIPAL CODE RELATING TO WATER BY AMENDING SECTION 17.26.010, EMERGENCY RESTRICTIONS, TO PROVIDE THAT A VIOLATION OF THE SECTION SHALL BE AN INFRACTION AND TO PROVIDE THE PENALTY THEREFOR; AMENDING SECTION 17.62.010, PENALTIES, TO PROVIDE THAT THE PENALTIES IN SECTION 17.62.010 SHALL APPLY TO ALL VIOLATIONS OF TITLE 17 UNLESS OTHERWISE STATED (REQUEST TO COMBINE 1ST, 2ND, 3RD READINGS W/P.H. 9/17/12) - PRIOR to reading:

EMERY Moved to Withdraw Bill No. 12-119.

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

CLERK Read an ordinance, introduced by DiAnna Schimek, amending Title 17 of the Lincoln Municipal Code relating to Water by amending Section 27.26.010, Emergency Restrictions, to provide that a violation of the section shall be an infraction and to provide the penalty therefor; amending Section 17.62.010, Penalties, to provide that the penalties in Section 17.62.010 shall apply to all violations of Title 27 unless otherwise stated; and repealing Sections 17.26.010 and 17.62.010 of the Lincoln Municipal Code as hitherto existing, the second time.

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4625 & was placed on file in the Office of the City Clerk.

AMENDING TITLE 14 OF THE LINCOLN MUNICIPAL CODE RELATING TO PUBLIC PROPERTY AND PUBLIC WAYS BY ADDING A NEW CHAPTER 14.34 ENTITLED "FILM PERMITS" TO CREATE AN EFFICIENT PROCESS FOR ISSUING PERMITS FOR FILMING OPERATIONS WITHIN THE CITY OF LINCOLN - CLERK read an ordinance, introduced by DiAnna Schimek, amending Title 14 of the Lincoln Municipal Code relating to Public Property and Public Ways by adding a new Chapter 14.34 entitled "Film Permits" to create an efficient process for issuing permits for filming operations within the City of Lincoln, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND BUTLER COUNTY, NEBRASKA FOR THE OPERATION, MANAGEMENT, SUPPORT, MONITORING AND EVALUATION OF THE BUTLER SENIOR SERVICES PROGRAM THROUGH THE LINCOLN AREA AGENCY OF AGING'S COMMUNITY AGING SERVICE PROGRAMS - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-87009 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the Interlocal Agreement between the City of Lincoln and Butler County, Nebraska, entered into for the purposes of including Butler County as a participating agency in the Lincoln Area Agency on Aging (Aging Partners), a copy of which Interlocal Agreement is attached hereto, marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is hereby directed to return one fully executed copy of said Interlocal Agreement to the Butler County Clerk, 451 N. 5th Street, David City, NE 68632.

Introduced by Dianna Schimek

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND LANCASTER COUNTY, ON BEHALF OF THE LANCASTER COUNTY CORRECTIONS COMMUNITY SERVICE PROGRAM, TO PROVIDE ROADSIDE LITTER PICKUP ALONG COUNTY ROADS FOR THE HEALTH DEPARTMENT FOR A TERM OF APRIL 15, 2012 THROUGH DECEMBER 15, 2012 - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-87010 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the Interlocal Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and Lancaster County, on behalf of the Lancaster County Corrections Community Service Program, to provide roadside litter pickup along County roads for the Health Department, for a term of April 15, 2012 through December 15, 2012, upon the terms and conditions as set forth in said Interlocal Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to send a copy of this Resolution and one fully executed Agreement to Judy Halstead, Lincoln-Lancaster County Health Department Director for transmittal to Lancaster County.

Introduced by DiAnna Schimek

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

AUTHORIZING AND SUPPORTING THE COUNTY OF LANCASTER'S APPLICATION TO THE STATE OF NEBRASKA GAME AND PARKS COMMISSION FOR FINANCIAL ASSISTANCE FROM THE RECREATIONAL TRAILS PROGRAM FOR REPLACING THE WILDERNESS PARK BIKE BRIDGE LOCATED BETWEEN OLD CHENEY ROAD AND PIONEERS BOULEVARD - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-87011 WHEREAS, the County of Lancaster is applying to the Nebraska Game and Parks Commission for financial assistance from the Recreational Trails Program for grant funds for the purpose of removing an existing bridge and constructing a new bridge in Wilderness Park over Salt Creek Channel between Old Cheney Road and Pioneers Boulevard; and

WHEREAS, the total cost of the project will be \$385,000 of which the Recreation Trails Program request will be \$246,400 and the County's costs will be \$94,600 plus \$44,000 of in-kind engineering services; and

WHEREAS, the City of Lincoln, who is responsible for maintaining Wilderness Park per an agreement between the County of Lancaster and the City of Lincoln that was approved in August 1966, wishes to express its support for the project and its willingness to commit the necessary financial resources to construct, operate and maintain the completed project in a safe and attractive manner for public use.

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

1. That the City of Lincoln hereby expresses its support for the application being made by County of Lancaster to the Nebraska Game and Parks Commission for financial assistance from the Recreational Trails Program for the purpose of removing an existing bridge and constructing a new bridge known as the Wilderness Park Bike Bridge between Old Cheney Road and Pioneers Blvd. in Wilderness Park and its commitment to the on-going maintenance of the park and bridge.

2. The City of Lincoln currently has the commitment for \$94,600 plus \$44,000 of in-kind engineering services for the design of the bridge, or 36% local matching share, for the project elements that are identified on the application form and the supplemental documents and will, as it becomes necessary, allocate the local funds for this project.

3. The City of Lincoln will manage the contracts for the project if allowed under terms of the grant and commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner for public use.

4. The City of Lincoln will not discriminate against any person on the basis of race, color, age, religion, handicap, sex, or national origin in the use of proposed project acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, and any of the regulations promulgated pursuant to such Act.

5. The City of Lincoln will comply with all rules and regulations of the Recreational Trails Program, applicable Executive Orders and all state laws that govern the grant applicant during the performance of the project.

6. The City of Lincoln will comply with the federal disability access and use standards where they can be reasonably applied, in accord with the Americans with Disabilities Act, as amended.

7. The City Clerk is directed to transmit a certified copy of this resolution to the Parks and Recreation Department for transmittal to the Nebraska Game and Parks Department.

Introduced by DiAnna Schimek

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

APPROVING AN EXTENSION OF THE TERM OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION THROUGH DECEMBER 29, 2012, FOR THE INSTALLATION OF A SOLAR RENEWABLE ENERGY ROOFTOP ARRAY ON THE LINCOLN POLICE DEPARTMENT CENTER TEAM HEADQUARTERS BUILDING AT 1501 NORTH 27TH STREET, UTILIZING FEDERAL ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FUNDS - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-87012 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln and the Lincoln-Lancaster County Public Building Commission extending the term of the agreement approved by Resolution A-86522, to install a solar renewable energy rooftop array on the Lincoln Police Department Center Team headquarters building at 1501 N. 27th Street, utilizing Federal Energy Efficiency and Conservation Block Grant (EECBG) funds, until December 29, 2012, upon the terms and conditions as set forth in said Interlocal Agreement, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is hereby directed to transmit a copy of the executed original Interlocal Agreement to Milo Mumgaard, Mayor's Office, for transmittal and execution by the Lincoln-Lancaster County Public Building Commission.

Introduced by DiAnna Schimek

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

APPROVING A MEMORANDUM OF AGREEMENT REGARDING ESTABLISHING AND FUNDING OF THE ENDOWMENT FOR IDYLWILD PARK AND MEDIANS BETWEEN SAM PROPERTIES, INC. AND THE CITY OF LINCOLN WHICH PROVIDES FOR THE ESTABLISHMENT OF AN ENDOWMENT FUND TO FUND MAJOR REPAIRS, REPLACEMENTS, RENOVATION AND REGULAR MAINTENANCE FOR IDYLWILD PARK GENERALLY LOCATED AT THE INTERSECTION OF IDYLWILD DRIVE AND APPLE STREET AND THE IDYLWILD DRIVE MEDIANS - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-87013 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Memorandum of Agreement Regarding Establishing and Funding of the Endowment for Idylwild Park and Medians between Sam Properties, Inc. and the City of Lincoln which provides for the establishment of an endowment fund to fund major repairs, replacements, renovation and regular maintenance for Idylwild Park, generally located at Idylwild Drive and Apple Street and the Idylwild Drive Medians, upon the terms and conditions as set forth in said Memorandum of Agreement, is hereby approved and the Mayor is authorized to execute said Memorandum of Agreement on behalf of the City.

The City Clerk is hereby directed to transmit a copy of the executed original Memorandum of Agreement to Rick Peo, Chief Assistant City Attorney, for transmittal to Sam Properties, Inc.

Introduced by DiAnna Schimek

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

APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR A COMMUNICATIONS CENTER TO CONTINUE TO SERVE THE COMMUNICATIONS NEEDS OF THE LINCOLN POLICE DEPARTMENT, LINCOLN FIRE & RESCUE, LANCASTER COUNTY SHERIFF'S OFFICE, AND THOSE RURAL FIRE/EMS AGENCIES WITH MEMBERSHIP IN THE LANCASTER COUNTY MUTUAL AID ASSOCIATION. (8/20/12 - P.H. CON'T TO 9/10/12) (9/10/12 - CON'T P.H. TO 9/17/12) (9/17/12 - P.H. CON'T TO 9/24/12) - PRIOR to reading:

ESKRIDGE Moved to continue Public Hearing on Bill No. 12R-194 two weeks to October 8, 2012.

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

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

AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF HOLDREGE/IDYLVILD REDEVELOPMENT PROJECT TAX ALLOCATION BONDS OF THE CITY OF LINCOLN, NEBRASKA - PRIOR to reading:

CARROLL Moved to Amend Bill No. 12-113 by accepting the Substitute Ordinance. Seconded by Cook & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

CLERK Read the following ordinance, introduced by Jonathan Cook, 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 \$1,260,000 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 Holdrege/Idylwild 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 third time.

COOK Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#19779**, is recorded in Ordinance Book #27, Page .

AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO LOAN AGREEMENT AMONG THE CITY OF LINCOLN, NEBRASKA, THE DAIRY HOUSE, LLC, AND PINNACLE BANK, AND RELATED DOCUMENTS (RELATED: 12-114, 12R-221) (ACTION DATE: 9/24/12) - CLERK read the following ordinance, introduced by Jonathan Cook, approving and authorizing the execution and delivery of a Lease Agreement Amendment Number One in connection with the issuance of \$2,800,000 principal amount industrial development recovery zone facility revenue bond, series 2010 (Telesis, Inc. Project); delegating, authorizing and directing the Mayor, Finance Director and Clerk to exercise their own independent discretion and judgment in determining and finalizing the terms, provisions, form and contents of such document; providing for the publication of this ordinance and the time when this ordinance shall take effect; and related matters, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19780**, is recorded in Ordinance Book #27, Page .

APPROVING AMENDMENT NO. 2 TO THE REDEVELOPMENT AGREEMENT (TELESIS/DAIRY HOUSE PROJECT) BETWEEN THE DAIRY HOUSE LLC AND THE CITY OF LINCOLN FOR A CHANGE OF THE BUILDING CONDOMINIUM UNITS IN PHASE ONE AND THE CORRESPONDING CHANGE TO THE LEGAL DESCRIPTION FOR THE REDEVELOPMENT PROJECT SITE (RELATED: 12-114, 12R-221) (ACTION DATE: 9/24/12) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption for approval:

A-87014 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Amendment No. 2 to the City of Lincoln Redevelopment Agreement (Telesis/Dairy House Project) between the City of Lincoln and The Dairy House, LLC, for a change of the Building Condominium Units in Phase One and the corresponding change to the legal description for the Redevelopment Project Site, upon the terms and conditions set forth in said Amendment No. 2 to the Redevelopment Agreement, 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 Rick Peo, Chief Assistant City Attorney, for transmittal to the parties.

Introduced by Jonathan Cook

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

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APPROVING AMENDMENT NO. 1 TO THE HIGHWAY 77 & WARLICK BOULEVARD CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN AND DIAL-HWY 77, LLC, GREAT WESTERN BANK, SOUTHPORT VENTURES COMPANY, LLC, SPANGLES, LLC, AUSTIN REALTY COMPANY, LEGRANDE EXCAVATING, INC., AND NORMAN H. LEGRANDE, TO AMEND THE SOUTHWEST VILLAGE PUD SITE PLAN ON PROPERTY GENERALLY LOCATED AT HIGHWAY 77 AND WARLICK BOULEVARD AND TO CLARIFY THE REQUIREMENTS FOR CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS TO SERVE THE PUD (RELATED ITEMS: 12R-219, 12-115) (ACTION DATE: 9/24/12) - Clerk read the following resolution, introduced by Jonathan Cook, who moved its adoption for approval:

A-87015 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the agreement titled Amendment No. 1 to the Highway 77 & Warlick Boulevard Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between Dial-Hwy 77, LLC, Great Western Bank, Southport Ventures Company, LLC, Spangles, LLC, Southview, Inc., Austin Realty Company, LeGrande Excavating, Inc., and Norman H. Legrande, collectively as Owner, and the City of Lincoln, Nebraska, to amend the Southwest Village Planned Unit Development site plan and clarify the requirements for construction of infrastructure improvements, on the property generally located at Highway 77 and Warlick Boulevard, is hereby approved and the Mayor is authorized to execute said Amendment No. 1 on behalf of the City.
BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owner.
BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this Agreement to Michaela Dugan, Impact Fee Administrator.

Introduced by Jonathan Cook

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

CHANGE OF ZONE 05061A - APPLICATION OF HORSEMANS BENEVOLENT & PROTECTION ASSOCIATION TO AMEND THE SOUTHWEST VILLAGE PLANNED UNIT DEVELOPMENT TO SHOW A HORSE RACE COURSE, SIMULCAST FACILITY, BARN AND ACCESSORY BUILDINGS TO THE SOUTHWEST OF 1ST STREET AND WEST DENTON ROAD; TO ALLOW ALL B-2 ZONING DISTRICT CONDITIONAL AND SPECIAL PERMITTED USES AS PERMITTED USES; AND TO WAIVE THE REQUIREMENT FOR 1ST STREET TO BE PAVED PRIOR TO THE RACE COURSE CONSTRUCTION, ON PROPERTY GENERALLY LOCATED AT HIGHWAY 77 AND WEST DENTON ROAD (RELATED ITEMS: 12R-219, 12-115) (ACTION DATE: 9/24/12) - PRIOR to reading:

CARROLL Moved to Amend Bill No. 12-115 in the following manner:

1. On Page 1, delete lines 7 - 13, and insert in lieu thereof the following:

That part of Lot 23 NE lying north of the creek inside the Lincoln City Limits; located in the Northeast Quarter of Section 22, Township 9 North, Range 6 East of the 6th P.M.; Lot 59 I.T. in the Northwest Quarter of Section 23, Township 9 North, Range 6 East of the 6th P.M.; Lot 20, 21, 29, 30, I.T.; Outlots C and E, Southwest Village Addition; Outlots A and B, Southwest Village 1st Addition located in the Southeast Quarter of Section 15, Township 9 North, Range 6 East, Lancaster County, Nebraska.

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

CLERK Read the following ordinance, introduced by Jonathan Cook, amending the Southwest Village Planned Unit Development to show a horse race course, simulcast facility, barns and accessory buildings to the southwest of 1st Street and West Denton Road; to allow all B-2 zoning district conditional and special permitted uses as permitted uses; and to waive the requirement for 1st Street to be paved prior to the race course construction, on property generally located at Highway 77 and West Denton Road, the third time.

COOK Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#19781**, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE 12023 - APPLICATION OF TACKROOM PROPERTIES, LLC FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND CORNHUSKER HIGHWAY - CLERK read the following ordinance, introduced by Jonathan Cook, 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.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19782**, is recorded in Ordinance Book 327, Page .

CHANGE OF ZONE 12024 - APPLICATION OF THE LINCOLN COMMUNITY PLAYHOUSE FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT AND R-3 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT PUD FOR THE LINCOLN COMMUNITY PLAYHOUSE PLANNED UNIT DEVELOPMENT AND FOR APPROVAL OF A DEVELOPMENT PLAN FOR MODIFICATIONS TO THE ZONING ORDINANCE AND SUBDIVISION ORDINANCE TO ALLOW THE EXISTING COMMUNITY PLAYHOUSE AND FUTURE COMMERCIAL DEVELOPMENT ON THE UNDERLYING O-3 ZONING DISTRICT, ON PROPERTY GENERALLY LOCATED AT SOUTH 56TH STREET AND LILLIBRIDGE STREET - CLERK read the following ordinance, introduced by Jonathan Cook, 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 third time.

COOK Moved to pass the ordinance as read.
Seconded by Carroll and carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.
The ordinance, being numbered #19783, is recorded in Ordinance Book 327, Page .

RECONSIDERATION - A-87003

APPROVING THE HOLDREGE/IDYLVILD REDEVELOPMENT AGREEMENT BETWEEN THE CITY, KAPPA FOUNDATION AND KINPORT CORPORATION RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN NORTH 34TH STREET AND NORTH 37TH STREET ON HOLDREGE. (REQUEST TO RECONSIDER RESOLUTION A-87003 TO INCLUDE MTA #1 ON 9/24/12) - PRIOR to reading:

COOK Moved to Reconsider Bill No. 12R-210 (Resolution A-87003).
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

CARROLL Moved to Amend Bill No. 12R-110 (Resolution A-87003) by accepting Attachment "A" to replace Attachment "A" previously provided with Bill No. 12R-210.

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

CLERK Read the following resolution, introduced by Carl Eskridge, who moved its adoption for approval:

A-87003 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached City of Lincoln Redevelopment Agreement for Holdrege/Idylwild, between the City of Lincoln, Nebraska; Kappa Foundation; and Kinport Corporation, relating to the redevelopment of property generally located on Holdrege Street between North 34th and 37th Streets and improvements to Idylwild Drive and Idylwild Park, upon the terms and conditions set forth in said Redevelopment Agreement, 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 Rick Peo, Assistant City Attorney, for transmittal to the parties.

Introduced by Carl Eskridge

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

RESOLUTION - ACTION ONLY

APPLICATION OF TACK ROOM INC./TACK ROOM PROPERTIES, LLC FOR A SPECIAL DESIGNATED LIQUOR LICENSE IN AN OUTDOOR AREA MEASURING APPROXIMATELY 60 FEET BY 90 FEET TO THE SOUTH OF ITS LICENSED PREMISES AT 1445 CORNHUSKER HIGHWAY ON OCTOBER 13, 2012 FROM 5:30 P.M. TO 2:00 A.M. (9/17/12 - ACTION DELAYED 1 WK TO 9/24/12) - CLERK read the following resolution, introduced by Schimek, who moved its adoption for approval:

A-87016 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 Tack Room Inc./Tack Room Properties, LLC for a Special Designated License to cover an outdoor area measuring approximately 60 feet by 90 feet to the south of its licensed premises at 1445 Cornhusker Highway, Lincoln, Nebraska, on October 13, 2012, with an alternate date of October 14, 2012, between the hours of 5:30 p.m. and 2:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

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

Introduced by DiAnna Schimek

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

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

VACATION 12005 - VACATING A 50' BY 30' RIGHT-OF-WAY STUB IN THE NORTHWEST CORNER OF LOT 1, BLOCK 2, THOMASBROOK ADDITION, GENERALLY LOCATED ON THE EAST SIDE OF SOUTH 56TH STREET AT THE INTERSECTION OF LILLIBRIDGE STREET - CLERK read an ordinance, introduced by Eugene Carroll, vacating a 50' by 30' right-of-way stub dedicated in the final plat of Thomasbrook Addition, generally located on the

east side of South 56th Street east of the intersection of Lillibridge Street and South 56th Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

AMENDING CHAPTER 5.41 OF THE LINCOLN MUNICIPAL CODE RELATING TO SALVAGE, RECYCLING AND COMPOSTING OPERATIONS BY AMENDING SECTION 5.41.050 TO INCREASE RELATED PERMIT FEES; AND AMENDING SECTION 5.41.060 TO INCREASE THE ANNUAL OCCUPATION TAX LEVIED ON SALVAGE OPERATIONS OR COMMERCIAL COMPOSTING OPERATIONS - CLERK read an ordinance, introduced by Eugene Carroll, amending Chapter 5.41 of the Lincoln municipal Code relating to Salvaging, Recycling and Composting Operations by amending Sections 5.41.050 and 5.41.060 to incrementally increase related permit fees and the occupation tax imposed on salvage operations and commercial composting operations, respectively, to cover the costs of providing required services to business and industry and to protect the health of the residents of the City; and repealing Sections 5.41.050 and 5.41.060 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION BY AMENDING SECTION 8.06.145 TO INCREASE THE PERMIT FEE FOR OPEN BURNING; AMENDING SECTION 8.08.060 TO INCREASE THE PERMIT FEES FOR A BODY ART ESTABLISHMENT; AMENDING SECTION 8.08.150 TO INCREASE THE PERMIT FEES FOR A BODY ART PRACTITIONER; AMENDING SECTION 8.08.350 TO ESTABLISH A REINSTATEMENT FEE OF \$190 FOR A BODY ART ESTABLISHMENT PERMIT AND A SET REINSTATEMENT FEE OF \$40 FOR A PRACTITIONER PERMIT; AMENDING SECTION 8.14.037 TO INCREASE THE PERMIT FEES ASSOCIATED WITH CHILD CARE PROGRAMS; AMENDING SECTION 8.14.150 TO ESTABLISH A SET REINSTATEMENT FEE OF \$110 FOR A PERMIT ASSOCIATED WITH CHILD CARE PROGRAMS; AMENDING SECTION 8.20.050 TO ADOPT THE UPDATED NEBRASKA FOOD CODE; AMENDING SECTION 8.20.150 TO INCREASE THE PERMIT FEES ASSOCIATED WITH FOOD ESTABLISHMENTS; AMENDING SECTION 8.20.170 TO ESTABLISH A REINSTATEMENT FEE OF \$240 FOR PERMITS ASSOCIATED WITH FOOD SERVICE; AMENDING SECTION 8.24.150 TO INCREASE THE PERMIT FEE FOR A VARIANCE TO THE PROVISIONS OF LMC SECTION 8.24.090 RELATING TO NOISE DISTURBANCES; AMENDING SECTION 8.38.090 TO INCREASE THE PERMIT FEE FOR THE OPERATION OF A CLASS A OR CLASS B SWIMMING POOL; AND AMENDING SECTION 8.40.070 TO INCREASE THE PERMIT FEES ASSOCIATED WITH THE OPERATION OF SPA FACILITIES - CLERK read an ordinance, introduced by Eugene Carroll, amending Title 8 of the Lincoln Municipal Code relating to Health and Sanitation by amending Section 8.06.145 to increase the permit fee for open burning; amending Section 8.08.060 to increase the permit fees for a body art establishment; amending Section 8.08.150 to increase the permit fees for a body art practitioner; amending Section 8.08.350 to establish a reinstatement fee of \$190 for a body art establishment permit and a set reinstatement fee of \$40 for a practitioner permit; amending Section 8.14.037 to increase the permit fees associated with child care programs; amending Section 8.14.150 to establish a set reinstatement fee of \$110 for a permit associated with child care programs; amending Section 8.20.050 to adopt the updated Nebraska Food Code; amending Section 8.20.150 to increase the permit fees associated with food establishments; amending Section 8.20.170 to establish a reinstatement fee of \$240 for permits associated with food service; amending Section 8.24.150 to increase the permit fee for a variance to the provisions of LMC Section 8.24.090 relating to noise disturbances; amending Section 8.38.090 to increase the permit fee for the operation of a Class A or Class B swimming pool; amending Section 8.40.070 to increase the permit fees associated with the operation of spa facilities; and repealing Sections 8.06.145, 8.08.060, 8.08.150, 8.08.350, 8.14.037, 8.14.150, 8.20.050, 8.20.150, 8.20.170, 8.24.150, 8.38.090, and 8.40.070 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING TITLE 24 OF THE LINCOLN MUNICIPAL CODE RELATING TO PLUMBING AND SEWERS BY AMENDING SECTION 24.38.070 TO INCREASE THE PERMIT FEES ASSOCIATED WITH ON-SITE WASTEWATER TREATMENTS SYSTEMS - CLERK read an ordinance, introduced by Eugene Carroll, amending Section 24.38.070 of the Lincoln Municipal Code relating to fees for On-site Wastewater Treatment Systems to incrementally increase said fees to cover costs of providing required services to business and industry and to protect the health of the residents of the City; and repealing Section 24.38.070 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE, SOLID WASTES, TO CLARIFY THAT AN OCCUPATION TAX WILL NOT BE CHARGED ON RECYCLABLES MANAGED THROUGH A LICENSED MATERIALS RECOVERY FACILITY - CLERK read an ordinance, introduced by Eugene Carroll, amending Section 8.32.150 of the Lincoln Municipal Code to clarify that recyclables destined for a licensed Materials Recovery Facility are not subject to the occupation tax imposed on refuse haulers; and repealing Section 8.32.150 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 24.42 OF THE LINCOLN MUNICIPAL CODE RELATING TO REGULATION OF PROPERTY TRANSFERS WITH ON-SITE SYSTEMS TO INCREASE THE FEES FOR REQUIRED SERVICES OF REVIEWING PRIVATE INDUSTRY PROPERTY TRANSFER REPORTS AND CONDUCTING INSPECTIONS, PROVIDING CONSULTATIVE ASSISTANCE, AND ENFORCEMENT - CLERK read an ordinance, introduced by Eugene Carroll, amending Section 24.42.110 of the Lincoln Municipal Code to increase fees associated with the regulation of property transfers with on-site wastewater treatment systems; and repealing Section 24.42.110 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PERSONNEL SYSTEM BY ADDING A NEW SECTION NUMBERED 2.76.292 TO REGULATE FUNDRAISING ACTIVITIES OF CITY EMPLOYEES - CLERK read an ordinance, introduced by Eugene Carroll, amending Chapter 2.76 of the Lincoln Municipal Code relating to the City's Personnel System by adding a new section numbered 2.76.292 to regulate fundraising activities of city employees, the first time.

VACATION 12001 - VACATING VARIOUS RIGHTS-OF-WAY IN THE WEST HAYMARKET AREA GENERALLY BOUNDED BY U STREET ON THE NORTH, L STREET ON THE SOUTH, 4TH STREET ON THE WEST AND 7TH STREET ON THE EAST, RETAINING TITLE THERETO IN THE CITY OF LINCOLN, DECLARING THE VACATED RIGHTS-OF-WAY SURPLUS AND AUTHORIZING THE CONVEYANCE THEREOF TO THE WEST HAYMARKET JOINT PUBLIC AGENCY - CLERK read an ordinance, introduced by Eugene Carroll, vacating various rights-of-way in the West Haymarket area generally bounded by U Street on the north, L Street on the south, 4th Street on the west and 7th Street on the east, retaining title thereto in the City of Lincoln, Nebraska, declaring the vacated rights-of-way surplus and authorizing the conveyance thereof to the West Haymarket Joint Public Agency, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

APPOINTING LUANNE FINKE TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A TERM EXPIRING AUGUST 14, 2014.

REAPPOINTING LARRY ANDERSON TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A TERM EXPIRING AUGUST 17, 2015.

REAPPOINTING DOUGLAS GANZ TO THE COMMUNITY HEALTH ENDOWMENT BOARD FOR A TERM EXPIRING ON SEPTEMBER 1, 2015.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 1 - 15, 2012.

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$42,800.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES (ROUND 36).

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY, LANCASTER COUNTY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE SOUTH LINCOLN QUIET ZONE AND TO ACCEPT CITY OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS, CITY PROJECT NO. 702618.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE SOUTH SALT CREEK QUIET ZONE AND TO ACCEPT CITY OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS, CITY PROJECT NO. 702617.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE SW 40TH STREET/BNSF OVERPASS AND TO ACKNOWLEDGE THE PAVING OF APPROXIMATELY 900 FEET OF SW 40TH STREET FROM WEST O STREET TO THE SOUTH, CITY PROJECT NO. 700132.

WAIVER NO. 12019 - APPLICATION OF LIFE TABERNACLE CHURCH TO WAIVE THE PARKING LOT SURFACING REQUIREMENT, PURSUANT TO SECTION 27.67.100(C) OF THE LINCOLN MUNICIPAL CODE, ON PROPERTY GENERALLY LOCATED AT NORTH 1ST STREET AND ADAMS STREET.

AUTHORIZING AN APPROPRIATION OF \$250,000 FROM THE FAST FORWARD FUND TO THE AIRPORT AUTHORITY AS MATCHING FUNDS FOR ROAD CONSTRUCTION AND INSTALLATION OF WATER AND WASTEWATER UTILITIES FOR DEVELOPMENT OF AIRPARK INDUSTRIAL PROPERTY, PURSUANT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LINCOLN, THE AIRPORT AUTHORITY AND THE LINCOLN CHAMBER ECONOMIC DEVELOPMENT CORPORATION.

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 2327 S. 56TH, 2203 S. 8TH, 1200 S. 16TH, 1828 N, 1115 S. 14TH, 6336 COLFAX, 3235 STARR, 1835 S. 11TH, 936 N. 24TH, 2513 S. 10TH, 1525 N. 28TH, 1749 EUCLID, 1020 SUMNER, 1531 S. 22ND, 341 D, 225 S. 30TH.

ADOPTING FEES TO COVER THE EXPENSES OF CONDUCTING NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PERMIT COMPLIANCE INSPECTIONS AT REGULATED INDUSTRIAL FACILITIES BY HEALTH DEPARTMENT STAFF.

INCREASING FEES FOR SPECIAL WASTE PERMITS AS AUTHORIZED UNDER CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE.

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO MODIFY THE ANNUAL FEE STRUCTURE FOR REQUIRED SERVICES TO BUSINESS AND INDUSTRY.

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE

Jane Svoboda, no address given, came forward to speak on various issues.
This matter was taken under advisement.

Trina Derickson, 1421 D Street, Apt. 2, came forward to speak about her experience volunteering at the People's City Mission. She was amazed at the number of people the Mission serves on a daily basis and by the generosity of local citizens and stores that supply food and supplies. She expressed her pride in this organization and the City. The Mission needs donations and they use, redistribute or recycle everything they receive. Ms. Derickson urged citizens to think of the People's City Mission when they are getting rid clothing, furniture or food because it is through these donations that the Mission is able to serve so many in our community.

This matter was taken under advisement.

ADJOURNMENT 6:20 P.M.

COOK Moved to adjourn the City Council meeting of September 24, 2012.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

Joan E. Ross, City Clerk

Amy H. Huffman, Senior Office Assistant