

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 10, 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

CARROLL Having been appointed to read the minutes of the City Council proceedings of December 3, 2012 reported having done so, found same correct. Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Schimek; NAYS: None.

ELECTION OF COUNCIL MEMBER TO FILL VACANCY

Council Member Jonathan Cook clarified that Council will be following State law in filling the vacancy. He said Council rules for filling the vacancy conflict with State law.

COOK Moved that the City Council waive Council Rule 1-6 under Lincoln Municipal Code Section 2.04.010 and instead follow the State law procedure for filling a Council vacancy.

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

Council Chair Eskridge said he met with the Mayor and together they have taken into consideration the nominations of the Council Members.

ESKRIDGE Nominated Lloyd Hinkley for City Council Member.

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

PUBLIC HEARING

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 - Lynn Johnson, Director of Parks & Recreation, came forward to provide background on the Lincoln Cares program which is a partnership with the Lincoln Electric System. He said every month, LES customers have the opportunity to add \$1 voluntarily to their electric system billing. Those dollars are collected and matched with project partners. For the last nine years those funds have supported Parks projects & programs. He discussed changes that have occurred over the last 10 years. Mr. Johnson said in 2012, Lincoln Cares added Lincoln City Libraries and Aging Partners to the program. In recognition of changes, Mr. Johnson asked the Council to repeal the original ordinance that established the Lincoln Cares program and authorize its establishment by Executive Order. He continued to clarify that the Executive Order will establish the relationship between the City & LES and also establish the annually appointed, nine-member advisory board which meets twice a year. Mr. Johnson said a designated City Council Member will be required to sit on the Lincoln Cares Advisory Board. In response to questions about future structuring of designated contributions, Mr. Johnson said, after identifying a group of projects, funds are distributed as follows: 70%, Parks & Recreation projects; 15%, Lincoln City Libraries projects; 15%, Aging Partners projects.

This matter was taken under advisement.

ANNEXATION NO. 12006 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 100 ACRES GENERALLY LOCATED AT NORTH 84TH STREET AND HAVELOCK AVENUE - Alan Wood, Legal Counsel for the Lancaster County Agricultural Society, came forward to answer questions about the annexation of the remaining portion of the Ag Society property. This request makes it easier for the Lancaster Events Center to have one jurisdiction for law enforcement and for liquor licensing. While the fact sheet said there was no plan for development of this area, Mr. Wood said the Ag Society is currently working with the University to explore the

possibility of constructing an equine science facility. If developed, it will be sewered into the trunk line constructed across the eastern portion of the Ag Society property. Water will come to the new facility from the existing Events Center.

Council Member Camp questioned whether there will be any additional costs to the City in relation to the annexation and the University project. Mr. Wood said costs would be developed into the University project -- estimated at \$5 to \$6 million -- including connection to the sewer trunk line. He did not believe there would be any City costs devolved from this annexation project. The rest of the land is pasture in a flood plain or flood way and is not developable. Mr. Wood said, in response to a question about tax revenue, the Ag Society and University are tax exempt and the property is not included on the tax rolls. He said if the 15-acre commercial corner project ever gets off the ground, it will be removed from tax-exempt status and will go on the tax rolls.

This matter was taken under advisement.

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 62ND STREET AND BLANCHARD BOULEVARD - Marvin Krout, Planning Director, came forward to answer questions. He said two acres of the PUD expansion approved last spring were omitted from the legal description and this ordinance will amend that omission.

This matter was taken under advisement.

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 - Rod Confer, City Attorney, came forward to explain the process to clean up the Lincoln Municipal Code to correct obsolete language and processes that are outdated. He said these changes are noncontroversial and are generally minor.

Peggy Tharnish, City Controller, Accounting Division of Finance Department, was on hand for questioning.

Melinda Jones, City Treasurer, was on hand for questioning.

Council Chair Eskridge advised the public that this technical amendment ordinance and the other technical & consent amendments ordinances that follow may be a bit laborious but the plan is to go through them carefully and make sure things are not missed.

This matter was taken under advisement.

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 - Rod Confer, City Attorney, came forward to discuss changes in the ordinance and answer questions. He clarified changes to department purchases up to the level of \$3,000; that fire hydrant use be referred to Public Works; that applications for SDL's be amended to meet State deadlines; that a property owner who pays the assessment for clearing a nuisance need not be reported; to keep Forty-fifth Street as an arterial; and to designate other streets as arterials to come into conformance with the Comprehensive Plan.

Purchasing Department representatives were on hand for questioning.
This matter was taken under advisement.

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 - Rod Confer, City Attorney, came forward to clarify amendments at the request of Lincoln Fire & Rescue Department. He provided examples of terminology changes, language updates and service provisions.

Pat Borer, Assistant Chief, Lincoln Fire & Rescue, came forward to answer questions about uniform items and what is covered under the clothing allowance.
This matter was taken under advisement.

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 - Rod Confer, City Attorney, came forward to clarify amendments to the language relating to the Library Board; provision for an increase in the occupation tax on solid wastes to take effect

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September 1, 2013; clarification of "P" Street as a one-way, with an area being two-way; revise Parks & Recreation Advisory Board language; and other revisions to the Code relating to Parks & Recreation Department.

Lynn Johnson, Director of Parks & Recreation, was on hand for questioning.

Pat Leach, Library Director, came forward to answer questions. She confirmed with Council Member Cook that the Library Board can approve expenditures up to \$3,000 without going through a separate purchasing process. This matter was taken under advisement.

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 - Rod Confer, City Attorney, came forward to answer questions relating to amendments in General Rules & Regulations for Parks. Mr. Confer said these items before Council are in response to the Mayor's request to set forth a continuing process to amend ordinances.

Lynn Johnson, Director of Parks & Recreation, came forward to answer questions. He said there will be a trail section that will run through the Haymarket and will parallel Arena Drive. He said there are not any defined public park areas in the West Haymarket area. The only designated park area within Historic Haymarket and West Haymarket would be the area currently known as Ironhorse Park. Discussions are ongoing as to the determination of responsibilities in the operation/programming of Civic Plaza.

This matter was taken under advisement.

RENAMING IRON HORSE PARK GENERALLY LOCATED AT 7TH AND Q STREET AS BILL HARRIS PARK - Lynn Johnson, Director of Parks & Recreation, came forward to respectfully request that this resolution be placed on indefinite pending. They are asking for additional time to work with the family of the late Mayor Bill Harris to work through details of how the naming will be accomplished.

This matter was taken under advisement.

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 - Steve Hubka, Finance Department, came forward to answer questions about the reimbursement resolution for projects at the City landfill. He anticipated the bond issue to be about \$6 million. The bond issue approval will be brought forward in January with issuance of bonds in February or early March. Mr. Hubka clarified that payment of these bonds comes solely from revenues of the City landfill.

Karla Welding, Superintendent of Solid Waste Operations, came forward to describe the projects this bond issue will address. She said three projects at the Bluff Road Landfill are as follows: 1) Ten acres of liner construction; 2) nine acres of capping construction; 3) paving of the access road.

This matter was taken under advisement.

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 - Judy Halstead, Director of Health Department, came forward to answer questions about the five-year agreement with the State.

This matter was taken under advisement.

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 - Judy Halstead, Director of Health Department, came forward to explain that the dental program was not able to expand its hours with City or County dollars. Upon being awarded this grant, services can now be expanded on Thursday evenings from 4:30 to 8:00. Ms. Halstead said these added hours will allow families with children to receive dental care without missing school. She said that due to high demand and long wait times, children are prioritized first; families with children, second; and single adults, third. She explained the mix of dental staffing and training opportunities.

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 - Judy Halstead, Director of Health Department, came forward to explain the amendment which extends the agreement by one year.

This matter was taken under advisement.

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 - Bob Walla, Assistant Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

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 - Bob Walla, Assistant Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

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 - Brent Meyer, Superintendent of the Weed Control Authority, came forward representing the weed abatement for the City of Lincoln's 2012 growing season. He said last winter they reworked the ordinance with the City Attorney's Office to close a loophole. He said a "possible notice of unpaid weed assessment" is now filed immediately on the property. Those liens now have a red flag at the Register of Deeds office and the assessment is paid before the property is transferred. He said there is now a 30-day appeal process to cause a hearing followed by a final decision. Mr. Meyer said forced controls were down -- last year, there were 261 -- this year, there were 168. He said there were over 5,350 inspections for weed abatement inside the City of Lincoln -- up 10% from last year. Finally, this year there were 821 legal notices issued resulting in 168 forced controls. Last year they issued 1,128 legal notices. He noted that even though they implemented a process change involving a longer time frame, it resulted in more properties being cleaned up.

Council Members suggested ideas to add an administrative fee or place frequent offenders on a different schedule.

This matter was taken under advisement.

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 - Lynn Johnson, Director of Parks & Recreation, came forward to state that the Haines Branch Prairie Corridor is the connection between the west end of Pioneers Park and the Spring Creek Prairie. He said grant funds are intended to be used for trail development related to economic development. When visitors come to Lincoln/Lancaster County, they may linger longer on the nine-mile route leading them to the Nature Center, on to Spring Creek Prairie and eventually to stop in Denton for lunch or other services.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87119 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of 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, is hereby approved.

Introduced by Jon Camp

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

APPOINTING RON LECHNER TO THE VETERANS' MEMORIAL GARDEN ADVISORY COUNCIL FOR A TERM EXPIRING NOVEMBER 1, 2015 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87120 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Ron Lechner to the Veterans' Memorial Garden Advisory Council for terms expiring November 1, 2015, is hereby approved.

Introduced by Jon Camp

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

REAPPOINTING MICHEAL THOMPSON AND S.A. MORA JAMES TO THE CITIZEN POLICE ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 17, 2015 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87121 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Micheal Thompson and S.A. Mora James to the Citizen Police Advisory Board for terms expiring November 17, 2015, is hereby approved.

Introduced by Jon Camp

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

REAPPOINTING SUE OLDFIELD, TAKAKO OLSON AND MARY REECE TO THE HUMAN RIGHTS COMMISSION FOR TERMS EXPIRING DECEMBER 31, 2015 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87122 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Sue Oldfield, Takako Olson, and Mary Reece to the Human Rights Commission for terms expiring December 31, 2015, is hereby approved.

Introduced by Jon Camp

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

APPOINTING ALAN DOSTER TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A TERM EXPIRING APRIL 15, 2015 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87123 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Alan Doster to the Lincoln-Lancaster County Board of Health for a term expiring April 15, 2015, is hereby approved.

Introduced by Jon Camp

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

REAPPOINTING TIMOTHY PLANDER TO THE AIR POLLUTION ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 15, 2015 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87124 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Timothy Plander to the Air Pollution Advisory Board for a term expiring October 15, 2015, is hereby approved.

Introduced by Jon Camp

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

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED OCTOBER 31, 2012 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87125 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That during the month ended October 31, 2012, \$95,085.69 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Eugene Carroll

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

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS OCTOBER 31, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR THE TIME PERIOD SEPTEMBER 30, 2012 THROUGH OCTOBER 31, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JANUARY 7, 2013 AT 3:00 P.M. FOR THE APPLICATION OF ABBY NORMAL, INC. DBA ONE MORE BAR FOR A CLASS C LIQUOR LICENSE LOCATED AT 836 N. 70TH STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87126 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 7, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Abby Normal, Inc. dba One More Bar for a Class C liquor license located at 836 N. 70th 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 & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Schimek; NAYS: None.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND 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 second 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 second 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 62ND 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 second 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 second 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, 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; 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 second 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; and 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 second 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, and repealing Sections 4.20.010, 4.20.020, 8.32.150, 10.28.020, 12.04.020, 12.08.140, 12.08.270, 12.24.010, 12.24.020, 12.24.030, 12.24.060, 12.28.010, 12.28.040, 12.32.040, 12.36.010, 12.36.030, 12.36.040, 12.36.060, 12.36.070, and 12.36.090 as hitherto existing, the second 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; repealing Chapter 12.12 of the Lincoln Municipal Code, consisting of Section 12.12.010 relating to Policing Parks Outside City; 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 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 hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS

RENAMING IRON HORSE PARK GENERALLY LOCATED AT 7TH AND Q STREET AS BILL HARRIS PARK -
Prior to reading:

CAMP Moved to place Bill No. 12R-293 on Indefinite Pending & to have Public Hearing when removed from Pending.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Schimek; NAYS: None.

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 - PRIOR to reading:

CAMP Moved MTA #1 to amend Bill No. 12R-282 by accepting the attached Substitute Resolution to replace the previously provided Bill No. 12R-282.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Schimek; NAYS: None.

CLERK Read the following amended resolution, introduced by Jon Camp, who moved its adoption:

A-87127 A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH ACQUIRING, CONSTRUCTING, EQUIPPING AND FURNISHING IMPROVEMENTS IN THE CITY'S SOLID WASTE MANAGEMENT FACILITIES FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA SOLID WASTE MANAGEMENT REVENUE BONDS.

BE IT RESOLVED by the Council (the "Council") of the City of Lincoln, Nebraska (the "City") as follows:

Section 1. Findings.

(a) The City has begun acquiring, constructing, equipping and furnishing certain improvements to the City's solid waste management facilities (the "Facilities") in the current fiscal year, including, without limitation, cell liner, leachate collection system, final cap and access roadway improvements (collectively, the "Project"), to provide for the health, safety and welfare of its residents and on and after December 10, 2012, the City anticipates spending funds in the amount of not less than \$6,000,000 to pay the costs of the Project

(b) The City is authorized, pursuant to the provisions of (1) Sections 15-244 and 18-1803 to 18-1805, inclusive, Reissue Revised States of Nebraska, as amended, and (2) Sections 8 and 44 of Article IX of the City's Home Rule Charter (the "Charter"), to issue and sell its solid waste management revenue bonds, payable solely from the revenues derived and to be derived of the operation of the Facilities and the City anticipates issuing such bonds in the maximum principal amount of \$6,000,000 (the "Bonds") in connection with the Project to finance all or a portion of the costs of the Project.

(c) The City anticipates incurring a portion of the costs of the Project prior to the issuance of the Bonds and desires to preserve its ability to reimburse such costs under the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and the applicable regulations thereunder, including but not limited to Section 1.150-2 thereof (the "Regulations").

(d) The Code and the Regulations (collectively, the "Tax Law") require that the City declare its official intent to reimburse any original expenditures (except as set forth in the Tax Law) for costs of the Project with the proceeds of tax-exempt obligations not later than 60 days after the payment of such expenditures. The Tax Law requires that the Bonds be issued and a reimbursement allocation be made from the proceeds of the Bonds within 18 months after the later of the date (i) the original expenditure is paid or (ii) the Project is placed in service or abandoned, but in no event more than 3 years after the date the expenditure is paid.

(e) It is necessary, desirable, advisable and in the best interests of the City that it declare its official intent to permit the City to reimburse costs of the Project made by the City from the proceeds of the Bonds in accordance with the requirements of the Tax Law.

Section 2. Declaration of Intent and Related Matters.

(a) In accordance with the provisions of the Tax Law, the Council hereby declares the official intent of the City to reimburse all or part of the costs of the Project through the issuance of the Bonds in connection therewith, the interest on which will be excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended. Prior to the issuance of the Bonds, the City is authorized to advance money in an amount not to exceed \$6,000,000 for the purposes hereinbefore described.

(b) Except for (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) "de minimis expenditures" defined under Section 1.150-2(f)(1) of the Regulations, and (iii) "preliminary expenditures" defined under Section 1.150-2(f)(2) of the Regulations, no expenditures made in furtherance of the Project have been paid by the City more than 60 days prior to the adoption of this Resolution.

(c) The reasonably expected source of funds to be used to pay debt service on the Bonds will be the revenues generated from the ownership and operation of the Facilities, shall be sufficient to pay principal and interest on the Bonds and shall be pledged to the payment of the principal of and interest on the Bonds.

(d) The Bonds will be issued in the amount and upon the terms and conditions agreed to between the City and the purchaser of the Bonds for the purpose of paying all or a portion of the costs and expenses incident to the planning, acquisition, construction and financing of the Project, the Bonds to be authorized by the Council at a meeting held for such purpose.

(e) As of the date of this Resolution, there are no funds of 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 the Project, other than the contemplated issuance of the Bonds. This Resolution is consistent with the budgetary and financial circumstances of the City as they exist or are reasonably foreseeable on the date hereof.

(f) Notwithstanding any other provision of this Resolution, nothing contained herein is intended to obligate the City to issue the Bonds or to reimburse any particular expenditure.

Section 3. Authorizations.

(a) The Finance Director and the City Controller (each an "Authorized Officer") are hereby authorized to take any further action as such Authorized Officer shall deem necessary or desirable without further action by the Council to carry out the transactions contemplated by this Resolution.

(b) The Authorized Officers shall be, and each of them hereby is, authorized to execute on behalf of the City and to deliver any and all other instruments and documents including, but not limited to, such certificates or instruments as may be required under the terms of this Resolution necessary to be executed and delivered in connection with this Resolution and the approvals made hereby.

(c) The Authorized Officers shall be responsible for making any "reimbursement allocation" described in Section 1.150-2 of the Regulations by transferring the appropriate amount of Bonds proceeds to the City accounts used to temporarily finance some or all of the costs of the Project. Each allocation must be evidenced by an entry on the official books of the City maintained for the Project and shall specifically identify the original expenditure being reimbursed.

Section 4. Ratification. All acts and deeds heretofore done by any officer, employee or agent of the City, on behalf of the City, to preserve the City's ability to reimburse expenditures made in furtherance of the Project with the proceeds of the Bonds are hereby ratified, confirmed and approved.

Section 5. Effective Dates. This Resolution will be in full force and effect from and after its passage and adoption by the Council and approval by the Mayor.

Section 6. Conflicting Resolutions Repealed. All resolutions of the Council, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Introduced by Jon Camp

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

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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87128 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached 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 and the Nebraska Colon Cancer Screening Program for a term of July 1, 2012 through June 30, 2017, in accordance with the terms, conditions and assurances contained in said Program Services Agreement is hereby approved and the Mayor is hereby authorized to execute the Program Service Agreement on behalf of the City.

The City Clerk is directed to return an executed copy of the Agreement to Judy Halstead, Director of the Lincoln Lancaster County Health Department, for execution by the Nebraska Department of Health and Human Services.

Introduced by Jon Camp

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

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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87129 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached 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 to extend the dental clinic hours by 3.5 hours on Thursdays, upon the terms and conditions as set forth in said Grant Contract, is hereby approved and the Mayor is authorized to execute said Grant Contract on behalf of the City.

The City Clerk is hereby directed to transmit a copy of the executed original Grant Contract to Judy Halstead, for transmittal to the Community Health Endowment Board of Trustees.

Introduced by Jon Camp

Seconded by Carroll & 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 (12/3/12 - P.H. CON'T TO 12/10/12 W/ACTION) - PRIOR to reading:

CARROLL Moved to amend Bill No. 12R-272 by accepting the attached substitute Workplan Amendment between the Nebraska Department of Environmental Quality and the Lincoln Lancaster County Health Department regarding the FFY 2011-2012 Workplan for Lincoln Lancaster County Health Department Section 105 Air Quality Program to replace the Workplan Amendment previously provided with Bill No. 12R-272.

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

CLERK Read the following amended resolution, introduced by DiAnna Schimek, who moved its adoption:

A-87130 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Workplan Amendment between the Nebraska Department of Environmental Quality and the Lincoln Lancaster County Health Department regarding the FFY 2011-2012 Workplan for Lincoln Lancaster County Health Department Section 105 Air Quality Program to extend the term to December 31, 2012, and to reflect an increase in funding totals from \$97,000.00 to \$121,250.00 to cover the extended term, in accordance with the terms, conditions and assurances contained in said Amendment to Agreement is hereby approved and the Mayor is authorized to execute said Amendment to Agreement on behalf of the City.

The City Clerk is directed to return an executed copy of the Amendment to Agreement to Judy Halstead, Director of the Lincoln/Lancaster County Health Department for transmittal to the Nebraska Department of Environmental Quality.

Introduced by DiAnna Schimek

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

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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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87131 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the two attached Contract Agreements between the City of Lincoln and Mid American Signal and Brown Traffic Products, Inc. for the Annual Supply of Traffic Signal Equipment, pursuant to Bid No. 12-236, for four year terms, upon the terms as set forth in said contracts, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jon Camp

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

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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87132 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the two attached Contract Agreements between the City of Lincoln, Lancaster County, the Lincoln-Lancaster County Public Building Commission and John Henry's Plumbing, Heating & AC and Dworak Plumbing, for unit pricing of General Plumbing and Plumbing Less than 2", pursuant to Bid No. 12-153, for four-year terms, upon the terms as set forth in said contract agreements, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jon Camp

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

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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87133 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the two attached Contract Agreements between the City of Lincoln, Lancaster County, the Lincoln-Lancaster County Public Building Commission and John Henry's Plumbing, Heating & AC and Dworak Plumbing, for unit pricing of General Plumbing and Plumbing Less than 2", pursuant to Bid No. 12-153, for four-year terms, upon the terms as set forth in said contract agreements, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jon Camp

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

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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-87134 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached 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 a total amount of \$60,000 from the Lancaster County Visitors Improvement Fund over a three year period from October 1, 2012 through June 30, 2015, upon the terms and conditions set forth in said Grant Contract, 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 Nicole Fleck-Tooze, Parks and Recreation Department, for transmittal and execution by Lancaster County.

Introduced by Jon Camp

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

ORDINANCE - 3RD 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 third time.

SCHIMEK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19805, is recorded in Ordinance Book #28, Page .

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 third time.

SCHIMEK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19806, is recorded in Ordinance Book #28, Page .

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

A-87135 WHEREAS, Fox Hollow, LLC has submitted an application designated as Special Permit No. 06001B to amend 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 and legally described as:

Lot 1, Amber Hill Estates 2nd Addition, Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on October 31, 2012 on said application and adopted Resolution No. PC-01307 conditionally approving the same; and

WHEREAS, Russ Kromberg has filed a Notice of Appeal appealing the action of the Planning Commission conditionally approving Special Permit No. 06001B; and

WHEREAS, pursuant to Lincoln Municipal Code § 27.27.080(g), the action appealed from is deemed advisory and the City Council is authorized to take final action on the application for Special Permit No. 06001B; and

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

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

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

That the application of Fox Hollow, LLC, hereinafter referred to as "Permittee" to amend the Grand Terrace Community Unit Plan to add 4.6 acres and up to 31 additional dwelling units, on the property described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction of said community unit plan be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a 4.6 acres expansion of the Community Unit Plan and increases the total number of allowed dwelling units from 508 to 539 dwelling units, an increase of 31 dwelling units, and grants a waiver to the Design Standards to reduce cul-de-sac bulb radius from 43.5' to 30'.

2. Before receiving building permits or before a final plat is approved:

- a. The Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions as listed below:
 - i. Revise General Note #12 to include the correct lots. Lots 16-20, Block 2, and Outlot G are not correct.
 - ii. Delete General Note #14.
 - iii. Add General Note #24 which states, "Signs to be reviewed at the time of sign permit in accordance with the requirements of LMC Title 27."
 - iv. Revise the Waivers Table by: Deleting Waiver #4; adding the waiver to cul-de-sac radius from 43.5' to 30'; and noting which blocks Waivers #2 and #3 apply to as previously approved.
 - v. Revise the apartment site layout by removing the detail

shown and instead including the building and setback envelopes, and the number of units approved per AA#12028.

- vi. Propose a name for the new private roadway.
 - vii. Show required right-of-way to be dedicated as noted by Public Works and Utilities.
 - viii. Show a pedestrian sidewalk connection from South 83rd Street to South 84th Street along the north edge of the detention cell through the cul-de-sac bulb or from the private roadway to Amber Hill Road.
 - ix. Add a general note which states, "The garage for the dwellings facing the private roadway shall be set back 22' from the back of the sidewalk. The sidewalk should be at least 8' from the curb along the private roadway.
- b. The Permittee shall submit grading, drainage, and utility plans, including plans for improvements in Amber Hill Road to the satisfaction of Public Works and Utilities. The following improvements will be phased as follows:
- i. Sidewalks and street trees on the west side of 83rd Street will be installed upon development of the land to the west. This property will be platted as an outlot for future development and deeded to the owner to the west.
 - ii. Urban curb and gutter segment on the south side of Amber Hill Road will be the responsibility of any future redevelopment of the land to the south.
 - iii. Urban curb and gutter segment and associated grading on north side of Amber Hill Road will occur once buildable lots are platted on this development.
 - iv. The water main in Amber Hill Road will not be constructed as part of this project, but the owner agrees to not object to a special assessment district for this improvement if it is proposed in the future.
 - v. That the water main in the private roadway will not be extended to the future water main in Amber Hill Road.
- c. The property shall be annexed and appropriately re-zoned.
- d. The construction plans shall substantially comply with the approved plans.
- e. Final plats shall be approved by the City.
4. Before occupying the dwelling units all development and construction shall have been completed in substantial compliance with the approved plans.
5. All privately-owned improvements shall be permanently maintained by the Permittee or an appropriately established owners association approved by the City.
6. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
7. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
8. The Permittee shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee. Building permits will not be issued until the letter of acceptance has been filed.

9. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however the terms and conditions of all prior resolutions approving this permit shall remain in full force and effect as specifically amended by this resolution.

Introduced by DiAnna Schimek

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

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 third time.

SCHIMEK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19807**, is recorded in Ordinance Book #28, Page .

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.

SCHIMEK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19808**, is recorded in Ordinance Book #28, Page .

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 third time.

SCHIMEK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19809**, is recorded in Ordinance Book #28, Page .

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

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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 third time.

SCHIMEK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19810**, is recorded in Ordinance Book #28, Page .

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 third time.

SCHIMEK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19811**, is recorded in Ordinance Book #28, Page .

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) - PRIOR to reading:

CARROLL Moved MTA #1 to amend Bill No. 12R-194 by accepting the substitute Attachment "A" Communications Center (Amended) Agreement attached hereto to replace Attachment "A" previously provided with Bill No. 12R-194.

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

CLERK Read the following amended resolution, introduced by Jonathan Cook, who moved its adoption:

A-87136 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Amended Communications Center Interlocal Agreement between the City of Lincoln, Nebraska and Lancaster County, Nebraska for a Communications Center 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, in accordance with the terms and conditions contained in said Amended 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 an executed copy of the Agreement to Tom Casady, Public Safety Director, and to the Lancaster County Clerk for execution by the Board of Commissioners.

Introduced by Jonathan Cook

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

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required) - NONE

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF NOVEMBER 16-30, 2012.

APPOINTING TRACY CORR AND DENNIS D. SCHEER TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR TERM EXPIRING AUGUST 24, 2017.

APPROVING A COOPERATIVE AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE CITY OF LINCOLN REGARDING STATE OF NEBRASKA GRANT FUNDING FROM THE STORMWATER MANAGEMENT PLAN.

APPROVING THE CITY OF LINCOLN PUBLIC ART MASTER PLAN FOR WORKS OF ART TO BE PLACED ON CITY-OWNED PROPERTY.

APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF LINCOLN AND O.P.P.D. FOR FIBER ATTACHMENT POINTS TO POLES TO CONNECT FIBER CABLE AT THE WELL SITES OF THE LINCOLN WATER SYSTEM IN ASHLAND.

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE - NONE

ADJOURNMENT 4:41 P.M.

CAMP Moved to adjourn the City Council meeting of December 10, 2012.
 Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Schimek; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Office Specialist

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