

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, DECEMBER 3, 2012 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Eskridge; Council Members: Camp, Carroll, Cook, Emery, 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**

CAMP Having been appointed to read the minutes of the City Council proceedings of November 19, 2012 reported having done so, found same correct. Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Schimek; NAYS: None.

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Chris Beutler came forward to present the Mayor's Award of Excellence for the month of October, 2012 to Dan Cain, Urban Development Manager for the Workforce Investment Program of the Urban Development Department, in the categories of Customer Relations and Productivity. Mr. Cain was nominated by David Landis, Director of Urban Development, for his outstanding leadership and management abilities. In addition to his regular responsibilities, he invested budget dollars, time and staff to implement the "Bringing Your 'A' Game to Work" component to the youth education and job training program. Dan's dedication to his job and his exemplary management skills have benefited clients, employers and the entire community.

Dallas McGee, Assistant Director of Urban Development, came forward to add that Dan always has the full support of his staff and has consistently outperformed other offices in the State.

Dan Cain came forward to humbly accept his award and stated that his performance is a reflection of the people he has worked with over the years.

**PUBLIC HEARING**

ANNEXATION NO. 12004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4.6 ACRES GENERALLY LOCATED AT SOUTH 84TH STREET AND AMBER HILL ROAD;

CHANGE OF ZONE 12027 - APPLICATION OF FOX HOLLOW, LLC, FOR A CHANGE OF ZONE FROM AGR AGRICULTURE RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND AMBER HILL ROAD;

SPECIAL PERMIT NO. 06001B - APPEAL OF RUSS KROMBERG FROM THE PLANNING COMMISSION APPROVAL OF AN AMENDMENT TO THE GRAND TERRACE COMMUNITY UNIT PLAN TO ADD 4.6 ACRES AND UP TO 31 ADDITIONAL DWELLING UNITS, WITH A WAIVER OF THE DESIGN STANDARDS FOR CUL-DE-SAC BULB RADIUS FROM 43.5' TO 30' ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND AMBER HILL ROAD - Mike Eckert, Civil Design Group, 8535 Executive Woods Dr., Ste. 200, came forward representing Fox Hollow, LLC. These three items are closely related. The area in question has been through several planning renditions in order to stay within the density requirements of the R-3 Zoning, to work around a high-pressure gas line in 84<sup>th</sup> Street, to deal with traffic issues, and to allow for a natural transition between the new, multi-family residences and the existing acreages.

In answer to Council questions, Mr. Eckert replied that they discussed several options in order to work with neighbors and to deal with traffic and topographical issues before deciding on this plan. He added that in the near future, there will be three connections to main roads, which will disperse traffic even more efficiently.

Russ Kromberg, 8201 Amber Hill Rd., came forward to state that they are not opposed to the development, but it will be intrusive to have the traffic and streetlights from 83<sup>rd</sup> Street directly at the end of their driveway. There is also no sidewalk or curb and gutter planned on the south side of Amber Hill Rd. Many people walk along this road and this will become a safety issue.

Mr. Eckert returned to address Mr. Kromberg's concerns. They worked extensively with Public Works and are under agreement that the developer is responsible for all improvements on the side of the street abutting their development. Improvements to the other side would be the responsibility of the current residents or future developers. Relocating the Kromberg's driveway so that it is not in direct line with the new street is possible, but it is not believed that it will have any mitigating impact.

Miki Esposito, Director of Public Works & Utilities, was on hand to answer questions.

Marvin Krout, Director of Planning, came forward to state that acreages in the growth areas of the City are discouraged because conflicts over design standards, density and traffic inevitably arise when attempting to retrofit areas for urban development; the population density in acreage areas cannot

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support the same level of infrastructure. Development in this area will continue due to its location, proximity to the main arterial, and the infrastructure that is already in place. Once there is turnover in the acreages on the south side of the street, improvements will be made at that time.

This matter was taken under advisement.

COMP. PLAN CONFORMANCE 12012 - DECLARING APPROXIMATELY 0.15 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF NORTH 20TH STREET AND O STREET, 0.59 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF SOUTH 20TH STREET AND N STREET, AND 0.23 ACRES OF PROPERTY GENERALLY LOCATED NORTHWEST OF SOUTH 21ST STREET AND M STREET AS SURPLUS PROPERTY - Terry Genrich, Parks & Recreation Department, came forward to answer questions. This is part of the Rock Island Trail where usage has transferred to the Antelope Wolff Trail approximately one block to the east.

This matter was taken under advisement.

RATIFYING AN ORDINANCE TO VACATE T, U AND V STREETS BETWEEN 8TH AND 9TH STREETS IN THE CITY OF LINCOLN, THE ALLEY EXTENDING THROUGH AND INTO BLOCKS 18, 9, AND 6 IN ORIGINAL LINCOLN AND BLOCK 14 IN NORTH LINCOLN, AND THE UNNAMED RIGHT-OF-WAY BETWEEN 8TH AND 9TH STREETS LYING BETWEEN WHAT WAS ORIGINALLY PLATTED AS BLOCK 14 OF NORTH LINCOLN AND BLOCK 6 OF ORIGINAL LINCOLN WHICH WAS PASSED FEBRUARY 15, 1886 AND REPUBLISHED IN THE GENERAL REVISED AND CONSOLIDATED ORDINANCE OF THE CITY OF LINCOLN, BEING ORDINANCE NO. 623, WHICH WAS PRINTED AND PUBLISHED IN BOOK AND PAMPHLET FORM IN THE CITY OF LINCOLN IN PURSUANCE OF THE PROVISIONS OF THE STATUTES OF THE STATE OF NEBRASKA AND THE ORDINANCE OF THE CITY OF LINCOLN, AND BY ORDER AND UNDER THE AUTHORITY OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LINCOLN - Rick Peo, Chief Assistant City Attorney, came forward to describe this is an ordinance to address a potential title defect that was discovered during a land exchange agreement between the West Haymarket Joint Public Agency and Star City Federal. It will clarify language from 1886 which vacated and conveyed a portion of land that has been utilized by Star City Federal for a number of years.

This matter was taken under advisement.

APPROVING A LICENSE AGREEMENT FOR PARKING BETWEEN THE CITY OF LINCOLN AND THE COMMUNITY HEALTH ENDOWMENT DESIGNATING FOUR PARKING SPACES IN THE UNION PLAZA PARKING LOT, GENERALLY LOCATED NORTH OF NORTH 21ST STREET AND Q STREET, FOR USE BY THE COMMUNITY HEALTH ENDOWMENT - Terry Genrich, Parks & Recreation Department, came forward to answer questions. There are over twenty stalls in this public lot which will serve the nearby play area on the east side. The designated areas will be used primarily during working hours.

This matter was taken under advisement.

AMENDING LINCOLN MUNICIPAL CODE §§ 2.02.050, 2.02.120 AND 2.02.065 TO TRANSFER THE RESPONSIBILITY AND MANAGEMENT OF THE EMERGENCY COMMUNICATION CENTER FROM THE FINANCE DEPARTMENT TO THE POLICE DEPARTMENT; AND BY AMENDING LINCOLN MUNICIPAL CODE §2.02.065 TO MAKE THE PUBLIC SAFETY DIRECTOR A PERMANENT POSITION;

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 - Tom Casady, Public Safety Director, came forward to state that this ordinance will move responsibility of the communications center from the Finance Department to the Police Department. Responding to approximately 80% of the calls, the Lincoln Police Department is by far the largest user of its services. The communications center is physically located in the same facility. There is little in common between the functions of the call center and the Finance Department. Traditionally, the County has payed 4% of operating costs. After lengthy negotiations, they will now pay 8%.

In answer to Council questions, Mr. Casady replied that the call center is under Finance today due to a merging of three communication centers that occurred in 1979. He confirmed that the County Board has already approved the Interlocal Agreement. At the request of Council, Mr. Casady described his current job duties and the importance of having common management over the entire public safety sector, which employs approximately 760 individuals and makes up half of the general tax-funded budget. The addition of his position occurred at no cost to taxpayers. Though the cultures of the Police and Fire Departments are different, there is some overlap in the types of services they provide; therefore, it is important that they are trained to interoperate effectively. Some potential upcoming projects include the relocation of four fire stations, a new Police/Fire station to serve the southeast portion of Lincoln, and the widespread use of alternate response vehicles.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE HEALTH DEPARTMENT'S AIR QUALITY PROGRAM 105 WORKPLAN TO EXTEND THE TERM UNTIL DECEMBER 31, 2012 - Council Member Gene Carroll made a Motion to Delay with continued Public Hearing one week to December 10, 2012. Council voted on the Motion.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, AND LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS FOR WIRELESS VOICE SERVICE, WIRELESS BROADBAND SERVICE, ACCESSORIES AND EQUIPMENT PURSUANT TO STATE OF NEBRASKA CONTRACT NUMBER 53233 04 FOR A FOUR YEAR TERM - Bob Walla, Assistant Purchasing Agent, was on hand to answer questions.

This matter was taken under advisement.

APPROVING THE AMENDMENT TO EACH OF THE AGREEMENTS FOR THE ANNUAL REQUIREMENTS FOR IN-HOME SUPPORTIVE SERVICES FOR THE ELDERLY, PURSUANT TO BID NO. 10-181, BETWEEN THE CITY OF LINCOLN AND TABITHA HOME CARE SPECIALTIES, THE CITY OF LINCOLN AND ARCADIA HEALTH CARE, AND THE CITY OF LINCOLN AND ELITE PROFESSIONALS HOME CARE COMPANY FOR ADDITIONAL TWO YEAR TERMS - June Pedersen, Director of Aging Partners, came forward to describe the renewal of this contract that was initiated in 2010. It provides services from three in-home care agencies for people who are just above the poverty level. Households are required to be less than 300% of poverty for income and most are far less than that, but they are still above the level that would qualify them for any other programs. This program provides a partial payment to contracted agencies for services such as housekeeping or personal care, and the client pays a portion based on what they can afford. The contract has been rebid in order to secure the most competitive rate for these services.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND PEPSI-COLA OF LINCOLN FOR THE ANNUAL REQUIREMENTS FOR CITY OF LINCOLN BEVERAGE AND SNACK VENDING SERVICES, PURSUANT TO RFP BID NO. 12-183 FOR A FIVE YEAR TERM WITH AN OPTION TO RENEW FOR ONE ADDITIONAL FIVE YEAR TERM - Bob Walla, Assistant Purchasing Agent, came forward to state that this contract is for both vending and beverage services for the Parks Division and all City vending machines. The City receives commissions based on the amount sold per year. That money is then distributed to various departments. Based on numbers from the previous year, it is estimated the City will received approximately \$47,000. Purchasing put significant time into making price comparisons to make sure costs were competitive. This is an exclusive contract.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND HOUCK TRANSIT ADVERTISING FOR THE ANNUAL REQUIREMENTS FOR TRANSIT ADVERTISING SERVICES, PURSUANT TO RFP NO. 12-237 FOR A FIVE YEAR TERM - Bob Walla, Assistant Purchasing Agent, was on hand to answer questions.

This matter was taken under advisement.

APPROVING A PRELIMINARY ENGINEERING AND NATIONAL ENVIRONMENTAL POLICY ACT SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE SCHEMMER ASSOCIATES TO ESTABLISH VARIOUS DUTIES AND FUNDING RESPONSIBILITIES FOR A FEDERAL AID PROJECT FOR CITY PROJECT NO. 702671, A SAFETY PROJECT AT NORTH 14TH STREET AND THE EASTBOUND OFF-RAMP TO U.S. HIGHWAY 6 - Craig Aldridge, Public Works & Utilites, came forward to answer questions. This agreement is for the northbound to eastbound ramp on Cornhusker Highway. Construction will likely begin in 2015.

This matter was taken under advisement.

APPROVING A PRELIMINARY ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE SCHEMMER ASSOCIATES TO ESTABLISH VARIOUS DUTIES AND FUNDING RESPONSIBILITIES FOR A FEDERAL AID PROJECT FOR THE LINCOLN STONEBRIDGE TRAIL PROJECT, NDOR NO. ENH-55(177), CONTROL NO. 13213, GENERALLY LOCATED NEAR 14TH STREET AND ALVO ROAD - Terry Genrich, Parks & Recreation Department, was on hand to answer questions.

This matter was taken under advisement.

WAIVER NO. 12020 - APPEAL OF MARC SCHNIEDERJANS ON BEHALF OF HAMANN MEADOWS TOWNHOMES, LLC FROM THE PLANNING COMMISSION DENIAL OF THEIR REQUEST TO WAIVE THE REQUIREMENT OF §26.23.125 OF THE LAND SUBDIVISION ORDINANCE FOR PEDESTRIAN WAY ASSOCIATED WITH A BLOCK LENGTH IN EXCESS OF 1,000 FEET ON PROPERTY GENERALLY LOCATED BETWEEN CRYSTAL COURT AND DIAMOND COURT APPROXIMATELY ONE BLOCK NORTHEAST OF THE INTERSECTION OF PIONEERS BLVD. AND SOUTH 76TH STREET - Mark Schniederjans, 7521 Crystal Court, Hamann Meadows Townhomes, came forward to explain the reasons for this appeal. The sidewalk in question is not needed or wanted by the neighborhood, and it is creating a perceived safety threat. The nearby bike trail is still easily accessible by all residents of this area. 90% of residents who responded via petition and during HOA meetings indicated that they wanted the sidewalk removed. Surrounding subdivisions also indicated that they would have no issue with it being removed. The homes that back to the sidewalk have many windows. Interiors are easily visible from the sidewalk to any who might intend to cause mischief or harm.

In answer to Council questions, Mr. Schniederjans confirmed that he will pay for the removal of the sidewalk. He agreed that the sidewalk must have been included in the preliminary plat, but for unknown reasons, no one that he spoke with was made aware of it. If his appeal is denied, his alternative would be to build fencing. The neighborhood might decide to install a "cattle chute" style fence on either side of the walkway. Being a newer development, there is currently no landscaping in place to offer privacy. If the sidewalk were removed, the area would still be a common area that anyone could access; however, it would not be as inviting to strangers.

Nancy Reissig, 3842 S. 76<sup>th</sup> St., came forward to express her concerns for the safety of children, pedestrians and bicyclers using this narrow sidewalk.

Jo Tetherow, 3118 Shirley Ct., came forward to state that building fences would be more of an eyesore and safety hazard than the sidewalk and she suggested alternatives.

Marvin Krout, Director of Planning, came forward to answer Council questions. He explained that there are two documents involved; the CUP shows the trail at this location, and the plat shows the public access easement. These documents have been available from the beginning. If the sidewalk were removed, the City would most likely release the easement since it would no longer serve a public purpose. He confirmed that any new developer should have been cognizant of the sidewalk requirements because they would have been listed in the performance bond. Statistics indicate that there is no increase in crime along trails and pedestrian ways. The bike trail is even closer to abutting properties than this sidewalk. "Cattle chute" fencing would do more to negatively affect property values. Given time, most residents in neighborhoods with these types of connective paths find them to be an amenity. It would be the decision of the Council to allow this sidewalk to be removed. Planning looks at the layout of subdivisions as something that will last for generations and be functional as development continues in the area.

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 NOVEMBER 19, 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, DECEMBER 17TH, 2012 AT 5:30 P.M. FOR THE APPLICATION OF BBQ LUCK, LLC DBA LUCKIE'S LOUNGE & BBQ FOR A CLASS C LIQUOR LICENSE LOCATED AT 5250 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87106 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 17, 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 BBQ Luck, LLC dba Luckie's Lounge & BBQ Class C liquor license located at 5250 Cornhusker Highway.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 17TH, 2012 AT 5:30 P.M. FOR THE APPLICATION OF B & R STORES, INC. DBA SUPER SAVER #27 FOR A CLASS C LIQUOR LICENSE LOCATED AT 840 FALL BROOK BOULEVARD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87107 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 17, 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 B & R Stores, Inc. dba Super Saver #27 Class C liquor license located at 840 Fall Brook Boulevard.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 17TH, 2012 AT 5:30 P.M. FOR THE APPLICATION OF SAM'S WEST, INC. DBA SAM'S CLUB 4873 FOR A CLASS C LIQUOR LICENSE LOCATED AT 8480 ANDERMATT DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87108 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 17, 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 Sam's West, Inc. dba Sam's Club 4873 Class C liquor license located at 8480 Andermatt Drive.

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

Introduced by Jon Camp

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

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 12021 requested by Interstate Land, LLC., Interstate Land Planned Unit Development, from I-1 Industrial District to R-3 Residential District Planned Unit Development, on property legally described as Lot 44, 94 and 95 I.T., located in the SW 1/4 of Section 15 and Lot 38 I.T. and a portion of Lot 49 I.T., located in the SE 1/4 of Section 16-10-6, Lancaster County, Nebraska, generally located at NW 12<sup>th</sup> Street and Cornhusker Highway; for a Planned Unit Development District designation of said property; and for approval of a development plan which proposes a waiver of block length design standard and to allow information accompanying a preliminary plat to be submitted with a future administrative amendment. To develop a campground, multi-family residential and any use allowed in the I-1 District.

Change of Zone No. 12029 - requested by Continuum Partners, LLC., Ascentia Planned Unit Development, for a change of zone from H-3 Highway Commercial District and R-2 Residential District to R-3 Residential District PUD, on property legally described as Lots 82, 92 & 94 I.T. and Lots 88, 104-110 and the west 52' of Lot 103, Woods Brothers North Acres, located in the NW 1/4 of Section 14-10-6, Lancaster County, Nebraska, generally located at N. 1<sup>st</sup> Street and Cornhusker Highway; for a Planned Unit Development District designation of said property; and for approval of a development plan which proposes modifications to the Zoning Ordinance and Land Subdivision Ordinance to allow 391,100 sq. ft. commercial floor area, a hotel and 450 dwelling units on the underlying R-3 zoned area.

Change of Zone No. 12036 - requested by Kevin Rhinehart, to designate the Miles Wheeler House as a Historic Landmark, on property legally described as Lot 4, Block 8, Capitol Addition, located in the SW 1/4 of Section 25-10-6, Lancaster County, Nebraska, generally located at S. 17<sup>th</sup> Street & D Street (1717 D Street).

Special Permit No. 12035 - requested by Everett Industrial Building Corporation DBA Sadoff Iron & Metals Company, for a scrap and salvage processing operation, on property legally described as an 11.09 acre tract in the NW 1/4 of the NE 1/4 and a portion of Lot 13 I.T., all located in the NE 1/4 of Section 6-10-6, Lancaster County, Nebraska, generally located at NW 48<sup>th</sup> Street and W. Cuming Street (4400 W. Webster Street). The Planning Commission action is final action, unless appealed to the City Council.

Special Permit No. 12037 - requested by Kevin Rhinehart, for Historic Preservation of the Miles Wheeler House for use of the premises as three residential dwelling units, on property legally described as Lot 4, Block 8, Capitol Addition, located in the SW 1/4 of Section 25-10-6, Lancaster County, Nebraska, generally located at S. 17<sup>th</sup> Street & D Street (1717 D Street). The Planning Commission action is final action, unless appealed to the City Council.

**MISCELLANEOUS REFERRALS - NONE**

**LIQUOR RESOLUTIONS - NONE**

**ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

ANNEXATION NO. 12004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4.6 ACRES GENERALLY LOCATED AT SOUTH 84TH STREET AND AMBER HILL ROAD (RELATED ITEMS: 12-142, 12-143, 12R-281) (ACTION DATE: 12/10/12) - CLERK read an ordinance, introduced by DiAnna Schimek, amending the Lincoln Corporate Limits Map by annexing approximately 4.6 acres generally located at South 84th Street and Amber Hill Road, the second time.

CHANGE OF ZONE 12027 - APPLICATION OF FOX HOLLOW, LLC, FOR A CHANGE OF ZONE FROM AGR AGRICULTURE RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND AMBER HILL ROAD (RELATED ITEMS: 12-142, 12-143, 12R-281) (ACTION DATE: 12/10/12) - CLERK read an ordinance, introduced by DiAnna Schimek, for the application of Fox Hollow, LLC, for a change of zone from AGR Agriculture Residential District to R-3 Residential District on property generally located at South 84th Street and Amber Hill Road, the second time.

SPECIAL PERMIT NO. 06001B - APPEAL OF RUSS KROMBERG FROM THE PLANNING COMMISSION APPROVAL OF AN AMENDMENT TO THE GRAND TERRACE COMMUNITY UNIT PLAN TO ADD 4.6 ACRES AND UP TO 31 ADDITIONAL DWELLING UNITS, WITH A WAIVER OF THE DESIGN STANDARDS FOR CUL-DE-SAC BULB RADIUS FROM 43.5' TO 30' ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND AMBER HILL ROAD. (RELATED ITEMS: 12-142, 12-143, 12R-281) (ACTION DATE: 12/10/12)

COMP. PLAN CONFORMANCE 12012 - DECLARING APPROXIMATELY 0.15 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF NORTH 20TH STREET AND O STREET, 0.59 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF SOUTH 20TH STREET AND N STREET, AND 0.23 ACRES OF PROPERTY GENERALLY LOCATED NORTHWEST OF SOUTH 21ST STREET AND M STREET AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by DiAnna Schimek, declaring approximately 0.15 acres of property generally located southeast of North 20th Street and O Street, 0.59 acres of property generally located northeast of South 20th Street and N Street, and 0.23 acres of property generally located northwest of South 21st Street and M Street as surplus property, the second time.

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VACATION 12008 - VACATING A PORTION OF SOUTH 38TH STREET RIGHT-OF-WAY, GENERALLY LOCATED AT SOUTH 38TH STREET AND SOUTH STREET - CLERK read an ordinance, introduced by DiAnna Schimek, vacating a portion of South 38th Street south of South Street from the northeast corner of Lot 5, Woods Bros. Half Acres Addition south a distance of 63.06 feet along the west right-of-way line of 38th Street to a point, thence southeasterly to a point on the east right-of-way line of 38th Street, 96.27 feet south of the northeast corner of Lot 4, Woods Bros. Half Acres Addition, thence north along the east right-of-way line of South 38th Street to the south line of South Street, and also a triangular tract in the northwest corner of Lot 4, Woods Bros. Half Acres Addition; generally located at South 38th Street and South Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

RATIFYING AN ORDINANCE TO VACATE T, U AND V STREETS BETWEEN 8TH AND 9TH STREETS IN THE CITY OF LINCOLN, THE ALLEY EXTENDING THROUGH AND INTO BLOCKS 18, 9, AND 6 IN ORIGINAL LINCOLN AND BLOCK 14 IN NORTH LINCOLN, AND THE UNNAMED RIGHT-OF-WAY BETWEEN 8TH AND 9TH STREETS LYING BETWEEN WHAT WAS ORIGINALLY PLATTED AS BLOCK 14 OF NORTH LINCOLN AND BLOCK 6 OF ORIGINAL LINCOLN WHICH WAS PASSED FEBRUARY 15, 1886 AND REPUBLISHED IN THE GENERAL REVISED AND CONSOLIDATED ORDINANCE OF THE CITY OF LINCOLN, BEING ORDINANCE NO. 623, WHICH WAS PRINTED AND PUBLISHED IN BOOK AND PAMPHLET FORM IN THE CITY OF LINCOLN IN PURSUANCE OF THE PROVISIONS OF THE STATUTES OF THE STATE OF NEBRASKA AND THE ORDINANCE OF THE CITY OF LINCOLN, AND BY ORDER AND UNDER THE AUTHORITY OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LINCOLN - CLERK read an ordinance, introduced by DiAnna Schimek, ratifying an ordinance to vacate T, U and V Streets between 8th and 9th Streets in the City of Lincoln, the alley extending through and into Blocks 18, 9 and 6 in Original Lincoln and Block 14 in North Lincoln, and the unnamed right-of-way between 8th and 9th Streets lying between what was originally platted as Block 14 of North Lincoln and Block 6 of Original Lincoln which was passed February 14, 1886 and in 1908 was republished in the general revised and consolidated ordinance of the City of Lincoln, being Ordinance No. 623, which was printed and published in book and pamphlet form in the City of Lincoln in pursuance of the provisions of the statutes of the State of Nebraska and the ordinance of the City of Lincoln, and by order and under the authority of the Mayor and City Council of the City of Lincoln, the second time.

APPROVING A LICENSE AGREEMENT FOR PARKING BETWEEN THE CITY OF LINCOLN AND THE COMMUNITY HEALTH ENDOWMENT DESIGNATING FOUR PARKING SPACES IN THE UNION PLAZA PARKING LOT, GENERALLY LOCATED NORTH OF NORTH 21ST STREET AND Q STREET, FOR USE BY THE COMMUNITY HEALTH ENDOWMENT - CLERK read an ordinance, introduced by DiAnna Schimek, accepting and approving the License Agreement between the City of Lincoln, Nebraska and the Community Health Endowment to designate four parking spaces in the Union Plaza parking lot generally located north of North 21st Street and Q Street for use by the Community Health Endowment, the second time.

AMENDING LINCOLN MUNICIPAL CODE §§ 2.02.050, 2.02.120 AND 2.02.065 TO TRANSFER THE RESPONSIBILITY AND MANAGEMENT OF THE EMERGENCY COMMUNICATION CENTER FROM THE FINANCE DEPARTMENT TO THE POLICE DEPARTMENT; AND BY AMENDING LINCOLN MUNICIPAL CODE §2.02.065 TO MAKE THE PUBLIC SAFETY DIRECTOR A PERMANENT POSITION (RELATED ITEMS 12-149, 12R-194) - CLERK read an ordinance, introduced by amending Section 2.02.050 and 2.02.120 of the Lincoln Municipal Code to reassign the Emergency Communications Division from the Finance Department to the Police Department; amending Section 2.02.065 to delete reference to the Emergency Communications Division Manager and to eliminate the expiration date of the Public Safety Director position; authorizing the transfer of remaining appropriations for the Emergency Communications Division from the Finance Department to the Police Department; repealing Sections 2.02.050, 2.02.065 and 2.02.120 of the Lincoln Municipal Code as hitherto existing, the second time.

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) (9/24/12 - CON'T P.H. TO 10/8/12) (10/8/12 - INDEFINITE PENDING W/CON'T FUTURE P.H.) (11/19/12 -REQUEST TO REMOVE FROM PENDING FOR PUBLIC HEARING ON 12/3/12) (RELATED ITEMS: 12-149, 12R-194)

**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 NOVEMBER 1 - 15, 2012 - CLERK read the following resolutions, introduced by DiAnna Schimek, who moved its adoption for approval:

A-87109 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 November 15, 2012, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the

City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>	<u>ALLOWED/SETTLED CLAIMS</u>	
None	Marcella Barber	\$2,250.00
	Farmers Mutual of Nebraska	
	a/s/o Christopher & Michelle Dimmitt	3,368.88
	Stuart Hall	2,303.44
	Clorissa Lee	825.24

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by DiAnna Schimek

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

APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE HEALTH DEPARTMENT'S AIR QUALITY PROGRAM 105 WORKPLAN TO EXTEND THE TERM UNTIL DECEMBER 31, 2012 - PRIOR to reading:

CARROLL Moved to Delay Action one week with continued Public Hearing to December 10, 2012.

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, AND LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS FOR WIRELESS VOICE SERVICE, WIRELESS BROADBAND SERVICE, ACCESSORIES AND EQUIPMENT PURSUANT TO STATE OF NEBRASKA CONTRACT NUMBER 53233 04 FOR A FOUR YEAR TERM - CLERK read the following resolutions, introduced by DiAnna Schimek, who moved its adoption for approval:

A-87110 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contact Agreement between the City of Lincoln, Lancaster County, and Lincoln-Lancaster County Public Building Commission and Cellco Partnership d/b/a Verizon Wireless for Wireless Voice Service, Wireless Broadband Service, Accessories and Equipment pursuant to State of Nebraska Contract Number 53233 04 for a four year term, upon the terms as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by DiAnna Schimek

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

APPROVING THE AMENDMENT TO EACH OF THE AGREEMENTS FOR THE ANNUAL REQUIREMENTS FOR IN-HOME SUPPORTIVE SERVICES FOR THE ELDERLY, PURSUANT TO BID NO. 10-181, BETWEEN THE CITY OF LINCOLN AND TABITHA HOME CARE SPECIALTIES, THE CITY OF LINCOLN AND ARCADIA HEALTH CARE, AND THE CITY OF LINCOLN AND ELITE PROFESSIONALS HOME CARE COMPANY FOR ADDITIONAL TWO YEAR TERMS - CLERK read the following resolutions, introduced by DiAnna Schimek, who moved its adoption for approval:

A-87111 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the three attached Amendments to Agreements for Annual Requirements for In-Home Supportive Services for the Elderly between the City of Lincoln and Tabitha Home Care Specialties, Arcadia Health Care, and Elite Professionals Home Care Company, pursuant to Bid No. 10-181, for additional two-year terms, upon the terms as set forth in said Amendments to Agreements, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by DiAnna Schimek

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND PEPSI-COLA OF LINCOLN FOR THE ANNUAL REQUIREMENTS FOR CITY OF LINCOLN BEVERAGE AND SNACK VENDING SERVICES, PURSUANT TO RFP BID NO. 12-183 FOR A FIVE YEAR TERM WITH AN OPTION TO RENEW FOR ONE ADDITIONAL FIVE YEAR TERM - CLERK read the following resolutions, introduced by DiAnna Schimek, who moved its adoption for approval:

A-87112 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract Agreement between the City of Lincoln and Pepsi-Cola of Lincoln for the annual requirements for City of Lincoln Beverage and Snack Vending Services, pursuant to Bid No. 12-183 for a five year term with an option to renew for one additional five year term, upon the terms as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by DiAnna Schimek

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

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APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND HOUCK TRANSIT ADVERTISING FOR THE ANNUAL REQUIREMENTS FOR TRANSIT ADVERTISING SERVICES, PURSUANT TO RFP NO. 12-237 FOR A FIVE YEAR TERM - CLERK read the following resolutions, introduced by DiAnna Schimek, who moved its adoption for approval:

A-87113 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the attached Contract Agreement between the City of Lincoln and Houck Transit Advertising for the annual requirements for Transit Advertising Services, pursuant to RFP No. 12-237 for a five year term, upon the terms as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by DiAnna Schimek

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

APPROVING A PRELIMINARY ENGINEERING AND NATIONAL ENVIRONMENTAL POLICY ACT SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE SCHEMMER ASSOCIATES TO ESTABLISH VARIOUS DUTIES AND FUNDING RESPONSIBILITIES FOR A FEDERAL AID PROJECT FOR CITY PROJECT NO. 702671, A SAFETY PROJECT AT NORTH 14TH STREET AND THE EASTBOUND OFF-RAMP TO U.S. HIGHWAY 6 - CLERK read the following resolutions, introduced by DiAnna Schimek, who moved its adoption for approval:

A-87114 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the attached Preliminary Engineering and National Environmental Policy Act Services Agreement between the City of Lincoln and the Schemmer Associates to establish various duties and funding responsibilities for a Federal Aid Project for City Project No. 702671, Safety Project at North 14th Street and the eastbound off-ramp to U.S. Highway 6, NDOR Project No. HSIP-5227(7), Control No. 12944, in accordance with the terms and conditions contained in said Agreement, 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 return the executed copies of the Agreement to Craig Aldridge, Engineering Services Division of the Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by DiAnna Schimek

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

APPROVING A PRELIMINARY ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE SCHEMMER ASSOCIATES TO ESTABLISH VARIOUS DUTIES AND FUNDING RESPONSIBILITIES FOR A FEDERAL AID PROJECT FOR THE LINCOLN STONEBRIDGE TRAIL PROJECT, NDOR NO. ENH-55(177), CONTROL NO. 13213, GENERALLY LOCATED NEAR 14TH STREET AND ALVO ROAD - CLERK read the following resolutions, introduced by DiAnna Schimek, who moved its adoption for approval:

A-87115 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the attached Preliminary Engineering Services Agreement between the City of Lincoln and the Schemmer Associates to establish various duties and funding responsibilities for a Federal Aid Project for the Lincoln Stonebridge Trail Project, NDOR No. ENH-55(177), Control No. 13213, generally located near 14th Street and Alvo Road, in accordance with the terms and conditions contained in said Agreement, 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 return the executed copies of the Agreement to Terry Genrich, Parks and Recreation Department, for transmittal and execution by the State Department of Roads.

Introduced by DiAnna Schimek

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

WAIVER NO. 12020 - APPEAL OF MARC SCHNIEDERJANS ON BEHALF OF HAMANN MEADOWS TOWNHOMES, LLC FROM THE PLANNING COMMISSION DENIAL OF THEIR REQUEST TO WAIVE THE REQUIREMENT OF §26.23.125 OF THE LAND SUBDIVISION ORDINANCE FOR PEDESTRIAN WAY ASSOCIATED WITH A BLOCK LENGTH IN EXCESS OF 1,000 FEET ON PROPERTY GENERALLY LOCATED BETWEEN CRYSTAL COURT AND DIAMOND COURT APPROXIMATELY ONE BLOCK NORTHEAST OF THE INTERSECTION OF PIONEERS BLVD. AND SOUTH 76TH STREET - CLERK read the following resolutions, introduced by DiAnna Schimek, who moved its adoption for approval:

A-87116 WHEREAS, Hamann Meadows 1st Addition, generally located northeast of South 76th Street and Pioneers Boulevard was previously approved by the City of Lincoln; and

WHEREAS, pursuant to the Land Subdivision Ordinance a pedestrian way is required to be provided when a block length exceeds 1,000 feet in length; and

WHEREAS, pursuant to said requirement a pedestrian sidewalk was required to be installed in Outlot A generally located between Crystal and Diamond Courts approximately one block northeast of the intersection of Pioneers Blvd. and South 76th Street as a condition of approval for Hamann Meadows 1st Addition; and

WHEREAS, Hamann Meadows Townhomes, LLC, owner of Outlot A, Hamann Meadows 1st Addition, has requested a modification of the Land Subdivision Ordinance to waive said requirement, pursuant to § 26.31.010 of the Lincoln Municipal Code; and



WHEREAS, on October 17, 2012 the Planning Commission held a public hearing on said request and denied the waiver; and

WHEREAS, on October 29, 2012 the applicant filed a notice of appeal appealing the action of the Planning Commission denying the requested waiver; and

WHEREAS, pursuant to Lincoln Municipal Code § 26.31.010(g)(2) the action appealed from is deemed advisory and the City Council is authorized to take final action on the requested waiver; and

WHEREAS, the City Council finds that the strict application of the requirement that a pedestrian way be located in Outlot A, Hamann Meadows 1st Addition, would not result in actual difficulties or substantial hardship or injustice to the property owner.

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

That the requested waiver of the requirement of the Land Subdivision Ordinance that a pedestrian way sidewalk be installed in Outlot A in Hamann Meadows 1st Addition, is hereby denied.

Introduced by DiAnna Schimek

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

**ORDINANCE - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required) - NONE**

**RESOLUTIONS - ACTION ONLY**

ADOPTING THE LES RATE SCHEDULES PROVIDING FOR A SYSTEM AVERAGE RATE INCREASE OF 2.6%, EFFECTIVE JANUARY 1, 2013 - PRIOR to reading:

CAMP Moved to MTA#1 to amend Bill No. 12R-267 in the following manner:

1. On page 1, line 13, after the word "rates;" insert the words however, a majority of the City Council has concluded that necessary services can be provided to ratepayers at a level of revenue which is decreased by \$2 million, thereby requiring a lesser rate increase;

2. On page 1, line 18, delete the following language, "the justification for said rates and charges has been demonstrated and therefore said rates" and insert in lieu thereof the following, a lesser rate increase than proposed by the Administrative Board of Lincoln Electric System.

3. On page 2, line 3, after the date "January 1, 2013," delete the words "the attached 'Rate Schedules'" and insert in lieu thereof, Lincoln Electric System is directed to implement Rate Schedules.

4. On page 2, line 5, after the words "Lincoln Electric System" insert the following language, which results in a system average increase of 1.8 percent, which rate schedule.

Seconded by Emery and **LOST** by the following vote: AYES: Camp, Emery; NAYS: Carroll, Cook, Eskridge, Schimek.

CAMP Moved to MTA#2 to amend Bill No. 12R-267 in the following manner:

1. On page 1, line 13, after the word "rates;" insert the words however, a majority of the City Council has concluded that necessary service can be provided to ratepayers at a lower level of revenue necessitating a lower system average rate increase which is reduced by an amount commensurate to the amount of variance between the 2012 budgeted net revenue and 2012 actual net revenue, based on the 2012 final year-end financial statement;

2. On page 1, line 18, delete the following language, "justification for said rates and charges has been demonstrated and therefore said rates" and insert in lieu thereof the following, rate proposed by the Administrative Board of Lincoln Electric System should be reduced by an amount commensurate to the amount of variance between the 2012 budgeted net revenue and 2012 actual net revenue, based on the 2012 final year-end financial statement.

3. On page 2, line 3, after the word "effective" delete the words "January 1, 2013, the attached 'Rate Schedules'" and insert in lieu thereof, March 1, 2013, Lincoln Electric System is directed to implement Rate Schedules.

4. On page 2, line 4, after the word "effective" delete the date "January 1" and insert in lieu thereof the following, March 1.

5. On page 2, line 5, after the words "Lincoln Electric System" insert the following language, which reduce the amount of the system average rate increase proposed by the LES Administrative Board by an amount commensurate to the amount of variance between the 2012 budgeted net revenue and 2012 actual net revenue, based on the 2012 final year-end financial statement, less an amount to compensate for the delay in implementing the rate increase on March 1, 2013 rather than January 1, 2013, which adjusted amount shall be implemented by a deposit of the net revenue variance into the Rate Stabilization Fund in 2012 and a corresponding withdrawal in the same amount from the Rate Stabilization Fund in 2013 to effectuate the reduction in the 2013 system average rate increase; which rate schedules.

6. On page 2, line 5, delete the word "is" and insert in lieu thereof the following, are.

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EMERY            Seconded.  
CAMP             Stated For the Record:

"I have to clarify, and I told Mr. Carroll this before the meeting, I also met with the big-rate payers, that group. And that was why my 2nd amendment came out; that represented what they wanted. They said, yes, leave it to see what the surplus is, but they did not say to just leave it up to the Board without any direction, because there is no direction. The Board is just going to put it toward the Rate-Stabilization Fund. So my amendment before you represents what the large-users would prefer."

FINAL VOTE: **LOST** by the following vote: AYES: Camp, Emery; NAYS: Carroll, Cook, Eskridge, Schimek.

CLERK            Read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-87117         WHEREAS, rate schedules for the use and services of Lincoln Electric System of the City of Lincoln, including the electric energy sold, furnished or supplied by said City of Lincoln, Nebraska, have been established by resolution from time to time, the last one being Resolution No. A-86644, adopted by the City Council on December 12, 2011 and approved by the Mayor on December 15, 2011; and

WHEREAS, the Administrative Board of the Lincoln Electric System has recommended to the City Council of the City of Lincoln, Nebraska, that the document entitled, "Rate Schedules", for rates effective January 1, 2013, which is attached hereto and fully incorporated herein, be adopted for the use of Lincoln Electric System and the provision of services to ratepayers in the service area of Lincoln Electric System; and

WHEREAS, the rate recommendation demonstrating the justification for a system average increase of 2.6 percent to be effective January 1, 2013 complies with the City of Lincoln's Bond Ordinance for Lincoln Electric System regarding rates; and

WHEREAS, LES staff provided extensive customer information and outreach on the proposed 2013 rates, including a public hearing that was held on October 23, 2012, at 7:00 p.m. at the Walter A. Canney Service Center, 2620 Fairfield St.; and

WHEREAS, it is evident to the City Council of the City of Lincoln, Nebraska, that the justification for said rates and charges has been demonstrated and therefore said rates should be adopted.

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

That effective January 1, 2013, the attached "Rate Schedules" for rates effective January 1, 2013, for the use of Lincoln Electric System and the provision of services to ratepayers in the service area of Lincoln Electric System is hereby established and adopted.

BE IT FURTHER RESOLVED that, although Governmental Accounting Standards Board (GASB) Statement Number 65 will require debt issuance costs to be expensed in the current period for financial statement ending December 31, 2013, LES proposed to continue to amortize those costs over the life of the related debt. The costs will be amortized as allowed under GASB Statement Number 62 to utilize which, among other things, allows special accounting or amortization of certain expenses subject to certain requirements, including a plan to recover such costs through future rates and regulatory body approval.

BE IT FURTHER RESOLVED that Resolution No. A-86644, adopted on December 12, 2011, is hereby superseded by this Resolution effective January 1, 2013.

Introduced by Doug Emery

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

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2013, TO BECOME EFFECTIVE JANUARY 1, 2013 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87118         WHEREAS, under the provisions of Section 4.24.090 of the Lincoln Municipal Code, a proposed annual budget for the operation of the Lincoln Electric System (LES) for 2013 was approved by the LES Administrative Board at a special Board meeting on October 30, 2012; and

WHEREAS, pursuant to the above-cited code section, a public hearing on the proposed budget was held on October 23, 2012, notice thereof having been published in one issue of the Lincoln Journal Star newspaper published and of general circulation in the City more than five (5) days before such hearing.

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

1. That pursuant to the provisions of Section 4.24.090 of the Lincoln Municipal Code, the Lincoln Electric System Annual Budget for the fiscal year beginning January 1, 2013, is hereby adopted, and all funds listed therein are hereby appropriated for the several purposes therein stated.

2. That all money received and any of the aforesaid funds in excess of the estimated balances and receipts set forth in said budget shall be credited to the surplus of such funds.

3. That all monies received and set apart for the operation and maintenance of the Lincoln Electric System and all monies received from any source that are required to be applied to the costs of said operation and maintenance, shall be deposited in the appropriate operation and maintenance account, and paid out upon the order of those persons designated by the LES Administrative Board.

4. That LES is authorized to utilize Governmental Accounting Standards Board (GASB) Statement Number 62 to amortize debt issuance costs over the life of the related debt.

5. That by adoption of the Capital Budget, the City Council hereby authorizes the acquisition of all necessary right-of-way, easements, or other interests in land, by purchase if possible, by condemnation if necessary, for those projects included within the Capital Budget.

6. That, to the extent capital improvements of LES are made from LES revenue and other funds, it is intended that the amount of such expenditures, which is not reasonably expected to exceed \$95 million shall be reimbursable to the LES revenue and other funds through the issuance of future electric system revenue bonds, there being no funds of LES or the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to such expenditures, other than pursuant to the issuance of such electric system revenue bonds, this Resolution being determined to be consistent with the budgetary and financial circumstances of LES and the City as they exist or are reasonably foreseeable on the date hereof. The proper officers of LES shall keep and maintain records at least annually to determine the amount of such excess capital expenditures that may be reimbursed from electric system revenue bond proceeds.

7. There is hereby appropriated all money received from any source as grants or donations received for public purposes.

Introduced by Doug Emery

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

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

REPEALING ORDINANCE NO. 18002, PASSED ON JUNE 3, 2002, ESTABLISHING A VOLUNTARY UTILITY BILLING DONATION PROGRAM BY USERS OF ELECTRICITY FURNISHED BY THE LINCOLN ELECTRIC SYSTEM, KNOWN AS LINCOLN CARES - CLERK read an ordinance, introduced by Jon Camp, repealing Ordinance No. 18002, passed on June 3, 2002, establishing the voluntary utility billing donation program with Lincoln Electric System, known as the Lincoln Cares program. The Lincoln Cares program will be modified and continued under an Executive Order, the first time.

ANNEXATION NO. 12006 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 100 ACRES GENERALLY LOCATED AT NORTH 84TH STREET AND HAVELOCK AVENUE - 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 first time.

CHANGE OF ZONE NO. 04075D - APPLICATION OF VILLAGE GARDENS DEVELOPMENT COMPANY, LLC, TO AMEND THE VILLAGE GARDENS PLANNED UNIT DEVELOPMENT TO EXPAND THE AREA BY APPROXIMATELY TWO ACRES; FOR A CHANGE OF ZONE FROM AG AGRICULTURE DISTRICT TO R-3 RESIDENTIAL DISTRICT PUD ON A PORTION OF OUTLOT F, VILLAGE MEADOWS 3RD ADDITION; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR A DEVELOPMENT PLAN WITH MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW SINGLE FAMILY RESIDENTIAL DWELLINGS IN THE UNDERLYING R-3 ZONED AREA GENERALLY LOCATED AT SOUTH 62<sup>ND</sup> STREET AND BLANCHARD BOULEVARD - CLERK read an ordinance, introduced by Jon Camp, 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 first time.

**TECHNICAL AMENDMENTS ORDINANCE** AMENDING CHAPTER 2.02 OF THE LINCOLN MUNICIPAL CODE RELATING TO GOVERNMENTAL ORGANIZATION, CHAPTER 2.14 RELATING TO CITY AUDITOR, AND CHAPTER 2.56 RELATING TO RESTRICTIONS ON PARTICIPATION IN LOTTERIES BY AMENDING SECTION 2.02.050, THE TITLE OF CHAPTER 2.14, AND SECTIONS 2.14.010, 2.14.020, 2.14.030, 2.14.040, 2.14.050, 2.14.060, 2.14.070, 2.14.080, AND 2.56.030 TO REFLECT THE CHANGE OF TITLE OF THE POSITION OF CITY AUDITOR TO CITY CONTROLLER; AMENDING CHAPTER 2.16 OF THE LINCOLN MUNICIPAL CODE RELATING TO CITY TREASURER BY AMENDING SECTIONS 2.16.040, 2.16.050, AND 2.16.060 TO CHANGE TERMINOLOGY TO ACCORD WITH MODERN PRACTICE AND TECHNOLOGY CURRENTLY UTILIZED BY THE CITY TREASURER; AMENDING CHAPTER 3.04 OF THE LINCOLN MUNICIPAL CODE RELATING TO REVENUE AND FINANCE GENERAL PROVISIONS BY AMENDING SECTION 3.04.010 TO ACCORD WITH THE 2007 AMENDMENT OF THE LINCOLN CHARTER BY PROVIDING THAT PAYMENTS OF APPROVED CLAIMS MAY BE MADE BY CHECKS OR WARRANTS - CLERK read an ordinance, introduced by Jon Camp, amending chapter 2.02 of the Lincoln Municipal Code relating to Governmental Organization, Chapter 2.14 relating to City Auditor, and Chapter 2.56 relating to Restrictions on Participation in Lotteries by amending Section 2.02.050, the title of Chapter 2.14, and Sections 2.14.010, 2.14.020, 2.14.030, 2.14.040, 2.14.050, 2.14.060, 2.14.070, 2.14.080, and 2.56.030 to reflect the change of title of the position of City Auditor to City Controller; amending Chapter 2.16 of the Lincoln Municipal Code relating to City Treasurer by amending Sections 2.16.040, 2.16.050, and 2.16.060 to change terminology to accord with modern practice and technology currently utilized by the City Treasurer; amending Chapter 3.04 of the Lincoln Municipal Code relating to Revenue and Finance General Provisions by amending Section 3.04.010 to accord

with the 2007 amendment of the Lincoln Charter by providing that payments of approved claims may be made by checks or warrants; and repealing Sections 2.02.050, 2.14.010, 2.14.020, 2.14.030, 2.14.040, 2.14.050, 2.14.060, 2.14.070, 2.14.080, 2.16.040, 2.16.050, 2.16.060, 2.56.030, and 3.04.010 of the Lincoln Municipal Code as hitherto existing, the first time.

**CONSENT AMENDMENTS ORDINANCE** AMENDING CHAPTER 2.16 OF THE LINCOLN MUNICIPAL CODE RELATING TO CITY TREASURER BY AMENDING SECTIONS 2.16.090 AND 2.16.100 TO REVISE DUTIES TO ACCORD WITH MODERN PRACTICE AND TECHNOLOGY CURRENTLY UTILIZED BY THE CITY TREASURER; AMENDING CHAPTER 2.18 OF THE LINCOLN MUNICIPAL CODE RELATING TO PURCHASING DIVISION BY AMENDING SECTIONS 2.18.020 AND 2.18.030 TO RAISE DEPARTMENTAL AUTHORITY TO MAKE DIRECT PURCHASES TO ACCORD WITH FEDERAL REQUIREMENTS; AMENDING CHAPTER 2.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO FIRE AND RESCUE DEPARTMENT BY AMENDING SECTION 2.20.150 TO TRANSFER AUTHORITY FOR FIRE HYDRANT USE FROM THE FIRE CHIEF TO THE DIRECTOR OF PUBLIC WORKS AND UTILITIES; AMENDING CHAPTER 5.04 OF THE LINCOLN MUNICIPAL CODE RELATING TO ALCOHOLIC LIQUOR BY AMENDING SECTION 5.04.062 TO REQUIRE AN APPLICATION FOR A SPECIAL DESIGNATED LICENSE THAT DOES NOT REQUIRE COUNCIL APPROVAL TO BE FILED AT LEAST 21 DAYS BEFORE THE EVENT TO MEET DEADLINES ESTABLISHED BY THE NEBRASKA STATE LIQUOR COMMISSION; AMENDING CHAPTER 8.26 OF THE LINCOLN MUNICIPAL CODE RELATING TO NUISANCES BY AMENDING SECTION 8.26.040 TO PROVIDE THAT NO REPORT OF CLEARING A NUISANCE SHALL BE REQUIRED WHEN THE PROPERTY OWNER HAS PAID THE ASSESSMENT FOR CLEARING THE NUISANCE BEFORE SEPTEMBER 1; AMENDING CHAPTER 10.26 OF THE LINCOLN MUNICIPAL CODE RELATING TO ARTERIAL STREETS BY REPEALING SECTION 10.26.136 TO REMOVE THE DESIGNATION OF FORTY-FIFTH STREET AS AN ARTERIAL STREET, AND AMENDING SECTION 10.26.360 TO DESIGNATE THE PORTION OF FOLSOM STREET BETWEEN ROSA PARKS WAY AND CAPITOL PARKWAY WEST AS AN ARTERIAL STREET - CLERK read an ordinance, introduced by Jon Camp, amending chapter 2.16 of the Lincoln Municipal Code relating to City Treasurer by amending Sections 2.16.090 and 2.16.100 to revise duties to accord with modern practice and technology currently utilized by the City Treasurer; amending Chapter 2.18 of the Lincoln Municipal Code relating to Purchasing Division by amending Sections 2.18.020 and 2.18.030 to raise departmental authority to make direct purchases to accord with federal requirements; amending Chapter 2.20 of the Lincoln Municipal Code relating to Fire and Rescue Department by amending Section 2.20.150 to transfer authority for fire hydrant use from the Fire Chief to the Director of Public Works and Utilities; amending Chapter 5.04 of the Lincoln Municipal Code relating to alcoholic liquor by amending Section 5.04.062 to require an application for a Special Designated License that does not require council approval to be filed at least 21 days before the event to meet deadlines established by the Nebraska State Liquor Commission; amending Chapter 8.26 of the Lincoln Municipal Code relating to Nuisances by amending Section 8.26.040 to provide that no report of clearing a nuisance shall be required when the property owner has paid the assessment for clearing the nuisance before september 1; amending Chapter 10.26 of the Lincoln Municipal Code relating to Arterial Streets by repealing Section 10.26.136 to remove the designation of Forty-Fifth Street as an arterial street, amending Section 10.26.360 to designate the portion of Folsom Street between Rosa Parks Way and Capitol Parkway West as an arterial street; and repealing Sections 2.16.090, 2.16.100, 2.18.020, 2.18.030, 2.20.150, 5.04.062, 8.26.040, and 10.26.360 of the Lincoln Municipal Code as hitherto existing, the first time.

**TECHNICAL AMENDMENTS ORDINANCE** AMENDING CHAPTER 2.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE FIRE AND RESCUE DEPARTMENT BY AMENDING SECTION 2.20.010 TO UPDATE TERMINOLOGY TO ACCORD WITH CURRENT PRACTICE; AMENDING SECTIONS 2.20.050 AND 2.20.080 TO PROVIDE THAT THE FIRE OFFICER IN COMMAND HAS AUTHORITY AT THE SCENE OF AN EMERGENCY; AMENDING SECTION 2.20.060 TO PROVIDE THAT MEMBERS OF LINCOLN FIRE AND RESCUE WILL PROTECT RESIDENCES AS WELL AS BUSINESSES; AMENDING SECTION 2.20.070 TO PROVIDE FOR PERSONNEL IDENTIFICATION OTHER THAN BADGES AND DISPOSITION OF IDENTIFICATION UPON LEAVING THE DEPARTMENT; AMENDING CHAPTER 7.06 OF THE LINCOLN MUNICIPAL CODE RELATING TO ROUTINE AMBULANCE SERVICE BY AMENDING SECTION 7.06.010 TO CLARIFY THAT THE FINANCE DIRECTOR ISSUES LICENSES FOR AMBULANCE SERVICE; AMENDING SECTION 7.06.070 TO PROVIDE THAT PROVIDERS OF ROUTINE AMBULANCE SERVICE SHALL COMPLY WITH MEDICAL PROTOCOLS; AMENDING SECTIONS 7.06.090 AND 7.06.100 TO UPDATE TERMINOLOGY TO ACCORD WITH CURRENT PRACTICE; AMENDING CHAPTER 7.08 RELATING TO EMERGENCY AMBULANCE SERVICE BY AMENDING SECTION 7.08.040 TO CLARIFY THAT PROHIBITION OF EMERGENCY AMBULANCE SERVICE DOES NOT APPLY TO LINCOLN FIRE AND RESCUE; AND AMENDING SECTION 7.08.050 TO CLARIFY THE DEFINITION OF LIFE-THREATENING CONDITION - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 2.20 of the Lincoln Municipal Code relating to the Fire and Rescue Department by amending Section 2.20.010 to update terminology to accord with current practice; amending Sections 2.20.050 and 2.20.080 to provide that the Fire Officer in command has authority at the scene of an emergency; amending Section 2.20.060 to provide that members of Lincoln Fire and Rescue will protect residences as well as businesses; amending Section 2.20.070 to provide for personnel identification other than badges and disposition of identification upon leaving the Department; amending Chapter 7.06 of the Lincoln Municipal Code relating to Routine Ambulance Service by amending Section 7.06.010 to clarify that the Finance Director issues licenses for ambulance service; amending Section 7.06.070 to provide that providers of routine ambulance service shall comply with medical protocols; amending Sections 7.06.090 and 7.06.100 to update terminology to accord with current practice; amending Chapter 7.08 relating to Emergency Ambulance Service by amending Section 7.08.040 to clarify that prohibition of emergency ambulance service does not apply to Lincoln Fire and Rescue; amending Section 7.08.050 to clarify the definition of life-threatening condition; and repealing Sections 2.20.010,

2.20.050, 2.20.060, 2.20.070, 2.20.080, 7.06.010, 7.06.070, 7.06.090, 7.06.100, 7.08.040, and 7.08.050 of the Lincoln Municipal Code as hitherto existing, the first time.

**TECHNICAL AMENDMENTS ORDINANCE** AMENDING CHAPTER 4.20 OF THE LINCOLN MUNICIPAL CODE, RELATING TO THE LIBRARY BOARD, BY AMENDING SECTION 4.20.010 TO REMOVE PROVISIONS RELATING TO THE INITIAL APPOINTMENTS OF MEMBERS TO THE LIBRARY BOARD, AND AMENDING SECTION 4.20.020 BY REMOVING OBSOLETE LANGUAGE THAT MADE THE LIBRARY BOARD RESPONSIBLE FOR FUNCTIONS THAT ARE NOW PERFORMED BY THE PURCHASING DIVISION; AMENDING CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE, RELATING TO SOLID WASTES, BY AMENDING SECTION 8.32.150 TO PROVIDE THAT INCREASE IN THE OCCUPATION TAX ON SOLID WASTES COLLECTED WITHIN THE CITY LIMITS, OR COLLECTED OUTSIDE THE CITY LIMITS AND PLACED IN PUBLIC SANITARY LANDFILLS, SHALL NOT TAKE EFFECT UNTIL SEPTEMBER 1, 2013; AMENDING CHAPTER 10.28 OF THE LINCOLN MUNICIPAL CODE RELATING TO ONE-WAY STREET SYSTEM BY AMENDING SECTION 10.28.020 TO INDICATE THAT "P" STREET IS A TWO-WAY STREET BETWEEN TENTH AND ELEVENTH STREETS; AMENDING CHAPTER 12.04 OF THE LINCOLN MUNICIPAL CODE, RELATING TO PARKS AND RECREATION ADVISORY BOARD, BY AMENDING SECTION 12.04.020 TO REVISE LANGUAGE TO ACCORD WITH CURRENT ACTIVITIES AND RESPONSIBILITIES OF THE PARKS AND RECREATION ADVISORY BOARD; AMENDING CHAPTER 12.08 OF THE LINCOLN MUNICIPAL CODE, RELATING TO GENERAL RULES AND REGULATIONS FOR PARKS, BY AMENDING SECTION 12.08.140 TO CLARIFY THE DESCRIPTION OF TRAILERS THAT MAY NOT OCCUPY PARKS DURING CERTAIN HOURS AND AMENDING SECTION 12.08.270 TO REFLECT THE RE-NAMING OF LINCOLN CHILDREN'S ZOO; AMENDING CHAPTER 12.24 OF THE LINCOLN MUNICIPAL CODE, RELATING TO GOLF AND TENNIS UNDER THE PARKS AND RECREATION DEPARTMENT, AMENDING CHAPTER 12.28, RELATING TO FISHING IN PARKS, AND AMENDING CHAPTER 12.32 OF THE LINCOLN MUNICIPAL CODE, RELATING TO BOATING IN PARKS, BY AMENDING SECTIONS 12.24.010, 12.24.020, 12.24.030, 12.24.060, 12.28.010, 12.28.040, AND 12.32.040, TO UPDATE LANGUAGE AND THE TITLE OF THE DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT, AND TO CLARIFY PROCEDURES FOR APPROVING AND FILING REGULATIONS; AMENDING CHAPTER 12.36, RELATING TO FOLSOM CHILDREN'S ZOO, BY AMENDING THE TITLE OF THE CHAPTER AND SECTIONS 12.36.010, 12.36.030, 12.36.040, 12.36.060, 12.36.070, AND 12.36.090 TO REFLECT THE RE-NAMING OF THE ZOO AS LINCOLN CHILDREN'S ZOO, AND UPDATING THE TITLE OF THE DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 4.20 of the Lincoln Municipal Code, relating to the Library Board, by amending Section 4.20.010 to remove provisions relating to the initial appointments of members to the Library Board, and amending Section 4.20.020 by removing obsolete language that made the Library Board responsible for functions that are now performed by the Purchasing Division; amending Chapter 8.32 of the Lincoln Municipal Code, relating to Solid Wastes, by amending Section 8.32.150 to provide that increase in the occupation tax on solid wastes collected within the city limits, or collected outside the city limits and placed in public sanitary landfills, shall not take effect until September 1, 2013; amending Chapter 10.28 of the Lincoln Municipal Code relating to One-Way Street System by amending Section 10.28.020 to indicate that "P" street is a two-way street between Tenth and Eleventh Streets; amending Chapter 12.04 of the Lincoln Municipal Code, relating to Parks and Recreation Advisory Board, by amending Section 12.04.020 to revise language to accord with current activities and responsibilities of the Parks and Recreation Advisory Board; amending Chapter 12.08 of the Lincoln Municipal Code, relating to General Rules and Regulations for Parks, by amending Section 12.08.140 to clarify the description of trailers that may not occupy parks during certain hours and amending Section 12.08.270 to reflect the re-naming of Lincoln Children's Zoo; amending Chapter 12.24 of the Lincoln Municipal Code, relating to Golf and Tennis under the Parks and Recreation Department, amending Chapter 12.28, relating to Fishing in parks, and amending Chapter 12.32 of the Lincoln Municipal Code, relating to Boating in parks, by amending Sections 12.24.010, 12.24.020, 12.24.030, 12.24.060, 12.28.010, 12.28.040, and 12.32.040, to update language and the title of the Director of the Parks and Recreation Department, and to clarify procedures for approving and filing regulations; amending Chapter 12.36, relating to Folsom Children's Zoo, by amending the title of the chapter and Sections 12.36.010, 12.36.030, 12.36.040, 12.36.060, 12.36.070, and 12.36.090 to reflect the re-naming of the zoo as Lincoln Children's Zoo, and updating the title of the Director of the Parks and Recreation Department, the first time.

**CONSENT AMENDMENTS ORDINANCE** AMENDING CHAPTER 12.08 OF THE LINCOLN MUNICIPAL CODE, RELATING TO GENERAL RULES AND REGULATIONS FOR PARKS, BY AMENDING SECTION 12.08.010 TO DEFINE HIKER-BIKER TRAIL AND MULTI-USE TRAILS, AND CLARIFY THAT THE DEFINITION OF ROADWAY INCLUDES MULTI-USE TRAILS, REPEALING SECTION 12.08.030 AND 12.08.040, TO REMOVE THE AUTHORIZATION TO PERMIT USE OF SNOWMOBILES IN PARKS, AMENDING SECTION 12.08.060 BY APPLYING SPEED LIMITS TO MULTI-USE TRAILS, AMENDING SECTION 12.08.070 TO REFLECT THE RENAMING OF BILL HARRIS PARK, CLARIFYING THAT MULTI-USE TRAILS ARE OPEN 24 HOURS A DAY AND REPEALING THE REQUIREMENT THAT THE DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT REPORT CHANGES OF PARK HOURS TO THE PARKS AND RECREATION ADVISORY BOARD, AMENDING SECTION 12.08.200 BY PROVIDING THAT SHOOTING MODEL ROCKETS AND FLYING MODEL AIRCRAFT ARE PROHIBITED IN PARKS, AND AMENDING SECTION 12.08.230, TO PROVIDE THAT COMMERCIAL ACTIVITIES MAY BE PERMITTED BY THE DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT; AMENDING CHAPTER 12.12 OF THE LINCOLN MUNICIPAL CODE, RELATING TO POLICING PARKS OUTSIDE CITY BY REPEALING THAT CHAPTER, CONSISTING OF SECTION 12.12.010; AMENDING CHAPTER 12.20 OF THE LINCOLN MUNICIPAL CODE, RELATING TO TREES AND SHRUBBERY, BY AMENDING SECTION 12.20.025 TO DELETE THE REQUIREMENT FOR ANNUAL REPORTS ON TREE PLANTING; AMENDING CHAPTER 12.32, RELATING TO BOATING IN PARKS, BY REPEALING SECTION 12.32.050 REQUIREMENTS FOR LIABILITY INSURANCE FOR HAULING PASSENGERS BY BOAT FOR HIRE - CLERK read an

ordinance, introduced by Jon Camp, amending Chapter 12.08 of the Lincoln Municipal Code, relating to General Rules and Regulations for Parks, by amending Section 12.08.010 to define "hiker-biker trail" and "multi-use trails", and clarify that the definition of "roadway" includes "multi-use trails", repealing Section 12.08.030 and 12.08.040, to remove the authorization to permit use of snowmobiles in parks, amending section 12.08.060 by applying speed limits to multi-use trails, amending section 12.08.070 to reflect the renaming of Bill Harris park, clarifying that multi-use trails are open 24 hours a day and repealing the requirement that the Director of the Parks and Recreation Department report changes of park hours to the Parks and Recreation Advisory Board, amending section 12.08.200 by providing that shooting model rockets and flying model aircraft are prohibited in parks, and amending section 12.08.230, to provide that commercial activities may be permitted by the Director of the Parks and Recreation Department; amending Chapter 12.12 of the Lincoln Municipal Code, relating to Policing Parks Outside City by repealing that chapter, consisting of Section 12.12.010; amending Chapter 12.20 of the Lincoln Municipal Code, relating to Trees and Shrubbery, by amending section 12.20.025 to delete the requirement for annual reports on tree planting; amending chapter 12.32, relating to Boating in parks, by repealing Section 12.32.050 requirements for liability insurance for hauling passengers by boat for hire, and repealing Sections 12.08.010, 12.08.060, 12.08.070, 12.08.200, 12.08.230, and 12.20.025 of the Lincoln Municipal Code as hither to existing, the first time.

**RESOLUTIONS - 1<sup>ST</sup> READING - ADVANCE NOTICE**

RENAMING IRON HORSE PARK GENERALLY LOCATED AT 7TH AND Q STREET AS BILL HARRIS PARK.

A RESOLUTION TO DECLARE THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION, EQUIPPING AND FURNISHING OF IMPROVEMENTS TO THE CITY'S SOLID WASTE MANAGEMENT FACILITIES FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA SOLID WASTE MANAGEMENT REVENUE BONDS.

APPROVING A PROGRAM SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE EVERY WOMAN MATTERS PROGRAM FOR A TERM OF JULY 1, 2012 THROUGH JUNE 30, 2017.

APPROVING A GRANT CONTRACT BETWEEN THE BOARD OF TRUSTEES OF THE COMMUNITY HEALTH ENDOWMENT AND THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR THE EXTENDED HOURS DENTAL OUTREACH PROGRAM FOR A TERM OF JANUARY 1, 2013 THROUGH DECEMBER 31, 2015 FOR A GRANT IN THE AMOUNT OF \$142,265.00.

REAPPOINTING DIANE BARTELS, ROBERT BALDWIN, WILLIAM A. BOWMAN, CHARLES W. "BILL" BOWMASTER, KENNETH ORR, AND JESSE L. SMITH TO THE VETERANS' MEMORIAL GARDEN ADVISORY COUNCIL FOR TERMS EXPIRING NOVEMBER 1, 2015.

APPOINTING RON LECHNER TO THE VETERANS' MEMORIAL GARDEN ADVISORY COUNCIL FOR A TERM EXPIRING NOVEMBER 1, 2015.

REAPPOINTING MICHEAL THOMPSON AND S.A. MORA JAMES TO THE CITIZEN POLICE ADVISORY BOA FOR A TERMS EXPIRING NOVEMBER 17, 2015.

REAPPOINTING SUE OLDFIELD, TAKAKO OLSON AND MARY REECE TO THE HUMAN RIGHTS COMMISSION FOR TERMS EXPIRING DECEMBER 31, 2015.

APPOINTING ALAN DOSTER TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A TERM EXPIRING APRIL 15, 2015.

REAPPOINTING TIMOTHY PLANDER TO THE AIR POLLUTION ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 15, 2015.

APPROVING TWO CONTRACT AGREEMENTS BETWEEN THE CITY AND MID AMERICAN SIGNAL AND BROWN TRAFFIC PRODUCTS, INC. TO PROVIDE THE ANNUAL SUPPLY OF TRAFFIC SIGNAL EQUIPMENT, PURSUANT TO BID NO. 12-236, FOR FOUR YEAR TERMS.

APPROVING TWO CONTRACT AGREEMENTS BETWEEN THE CITY AND JOHN HENRY'S PLUMBING, HEATING & AC AND DWORAK PLUMBING FOR UNIT PRICE CONTRACT FOR GENERAL PLUMBING AND PLUMBING LESS THAN 2", PURSUANT TO BID NO. 12-153, FOR FOUR YEAR TERMS.

ASSESSING THE COSTS INCURRED FOR CUTTING, CLEARING AND REMOVING WEEDS AGAINST THE VARIOUS BENEFITTED PROPERTIES FOR THE PERIOD OF JANUARY 1, THROUGH DECEMBER 31, 2012.

APPROVING A GRANT CONTRACT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR FUNDING THE DEVELOPMENT OF A RECREATIONAL TRAIL IN CONJUNCTION WITH THE PRAIRIE CORRIDOR PROJECT ON HAINES BRANCH IN AN AMOUNT OF \$60,000 FROM THE LANCASTER COUNTY VISITORS IMPROVEMENT FUND OVER A THREE YEAR PERIOD FROM OCTOBER 1, 2012 THROUGH JUNE 30, 2015.

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE - NONE

ADJOURNMENT 5:10 P.M.

CAMP Moved to adjourn the City Council meeting of December 3, 2012.  
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll,  
Cook, Emery, Eskridge, Schimek; NAYS: None.

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Joan E. Ross, City Clerk

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Amy H. Huffman, Senior Office Assistant

REGULAR MEETING  
December 3, 2012  
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