

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JANUARY 14, 2013 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, Hinkley, 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

HINKLEY Having been appointed to read the minutes of the City Council proceedings of Jaunuary 7, 2013 reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Beutler presented the Mayor's Award of Excellence for December, 2012 to Don Fosler and Krissa Knopik, two Investigators from the Technical Investigations Unit (TIU) of the Lincoln Police Department. They were nominated by Sergeant Sandra Myers of TIU in the categories of customer relations and productivity for their work which led to the arrest of 8 members of a group of thieves known nationally as the Felony Lane Gang. It is believed the gang was responsible for more than \$80,000 in losses in Lincoln and Omaha during May and June of 2012. As part of their investigation, Fosler and Knopik exchanged information with other law enforcement agencies and educated community banks about the activities and tactics of the gang. Mayor Beutler commended them for the dedication and service to the community.

Jim Peschong, Chief of Police, came forward to congratulate Officers Fosler and Knopic. This gang has been involved in crimes in 19 states. The partnerships these officers created with businesses in the community led to arrests that other departments around the country have been unable to make. This is a great example of community policing.

Don Fosler and Krissa Knopik came forward to graciously accept their awards.

PUBLIC HEARING

REAPPOINTING JERRY L. HUDGINS, VICKI HUFF AND MARILYN MCNABB TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR TERMS EXPIRING DECEMBER 31, 2015 - Council Member Jon Camp moved to delay this item two weeks in order for Council to have a public dialogue with these appointees about upcoming LES projects. Council voted on the item.

This matter was taken under advisement.

AMENDING CHAPTER 24.05 OF THE LINCOLN MUNICIPAL CODE, THE LINCOLN GAS PIPING SYSTEMS CODE, BY AMENDING SECTION 24.05.010 TO PROVIDE THAT STANDARDS 54 AND 58 OF THE 1992 NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARDS AS AMENDED FROM TIME TO TIME SHALL BE CONSIDERED PART OF THE LINCOLN GAS PIPING CODE; AMENDING SECTION 24.05.260 TO PROVIDE EXAMINATIONS FOR MASTER OR JOURNEYMAN GAS FITTERS SHALL BE HELD AT DATES, TIMES AND PLACES AS MAY BE DETERMINED BY THE DIRECTOR OF BUILDING AND SAFETY UPON AT LEAST 14 DAYS NOTICE THEREOF; AMENDING SECTION 24.05.350 TO INCREASE CERTAIN EXAMINATION AND REGISTRATION FEES; AND AMENDING SECTION 24.05.380 TO INCREASE CERTAIN PERMIT FEES - Fred Hoke, Director of Building and Safety, came forward to present this item and to introduce Chief Mechanical Inspector, Merl Scott. The Gas Piping Installation Code has not been updated since 1994. Based on the recommendations of members of the Plumbing Code Task Force, the Building and Safety department is recommending updates to the examination schedule and to various fees.

Merl Scott, Building & Safety Department, came forward to state that Gas Pipeline Installation Code is still valid in terms of installation itself. However, there are administrative aspects that need to be updated, including clarification of who can administer exams, language updates that enable the Code to reflect the most current NFPA standards, and various changes in fees to cover current administrative costs. In answer to Council questions, Mr. Scott explained that industry professionals are aware of the examination dates which are set by the Boards of Examiners for HVAC and Plumbing. Requiring applications to be turned in 14 days prior to testing dates allows for the ordering of exam materials and arrangement of testing sites.

This matter was taken under advisement.

REGULAR MEETING
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AMENDING CHAPTER 8.16 OF THE LINCOLN MUNICIPAL CODE, CONTAGIOUS AND INFECTIOUS DISEASES, BY REPEALING SECTIONS 8.16.010, 8.16.020, 8.16.030, 8.16.040, 8.16.050, 8.16.060, 8.16.070, 8.16.080, AND 8.16.090 IN THEIR ENTIRETY;

AMENDING CHAPTER 8.24 OF THE LINCOLN MUNICIPAL CODE, LINCOLN'S NOISE CONTROL ORDINANCE, BY AMENDING SECTION 8.24.080 TO CHANGE REQUIREMENTS FOR REPORTS; AMENDING SECTION 8.24.140 TO CLARIFY EXEMPTION PROVISIONS RELATED TO GOVERNMENT ACTIVITIES; AND AMENDING SECTION 8.24.150 TO UPDATE PROVISIONS FOR APPEAL PROCEDURES - Judy Halstead, Director of Health, came forward to explain that the first item will repeal Chapter 8.16 of the Lincoln Municipal Code which was written in 1936 and is now inappropriate. Chapter 8.18, passed in 2007, is in place and is more relevant. The second item will eliminate the role of the Air Pollution Control Advisory Board from the process of considering matters of noise pollution. These issues will be handled by the Board of Health and Council. The appeals process will be handled by District Court, similar to many other ordinance appeals.

Jim Peschong, Chief of Police, came forward to explain the request to clarify language which specifically excludes training activities from the noise ordinance. In answer to Council questions, Chief Peschong responded that if officers witness an individual violating the noise ordinance, they issue a citation. If they do not witness the violation, they may find the registered owner of a vehicle and inform them that a complaint was made.

Mike Morosin, 1500 North 15th Street, came forward to ask what recourse a citizen would have if the City caused damage or injury during a training activity.

Rod Confer, City Attorney, came forward to state that complaints could be made to the appropriate department or to the Mayor's Office. In the case of negligence, a citizen could file a tort claim against the City.

Chief Peschong returned to add that when training occurs, residents in the area are notified in advance.

This matter was taken under advisement.

RENAMING THE PARK AT 7TH AND Q STREET CURRENTLY KNOWN AS "IRON HORSE PARK" TO "BILL HARRIS IRON HORSE PARK" - Lynn Johnson, Director of Parks and Recreation, came forward to give background for the renaming of this park. As Mayor of Lincoln from 1987-1991, Bill Harris was instrumental in promoting the early development of the historic Haymarket area as a retail and entertainment district. He secured federal permission for redevelopment of Lincoln Station and the surrounding area, which includes the public outdoor space, brick mural, historic locomotive, and the water feature north of the station. The Parks & Recreation Advisory Board has found this project to be consistent with naming policies and if approved, a bronze marker will be developed with the family, and "Bill Harris" will be added to the east archway entrance.

Mary Sue Harris came forward to describe her husband's devotion to the development of the Haymarket District and the many benefits it now brings to the entire community.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF DECEMBER 1 - 31, 2012 - Robert Lybarger, 3620 N. 4th St. Ct., came forward to describe the circumstances surrounding his claim against the City. His custom ordered vehicle was damaged by the specialty paint used for painting stripes in the road at the 14th & Superior Street roundabout.

Rod Confer, City Attorney, came forward to state that under the Political Subdivision Tort Claims Act, the City is only authorized to pay tort claims in the event of negligence. The City uses a special paint to minimize exposure to the driving public, a sign warns drivers of wet paint, and the vehicles are equipped with strobe lights so they are highly visible. Another factor in the denial of this claim is the fact that the painting occurred in August but the claim was not submitted until October. In answer to Council questions, Mr. Confer stated that if a vehicle sustains damage while on City streets, the City is not liable unless there is proof of negligence.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND WHITEHEAD OIL COMPANY FOR THE ANNUAL SUPPLY OF MOTOR FUELS, PURSUANT TO BID NO. 12-225, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM UPON THE TERMS SET FORTH IN SAID CONTRACT - Bob Walla, Assistant Purchasing Agent, came forward to answer questions. He replied that four responses were received on this particular bid. The final decision was based on the lowest delivery fee, since that is the part of the bid that varied from one contractor to another; the wholesale rack price varies daily.

Alan Makovicka, 5843 Randolph St., came forward representing Whitehead Oil Company. He explained that rack price is set by suppliers and varies based on factors such as crude oil price and market price.

This matter was taken under advisement.

APPROVING THE AMENDMENT TO RENEW EACH OF THE AGREEMENTS FOR THE ANNUAL SUPPLY OF POLICE CLOTHING, PURSUANT TO BID NO. 10-171, BETWEEN THE CITY OF LINCOLN AND SOUTHERN UNIFORM AND EQUIPMENT, ALAMAR UNIFORMS, AND GALLS INC. FOR ADDITIONAL TWO YEAR TERMS UPON THE TERMS SET FORTH IN SAID AMENDMENTS - Bob Walla, Assistant Purchasing Agent, came forward to describe this two-year contract. The three different vendors were selected based on their lowest bids for specific products in different line items. In answer to Council questions, Mr. Walla replied that two-year contracts give the City more economy of scale on pricing and save time on the rebidding and renewal process.

This matter was taken under advisement.

APPROVING A CONTRACT FOR CONSTRUCTION DESIGN SERVICES BETWEEN THE CITY OF LINCOLN AND OLSSON ASSOCIATES FOR ENGINEERING AND RELATED PROFESSIONAL SERVICES FOR THE CONSTRUCTION DESIGN OF TWO BIORETENTION WATER QUALITY FEATURES UPSTREAM FROM SOUTH STREET IN ANTELOPE PARK, CITY PROJECT NO. 705335C - Ben Higgins, Senior Engineer for Public Works and Utilities Department, came forward to state that this contract is for water quality projects upstream of South Street. They are part of the Antelope Creek Watershed Master Plan approved in July of 2012. In answer to Council questions, Mr. Higgins replied that legal counsel advised this item be brought before Council as a resolution to avoid a potential conflict of interest with a member of staff. There will be no street work with these projects and South Street will remain open.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND HAVELOCK BUSINESS ASSOCIATION FOR THE REPLACEMENT OF THE HAVELOCK SIGN IN THE SOUTHEAST CORNER OF THE INTERSECTION OF SUPERIOR STREET, CORNHUSKER HIGHWAY AND HAVELOCK AVENUE - Wynn Hjermsstad, Urban Development, came forward seeking approval of this agreement that sells the existing 25 year old Havelock sign to the Havelock Business Association. The agreement provides a grant for \$130,000 to demolish the existing sign and build a modern, digital replacement that will capture the historic nature of Havelock. The new sign will feature advertising space which will be limited to use by members of the Havelock Business Association. Revenue generated by this space will go back to the Havelock Business Association and will be used for the maintenance and eventual replacement of the sign. Replacing the current sign serves a public purpose and promotes the main entrance to a business district that is undergoing significant renovation. Ms. Hjermsstad thanked Bradd Schmeichel, Urban Development Department, and LaMar Advertising for their extra work and assistance on this challenging project. Many departments and agencies consulted on this project and all regulations have been met.

David Cole, Havelock Business Association, came forward to answer questions. The original plan was to use TIF money from the overall Havelock redevelopment project funds but there were issues with the ownership of the property and location of the sign. This solution is "Plan B".

This matter was taken under advisement.

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN LANCASTER COUNTY AGRICULTURAL SOCIETY, INC., THE CITY OF LINCOLN AND THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO PRESERVE AND PROTECT FLOODPLAINS, WETLANDS, NATURAL DRAINAGEWAYS, AND TREE MASSES OVER 7.83 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND HAVELOCK AVE - Ben Higgins, Senior Engineer for Public Works and Utilities Department, came forward to state that this easement along Stevens Creek is part of a prior agreement made when soil was removed from the area.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 12004 - AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY CHANGING THE LANCASTER COUNTY AND LINCOLN AREA FUTURE LAND USE PLANS FROM GREEN SPACE TO INDUSTRIAL ON APPROXIMATELY 11 ACRES OF PROPERTY AT N.W. 44TH STREET AND W. WEBSTER STREET - Marvin Krout, Director of Planning Department, came forward to describe this amendment. This land is on Lincoln Airport Authority property and occupies an area west of the runways. Sadoff Iron and Metal currently lease two separate, smaller parcels of land. They now want to consolidate and expand their business and this site suits them well because it has rail access, is a former gas storage facility so it has groundwater monitoring, and is distant from any entryway corridors, major roads, or any planned or existing residential neighborhoods. Sadoff has evergreen trees adjacent to their existing site and has agreed to move about 20 trees into the area around the lake to provide a buffer and to provide some mitigation for the fact that there will be a salvage yard in that area. There will be a solid, eight-foot tall fence around it and though the storage will extend beyond the height of that fence, it will be distant from anyone using the park or driving down NW 48th Street. The special permit was approved and this is just cleanup to amend the Comprehensive Plan. In answer to Council questions, Mr. Krout replied that the Airport Authority will be responsible for inspecting the abandoned sites for environmental damage before they lease the land out again.

This matter was taken under advisement.

MISC. NO. 12014 - DECLARING THE 18TH AND Q STREETS REDEVELOPMENT AREA, AN APPROXIMATELY 4.7 ACRES GENERALLY BOUNDED BY Q STREET, R STREET, N. 18TH STREET AND N. ANTELOPE VALLEY PARKWAY, AS BLIGHTED AND SUBSTANDARD - Dallas McGee, Assistant Director of Urban Development, came forward to describe the area in question and the reasons it qualifies for the blighted and substandard designation. If the redevelopment area becomes eligible for the use of TIF, a redevelopment plan amendment to the Antelope Valley Redevelopment Plan would come before Council in February, followed by a redevelopment agreement in March. In answer to Council questions, Mr. McGee explained that the east side of Antelope Valley Parkway is included because improvements such as sidewalks and pedestrian lighting in the right-of-way could be included in the redevelopment plan.

Council Member Jon Camp expressed concerns over declaring a raw piece of land that only has one structure as blighted and substandard. He also has concerns with the use of TIF funds to subsidize a project that could be completed by the University.

Mr. McGee responded to these comments and other Council questions. This block was excluded from the original Antelope Valley Redevelopment Area because it was part of City Campus. Even though it only has the single structure, it meets the State standards for blighted and substandard, and had it been included in the original plan, would have contributed to the overall area. This arrangement gives the City the opportunity to provide input in order to create a better connection between Antelope Valley and the downtown area.

Tom Huston, 233 S. 13th street, Ste. 1900, came forward on behalf of America First Real Estate Group. This area should have been properly included in the original redevelopment area, but since it was not, it was better to do a study, recognizing that the area is essentially being added to the Antelope Valley Area, which it borders on two sides. The University owns housing to the north of this area and they need parking for those students. They could have constructed another garage, but recognizing the opportunity to do something different, they requested proposals from private developers in order to create a mixed-use development. UNL proposed a ground lease with America First and a condominium regime has been proposed. The Board of Regents will hold one unit which will contain their 1270 stall parking garage. The other three units will be owned by America First, and though plans have not been finalized, will likely include 140 rental residential units, a centrally located green roof concept, and additional private parking. The project will add street-level texture and vitality along Antelope Valley Parkway.

Council Member Jonathan Cook clarified that the privately owned residential units will be taxed even though the housing units will be located on University owned land, even after the TIF expires.

This matter was taken under advisement.

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION ENGINEERING COSTS FOR THE S.W. 40TH STREET PROJECT (STATE PROJECT NO. STPN-BR-TMT-5267(1), CN 12744, CITY PROJECT NO. 700132);

APPROVING A CONSTRUCTION ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION ENGINEERING COSTS FOR THE 27TH AND LEIGHTON VIADUCT PROJECT (STATE PROJECT NO. LCLC-5231(13), CN 13137, CITY PROJECT NO. 540023);

APPROVING A PROGRAM AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL TRANSPORTATION PROGRAM FUNDS FOR PRELIMINARY ENGINEERING, RIGHT-OF-WAY EXPENSES, CONSTRUCTION, AND CONSTRUCTION ENGINEERING COSTS FOR THE 10TH AND SALT CREEK BRIDGE PROJECT (STATE PROJECT NO. LCLC-5215(3), CN 13233, CITY PROJECT NO. 540027) - Thomas Shafer, Design/Construction Manager for Public Works, came forward to answer questions. The first two items are projects that have come before Council in the past and involve agreements with the State allowing City construction engineering and administration time to be eligible for reimbursement through federal aid. The last item is a new project with the Nebraska Department of Roads making the rehabilitation or replacement of the structure at 10th Street over Salt Creek eligible for federal funds. In answer to Council questions, Mr. Shafer replied that during construction on the 27th Street viaduct project, there will be one lane open in each direction with the possibility of full closure at night for brief periods. Construction will commence this spring.

This matter was taken under advisement.

4:50 P.M. BREAK

4:55 P.M. RECONVENED

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING ANDREW BUDELL TO THE BOARD OF ZONING APPEALS FOR A TERM EXPIRING FEBRUARY 1, 2017 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87158 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Andrew Budell to the Board of Zoning Appeals for a term expiring February 1, 2017, is hereby approved.

Introduced by Doug Emery

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

APPOINTING RANDALL GORDON TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A TERM EXPIRING AUGUST 17, 2015 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87159 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Randall Gordon to the Community Forestry Advisory Board for a term expiring August 17, 2015, is hereby approved.

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

APPOINTING ERIC T. HOKE TO THE CITIZEN POLICE ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 17, 2014 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87160 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Eric T. Hoke to the Citizen Police Advisory Board for a term expiring November 17, 2014, is hereby approved.

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

REAPPOINTING JERRY L. HUDGINS, VICKI HUFF AND MARILYN MCNABB TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR TERMS EXPIRING DECEMBER 31, 2015 - PRIOR to reading:

CAMP Moved to continue Public Hearing with Action two weeks to January 28, 2013.

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

APPOINTING TRENTON REED TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM EXPIRING APRIL 27, 2014 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87161 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Trenton Reed to the Parks and Recreation Advisory Board for a term expiring April 27, 2014, is hereby approved.

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

REAPPOINTING RUTHELEN G. SITTLER AND BARRY MOORE TO THE AGING PARTNERS AREA AGENCY ON AGING AREAWIDE ADVISORY COUNCIL FOR TERMS EXPIRING JULY 1, 2015 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87162 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Ruthelen G. Sittler and Barry Moore to the Aging Partners Area Agency on Aging Areawide Advisory Council for terms expiring July 1, 2015, is hereby approved.

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

APPOINTING SHARON L. BUSCH TO THE AGING PARTNERS AREA AGENCY ON AGING AREAWIDE ADVISORY COUNCIL FOR A TERM EXPIRING JULY 1, 2014 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87163 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Sharon L. Busch to the Aging Partners Area Agency on Aging Areawide Advisory Council for a term expiring July 1, 2014, is hereby approved.

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

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR THE TIME PERIOD NOVEMBER 1, 2012 THROUGH NOVEMBER 30, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

PETITIONS & COMMUNICATIONS

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 12037 - Requested by the Director of Planning, from P Public Use District to B-4 Lincoln Center Business District and I-1 Industrial District; and from B-4 Lincoln Center Business District, R-4 Residential District, R-6 Residential District, I-1 Industrial District and H-3 Highway Commercial District to P Public Use District, on property generally bounded by Cornhusker Highway to P Street and North 10th Street to North 23rd Street, Lincoln, Lancaster County, Nebraska.

Change of Zone No. 12040 - Requested by Derek Zimmerman, from R-2 Residential District to H-3 Highway Commercial District, on property legally described as the west 74' of Lot 1; Lots 2 and 3 except the west 7'; and the west 74' of Lot 4 and ½ vacated Nelson Street adjacent; all in Block 35, Washington Heights, located in the SW 1/4 of Section 12-10-6, Lancaster County, Nebraska, generally located at N. 14th Street and Knox Street.

Special Permit No. 1584A - Requested by Sue and Drake Oltman, to expand an early childhood care facility to accommodate an additional 15 children, on property legally described as Lot 1, Block 2, Tyler Ranch, located in the NW 1/4 of Section 33-10-6, Lancaster County, Nebraska, generally located at S. Coddington Avenue and West A Street (1400 SW 22nd Street). The Planning Commission action is final action, unless appealed to the City Council.

Special Permit No. 12040 - Requested by Derek Zimmerman, for an outdoor area for 3 or less animals associated with a veterinary facility, on property legally described as the west 74' of Lot 1; Lots 2 and 3 except the west 7'; and the west 74' of Lot 4 and ½ vacated Nelson Street adjacent; all in Block 35, Washington Heights, located in the SW 1/4 of Section 12-10-6, Lancaster County, Nebraska, generally located at N. 14th Street and Knox Street. The Planning Commission action is final action, unless appealed to the City Council.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 12061 to Special Permit No. 277I, Pine Lake Community Unit Plan, approved by the Planning Director on January 7, 2013, requested by Benjamin Hynek, to adjust the side yard setback adjacent to the north lot line of Lot 25, Pine Lake Addition, from 15' to 10'. The adjustment applies only for the extent of the approximate 4' x 18' proposed addition, otherwise the setback is not adjusted for the remainder of the side yard and it remains at 15'. At the request of the applicant, this approval supersedes the previous approval of December 7, 2012. Property is generally located near S. 84th St. and Pine Lake Rd.

Administrative Amendment No. 12067 to Special Permit No. 207C, Homestead Health Care, approved by the Planning Director on January 7, 2013, requested by Architectural Design Associates, to allow an addition to the existing nursing home and revise the existing parking lot, on property generally located at S. 54th St. and LaSalle St.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS - NONE

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

AMENDING CHAPTER 24.05 OF THE LINCOLN MUNICIPAL CODE, THE LINCOLN GAS PIPING SYSTEMS CODE, BY AMENDING SECTION 24.05.010 TO PROVIDE THAT STANDARDS 54 AND 58 OF THE 1992 NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARDS AS AMENDED FROM TIME TO TIME SHALL BE CONSIDERED PART OF THE LINCOLN GAS PIPING CODE; AMENDING SECTION 24.05.260 TO PROVIDE EXAMINATIONS FOR MASTER OR JOURNEYMAN GAS FITTERS SHALL BE HELD AT DATES, TIMES AND PLACES AS MAY BE DETERMINED BY THE DIRECTOR OF BUILDING AND SAFETY UPON AT LEAST 14 DAYS NOTICE THEREOF; AMENDING SECTION 24.05.350 TO INCREASE CERTAIN EXAMINATION AND REGISTRATION FEES; AND AMENDING SECTION 24.05.380 TO INCREASE CERTAIN PERMIT FEES - CLERK read an ordinance, introduced by Doug Emery, amending Chapter 24.05 of the Lincoln Municipal Code, the Lincoln Gas Piping Systems Code, by amending Section 24.05.010 to provide that the current version of Standards 54 and 58 of the 1992 National Fire Protection Association (NFPA) Standards are on file in the office of the City Clerk and that Standards 54 and 58 as amended from time to time shall be considered part of the Lincoln Gas Piping Code; amending Section 24.05.260 to provide examinations for master or journeyman gas fitters shall be held at dates, times and places as may be determined by the Director of Building and Safety upon at least 14 days notice thereof; amending Section 24.05.350 to increase certain examination and registration fees; amending Section 24.05.380 to increase certain permit fees; and repealing Sections 24.05.010, 24.05.260, 24.05.350, and 24.05.380 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 8.16 OF THE LINCOLN MUNICIPAL CODE, CONTAGIOUS AND INFECTIOUS DISEASES, BY REPEALING SECTIONS 8.16.010, 8.16.020, 8.16.030, 8.16.040, 8.16.050, 8.16.060, 8.16.070, 8.16.080, AND 8.16.090 IN THEIR ENTIRETY - CLERK read an ordinance, introduced by Doug Emery, repealing Chapter 8.16 of the Lincoln Municipal Code, Contagious and Infectious Diseases, by repealing Sections 8.16.010, 8.16.020, 8.16.030, 8.16.040, 8.16.050, 8.16.060, 8.16.070, 8.16.080, and 8.16.090 in their entirety, the second time.

AMENDING CHAPTER 8.24 OF THE LINCOLN MUNICIPAL CODE, LINCOLN'S NOISE CONTROL ORDINANCE, BY AMENDING SECTION 8.24.080 TO CHANGE REQUIREMENTS FOR REPORTS; AMENDING SECTION 8.24.140 TO CLARIFY EXEMPTION PROVISIONS RELATED TO GOVERNMENT ACTIVITIES; AND AMENDING SECTION 8.24.150 TO UPDATE PROVISIONS FOR APPEAL PROCEDURES - CLERK read an ordinance, introduced by Doug Emery, amending Chapter 8.24 of the Lincoln Municipal Code, Lincoln's Noise Control Ordinance, by amending Section 8.24.080 to change requirements for reports; amending Section 8.24.140 to clarify exemption provisions related to government activities; amending Section 8.24.150 to update provisions for appeal procedures; and repealing Sections 8.24.080, 8.24.140, and 8.24.150 of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS

RENAMING THE PARK AT 7TH AND Q STREET CURRENTLY KNOWN AS "IRON HORSE PARK" TO "BILL HARRIS IRON HORSE PARK." - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87164 A RESOLUTION approving the renaming of the park currently known as "Iron Horse Park" generally located at 7th and Q Streets as "Bill Harris Iron Horse Park."

WHEREAS, Bill Harris served as Mayor of the City of Lincoln between 1987 and 1991, was actively involved in promoting early development of the Lincoln Historic Haymarket as a retail and entertainment district, and served as a Nebraska State Senator from 1983 to 1987; and

WHEREAS, the Parks & Recreation Advisory Board unanimously recommended approval of naming the park as "Bill Harris Iron Horse Park" due to his significant civic accomplishments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the park currently known as "Iron Horse Park" generally located at 7th and Q Streets be and hereby is renamed as "Bill Harris Iron Horse Park."

Introduced by Doug Emery

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF DECEMBER 1 - 31, 2012 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87165 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 January 2, 2013, 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>	
Bobby Lybarger	\$1,160.39	Ruth Frederickson	\$1,823.70
Michelle Gouge	NAS*	Janette Kropatsch	267.49
		Farmers Insurance Group a/s/o	
		Janette Kropatsch	8,498.95
<u>L.E.S. Claims:</u>		Donald & Wanda Jones	2,359.42
Shay & Angela Campbell	2,313.00	Troy Carlson	503.10
Bradley & Cathy Graham	979.40	Kevin Madsen	819.57
North Creek Villas Townhouse Assn.	185.78	Dale Williams	1,320.56
Michael Hurley	872.26		
Geico Direct a/s/o Lori Jackson	7,233.06	<u>L.E.S. Claims:</u>	
Doug Kruce	750.00	Retzlaff Farms, Inc.	497.55
		David & Kristin Kwan	292.83
		John Mejia	1,486.98
		Crete Carrier Corp.	3,335.00
		Robert Beard	251.86

* No Amount Specified

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

Introduced by Doug Emery

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND WHITEHEAD OIL COMPANY FOR THE ANNUAL SUPPLY OF MOTOR FUELS, PURSUANT TO BID NO. 12-225, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM UPON THE TERMS SET FORTH IN SAID CONTRACT - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87166 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract Agreement between the City of Lincoln and Whitehead Oil Company for the Annual Supply of Motor Fuels, pursuant to Bid No. 12-225, for a two year term with the option to renew for one additional two year term, upon the terms as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Doug Emery

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

APPROVING THE AMENDMENT TO RENEW EACH OF THE AGREEMENTS FOR THE ANNUAL SUPPLY OF POLICE CLOTHING, PURSUANT TO BID NO. 10-171, BETWEEN THE CITY OF LINCOLN AND SOUTHERN UNIFORM AND EQUIPMENT, ALAMAR UNIFORMS, AND GALLS INC. FOR ADDITIONAL TWO YEAR TERMS UPON THE TERMS SET FORTH IN SAID AMENDMENTS - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87167 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the three attached Amendments to Agreements for Annual Supply of Police Clothing between the City of Lincoln and Southern Uniform and Equipment, Alamar Uniforms, and Galls Inc., pursuant to Bid No. 10-171, 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 Doug Emery

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

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APPROVING A CONTRACT FOR CONSTRUCTION DESIGN SERVICES BETWEEN THE CITY OF LINCOLN AND OLSSON ASSOCIATES FOR ENGINEERING AND RELATED PROFESSIONAL SERVICES FOR THE CONSTRUCTION DESIGN OF TWO BIORETENTION WATER QUALITY FEATURES UPSTREAM FROM SOUTH STREET IN ANTELOPE PARK, CITY PROJECT NO. 705335C - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87168 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract for Construction Design Services between the City of Lincoln and Olsson Associates for engineering and related professional services for the construction design of two bioretention water quality features upstream from South Street in Antelope Park, in accordance with the terms, conditions and assurances contained in said Contract for Construction Design Services is hereby approved and the Mayor is hereby authorized to execute the Contract for Construction Design Services on behalf of the City.

The City Clerk is directed to return an executed copy of the Contract for Construction Design Services to Ben Higgins with Public Works, who will forward the Contract for Construction Design Services to Olsson Associates.

Introduced by Doug Emery

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

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND HAVELOCK BUSINESS ASSOCIATION FOR THE REPLACEMENT OF THE HAVELOCK SIGN IN THE SOUTHEAST CORNER OF THE INTERSECTION OF SUPERIOR STREET, CORNHUSKER HIGHWAY AND HAVELOCK AVENUE - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87169 WHEREAS, the City of Lincoln is desirous of entering into an Agreement with the Havelock Business Association for the replacement of a City owned sign in the southeast corner of the intersection of Superior Street, Cornhusker Highway and Havelock Avenue promoting and directing travelers to the Havelock area and for the Havelock Business Association to assume the responsibility for the management and maintenance of the sign.

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

That the Agreement between the City of Lincoln, Nebraska and the Havelock Business Association, a copy of which is attached hereto, marked as Attachment "A", and made a part hereof by reference, for the removal of an existing City owned sign and the construction of a new sign in the southeast corner of the intersection of Superior Street, Cornhusker Highway and Havelock Avenue and to provide for the Havelock Business Association to assume the responsibility for the management and maintenance of the sign, upon the terms and conditions set forth in said Agreement, is hereby accepted and approved, and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is hereby directed to transmit a fully executed copy of said Agreement to Brad Schmeichel, Urban Development Department, for transmittal to the Havelock Business Association.

Introduced by Doug Emery

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

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN LANCASTER COUNTY AGRICULTURAL SOCIETY, INC., THE CITY OF LINCOLN AND THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO PRESERVE AND PROTECT FLOODPLAINS, WETLANDS, NATURAL DRAINAGEWAYS, AND TREE MASSES OVER 7.83 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND HAVELOCK AVE - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87170 WHEREAS, The City of Lincoln and the Lower Platte South Natural Resource District desire to acquire a conservation easement from Lancaster County Agricultural Society, Inc. to preserve and protect floodplains, wetlands, natural drainageways, and tree masses over 7.83 acres of property generally located at North 84th Street and Havelock Avenue and legally described as: a portion of Lot 38 in the Northeast Quarter of Section 11, Township 10 North, Range 7 East of the 6th P.M., and more particularly described in Exhibit "A" attached hereto; and

WHEREAS, conveyance of this conservation easement to the City of Lincoln and the Lower Platte South Natural Resources District would further the goals of the Comprehensive Plan relating to preserving the flood storage capacity by restricting the development of the property.

WHEREAS, the Planning Commission found this proposed conservation easement to be in conformity with the Comprehensive Plan as approved by Resolution No. PC-01311 on December 12, 2012.

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

That the Lancaster County Agricultural Society, Inc.'s offer to grant a conservation easement to the City of Lincoln and the Lower Platte South Natural Resources District over the property legally described above and in accordance with the terms of the Conservation Easement Agreement, attached hereto and marked as Attachment "A", is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Conservation Easement Agreement on behalf of the City of Lincoln, Nebraska.

BE IT FURTHER RESOLVED that the City Clerk is directed to return the original Conservation Easement to Ben Higgins, Public Works and Utilities, for recording with the Register of Deeds.

Introduced by Doug Emery

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

COMP. PLAN AMENDMENT 12004 - AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY CHANGING THE LANCASTER COUNTY AND LINCOLN AREA FUTURE LAND USE PLANS FROM GREEN SPACE TO INDUSTRIAL ON APPROXIMATELY 11 ACRES OF PROPERTY AT N.W. 44TH STREET AND W. WEBSTER STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87171 WHEREAS, the Planning Director, on behalf of Sadoff Iron and Metals has made application to amend the 2040 Lincoln-Lancaster County Comprehensive Plan to change the land designation in the Lancaster County and Lincoln Area Future Land Use Plans from Green Space to Industrial for approximately 11 acres of land generally located at N.W. 44th Street and W. Webster Street and to make associated amendments to the Comprehensive Plan; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of the requested change from Green Space to Industrial.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2040 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the Lancaster County Future Land Use Plan on pages 1.8 and 12.2, and the Lincoln Area Future Land Use Plan on pages 1.9 and 12.3 to reflect Industrial land use on approximately 11 acres of land generally located at N.W. 44th Street and W. Webster Street from Green Space to Industrial use as shown on Attachment "A".

BE IT FURTHER RESOLVED that all other maps, figures, and plans where the land use map is displayed and other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendments.

Introduced by Doug Emery

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

MISC. NO. 12014 - DECLARING THE 18TH AND Q STREETS REDEVELOPMENT AREA, AN APPROXIMATELY 4.7 ACRES GENERALLY BOUNDED BY Q STREET, R STREET, N. 18TH STREET AND N. ANTELOPE VALLEY PARKWAY, AS BLIGHTED AND SUBSTANDARD - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87172 WHEREAS, it is desirable and in the public interest that the City of Lincoln, Nebraska, a municipal corporation and a city of the primary class, undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1943, as amended, known as the Community Development Law, is the urban renewal and redevelopment law for the State of Nebraska and prescribes the requirements and procedures for the planning and implementation of urban redevelopment projects; and

WHEREAS, the City in accordance with its Home Rule Charter and the laws of the State of Nebraska applicable to cities of the primary class has duly prepared and approved a general plan for the development of the City known as its Comprehensive Plan, all as required by Section 18-2110, R.R.S. 1943; and

WHEREAS, this Council has received and duly considered evidence relating to the present condition of the 18th and Q Redevelopment Area, generally bounded by Q Street, R Street, N. 18th Street, and N. Antelope Valley Parkway, as shown and described on Attachment "A" (entitled 18th and Q Streets Redevelopment Area Blight and Substandard Determination Study); and

WHEREAS, this Council has received and duly considered other evidence, including evidence relating to the scope and limitations of the nearby redevelopment plans in the area, and the inability of the other plans to effectively remedy the substandard and blighted conditions;

WHEREAS, Article 8, Section 12 of the Constitution of the State of Nebraska requires that said area must be found to be both substandard and blighted in order for tax increment financing to be used in said area; and

WHEREAS, Section 18-2109, R.R.S. 1943, as amended, requires that prior to the preparation by the City of an urban redevelopment plan for a redevelopment project for the 18th and Q Streets Redevelopment Area, this Council as governing body of the City, by resolution, after review and recommendation from the Lincoln City Lancaster County Planning Commission, find and determine that said area is both a substandard and blighted area as defined in said Community Development Law, and in need of redevelopment; and

WHEREAS, on November 30, 2012, notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within a one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on December 12, 2012, before the Lincoln City - Lancaster County Planning Commission regarding the proposed determination that the 18th and Q Streets Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission on December 12, 2012 recommended that the 18th and Q Streets Redevelopment Area be found to be both a substandard and blighted area as defined in said Community Development Law and the evidence demonstrates that said 18th and Q Streets Redevelopment Area as shown and described on Attachment "A" constitutes both a substandard and blighted area as defined in said Community Development Law, which area is in need of redevelopment.

WHEREAS, on December 28, 2012 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on January 14, 2013 regarding the proposed determination that the 18th and Q Streets Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on December 28, 2012 and January 4, 2013 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on January 14, 2013 regarding the proposed determination that the 18th and Q Streets Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on January 14, 2013 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed determination that the 18th and Q Streets Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed determination.

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

1. That it is hereby found and determined that substandard and blighted conditions exist as set forth and discussed in Attachment "A" (entitled 18th and Q Streets Redevelopment Area Blight and Substandard Determination Study) attached hereto and incorporated herein as though fully set forth verbatim.

2. That it is hereby found and determined that the 18th and Q Streets Redevelopment Area as shown and described on Attachment "A", constitutes both a substandard and blighted area as defined by subsections (10) and (11), respectively, of Section 18-2103, R.R.S. 1943, as amended, and that said area is in need of redevelopment.

3. That it is hereby found and determined that said area is an eligible site for redevelopment projects under the provision of Chapter 18, Article 21, Nebraska Revised Statutes of 1943, as amended.

4. That the elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

5. That such substandard and blighted conditions are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aid provided by the Community Development law, specifically including Tax Increment Financing.

BE IT FURTHER RESOLVED that the Department of Urban Development as the duly designated community development agency for the City of Lincoln is hereby authorized and directed to immediately proceed with the preparation of a new redevelopment plan and associated projects for the 18th and Q Streets Redevelopment Area, which plan shall be prepared in accordance with the requirements and procedures of said Chapter 18, Article 21, for ultimate review and consideration by this Council.

Introduced by Doug Emery

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

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION ENGINEERING COSTS FOR THE S.W. 40TH STREET PROJECT (STATE PROJECT NO. STPN-BR-TMT-5267(1), CN 12744, CITY PROJECT NO. 700132)- CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87173

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

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Surface Transportation Program Funds for construction engineering costs for the S.W. 40th Street Project, Project No. STPN-BR-TMT-5267(1), CN 12744, City Project No. 700132, 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 copy of the Agreement to Devin Biesecker, Engineering Services, Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Doug Emery

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

APPROVING A CONSTRUCTION ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION ENGINEERING COSTS FOR THE 27TH AND LEIGHTON VIADUCT PROJECT (STATE PROJECT NO. LCLC-5231(13), CN 13137, CITY PROJECT NO. 540023)- CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87174 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Surface Transportation Program Funds for construction engineering costs for the 27th and Leighton Viaduct Project, Project No. LCLC-5231(13), CN 13137, City Project No. 540023, 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 copy of the Agreement to Devin Biesecker, Engineering Services, Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Doug Emery

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

APPROVING A PROGRAM AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL TRANSPORTATION PROGRAM FUNDS FOR PRELIMINARY ENGINEERING, RIGHT-OF-WAY EXPENSES, CONSTRUCTION, AND CONSTRUCTION ENGINEERING COSTS FOR THE 10TH AND SALT CREEK BRIDGE PROJECT (STATE PROJECT NO. LCLC-5215(3), CN 13233, CITY PROJECT NO. 540027)- CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87175 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Transportation Program Funds for preliminary engineering, right-of-way expenses, construction, and construction engineering costs for the 10th and Salt Creek Bridge Project, Project No. LCLC-5215(3), CN 13233, City Project No. 540027, 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 copy of the Agreement to Kris Humphrey, Engineering Services, Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Doug Emery

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

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

APPROVING THE FIRST AMENDMENT TO MANAGEMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND SMG TO AMEND THE MANAGEMENT AGREEMENT DATED JUNE 7, 2012 TO DEFINE PRE-OPENING EXPENSES AND ADOPT A BUDGET FOR PRE-OPENING EXPENSES, TO MODIFY AND CLARIFY SMG'S INSURANCE OBLIGATIONS AS REIMBURSABLE EXPENSES AND TO AMEND THE COMMENCEMENT DATE OF THE TERM - CLERK read the following ordinance, introduced by Jonathan Cook, accepting and approving the First Amendment to Management Agreement between the City of Lincoln, Nebraska and SMG to amend the Management Agreement dated June 7, 2012 to define pre-opening expenses and adopt a budget for pre-opening expenses, to modify and clarify SMG's insurance obligations as Reimbursable Expenses and to amend the commencement date of the term, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19820**, is recorded in Ordinance Book #28, Page .

AMENDING SECTION 17.08.070 TO REFLECT THE RENAMING OF BILL HARRIS IRON HORSE PARK. (12/17/12 - TO HAVE ACTION ONLY ON 1/14/13) - PRIOR to reading:

CARROLL Moved to amend Bill No. 12-157B in the following manner:

1. on page 1, line 3, after the name "Bill Harris" insert the words Iron Horse.

2. On page 1, line 15, after the name "Bill Harris" insert the words Iron Horse.

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

CLERK Read the following ordinance, introduced by Eugene Carroll, amending Chapter 12.08 of the Lincoln Municipal Code, relating to General Rules and Regulations for Parks, by amending Section 12.08.070 to reflect the renaming of Bill Harris Iron Horse Park; and repealing Section 12.08.070 of the Lincoln Municipal Code as hitherto existing, the third time.

CARROLL Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#19821**, is recorded in Ordinance Book #28, Page .

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

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

APPROVING LEGENDS BAR & GRILL AS A KENO SATELLITE SITE AT 8300 NORTHWOODS DRIVE.

AUTHORIZING A REQUEST TO THE STATE OF NEBRASKA, BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS, FOR RELAXATION OF THE MINIMUM DESIGN STANDARDS TO ALLOW TEN FOOT WIDE LANES IN NORTH 33RD STREET FROM P STREET TO HOLDREGE STREET, CITY PROJECT 701775.

APPROVING A FEE FOR THE LIFT ASSIST SERVICE PERFORMED BY LINCOLN FIRE AND RESCUE IN THE AMOUNT OF \$250.00, PURSUANT TO SECTION 2.20.200 OF THE LINCOLN MUNICIPAL CODE.

APPROVING A CONSULTANT AGREEMENT BETWEEN THE CITY OF LINCOLN AND AMERITAS INVESTMENT CORP. FOR FINANCIAL CONSULTING SERVICES FOR PROFESSIONAL ASSISTANCE IN THE ISSUANCE OF DEBT SECURITIES BY THE CITY FOR A FOUR YEAR TERM.

APPROVING FIVE CONTRACT AGREEMENTS BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND ALL MAKES OFFICE EQUIPMENT, AOI CORPORATION, OFFICE INTERIORS & DESIGN, PAY-LESS OFFICE PRODUCTS AND STAPLES, INC. FOR THE ANNUAL SUPPLY OF OFFICE SEATING, PURSUANT TO BID NO. 12-249, FOR FOUR-YEAR TERMS WITH THE OPTION TO RENEW FOR ONE ADDITIONAL FOUR-YEAR TERM.

APPROVING TWO CONTRACT AGREEMENTS BETWEEN THE CITY OF LINCOLN AND LESOING'S INC. AND STEPHENSON TRUCK REPAIR, INC. FOR THE ANNUAL REQUIREMENTS FOR AUTOMOTIVE PAINT AND BODY WORK, PURSUANT TO QUOTE NO. 3997, FOR TWO YEAR TERMS WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM.

APPOINTING MANDY R. HATCHER TO THE VETERANS MEMORIAL ADVISORY COUNCIL FOR A TERM EXPIRING NOVEMBER 1, 2015.

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE

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

Jo Tetherow, 3118 Shirley Court, came forward to present statistics on firearm related deaths and to offer her comments and suggestions pertaining to gun control.

This matter was taken under advisement.

Trina Derickson, 1421 D Street, came forward to spread awareness for organ donation and for her friend who is in need of an organ transplant.

This matter was taken under advisement.

ADJOURNMENT 5:26 P.M.

CAMP Moved to adjourn the City Council meeting of January 14, 2013.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None.

Joan E. Ross, City Clerk

Amy Hana Huffman, Senior Office Assistant