

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MARCH 18, 2013 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Eskridge; Council Members: Carroll, Cook, Emery, Hinkley, Schimek; City Clerk, Joan E. Ross; Absent: Camp.

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 March 11, 2013 reported having done so, found same correct. Seconded by Cook & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Camp.

MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Beutler came forward to present the Mayor's Award of Excellence for the month of February 2013 to John "Jay" Weyers of the Fire Emergency Services Division of Lincoln Fire and Rescue in the categories of Customer Relations, Productivity and Safety. Fire Captain Bryan Kratochvil nominated Mr. Weyers for his initiative to take on extra work when his captain was injured and not able to work. Mr. Weyers spent many hours to conduct two pre-plan inspections of two large businesses and complete them two months early.

Captain Bryan Kratochvil came forward to express gratification for Jay Weyers' commitment to serving the City.

Jay Weyers came forward to graciously accept his award and publicly thank his assigned crew members. He introduced family members who were present.

Fire Chief John Huff said that out of the 300+ employees in the Fire Department, Jay Weyers deserves to be recognized.

PUBLIC HEARING

APPLICATION OF DON E. YOUNG II DBA CAPITAL CIGAR COMPANY FOR A CLASS D LIQUOR LICENSE AT 333 NORTH COTNER BOULEVARD, SUITE 6 - Don Young, 6505 Teton Drive, came forward to take oath and answer questions. He said he wanted the opportunity to sell wine and craft beer in his 800 sq. ft. cigar store for off sale only. This matter was taken under advisement.

APPROVING A LEASE BETWEEN THE CITY OF LINCOLN AND TANYA A. PORTER AND DAMIAN A. PORTER FOR THE LEASE OF APPROXIMATELY 3,850 SQUARE FEET AT THE SOUTHWEST CORNER OF THE GROUND LEVEL OF THE CENTRUM PARKING GARAGE, GENERALLY LOCATED AT 1100 N STREET, FOR USE AS A DAY CARE FACILITY FOR A FIVE YEAR TERM WITH AN OPTION TO RENEW THE LEASE FOR AN ADDITIONAL FIVE YEAR TERM - David Landis, Urban Development Department Director, came forward to discuss the lease of space under the Centrum Garage that was formerly the Cedars Childcare location from 2003 to 2011. The Porters plan to run a small downtown childcare center known as Children's Choice. Mr. Landis said the rent per square foot is \$9.90 annually. He said childcare is a valuable part of a downtown center. He said the five-year lease grows by 3% per year. Council Member Hinkley had questions about some particular details of the lease, so Mr. Landis said he would obtain answers for Council from Law Department before taking action next week. This matter was taken under advisement.

AMENDING CHAPTER 4.16 OF THE LINCOLN MUNICIPAL CODE RELATING TO HOSPITAL BOARD BY AMENDING SECTION 4.16.007 TO ESTABLISH A PROCEDURE FOR INVADING THE CORPUS OF THE FUND IN THE EVENT OF A PUBLIC HEALTH EMERGENCY; AMENDING SECTION 4.16.010 OF THE CODE TO CLARIFY THAT EX OFFICIO MEMBERS OF THE BOARD OF TRUSTEES OF THE COMMUNITY HEALTH ENDOWMENT SHALL BE ENTITLED TO VOTE; REMOVING THE PROHIBITION THAT PREVENTS THE DIRECTOR OF AN ACUTE CARE HOSPITAL IN LINCOLN FROM SERVING ON THE BOARD OF TRUSTEES AND ADDING A PROHIBITION AGAINST ELECTED OFFICIALS SERVING ON THE BOARD OF TRUSTEES; AND PROVIDING THAT MEMBERS OTHER THAN EX OFFICIO MEMBERS MAY NOT SERVE MORE THAN TWO SUCCESSIVE TERMS ON THE BOARD OF TRUSTEES, EXCEPT FOR MEMBERS WHO ARE APPOINTED TO FILL A VACANCY ON THE BOARD; AMENDING SECTION 4.16.050 TO REMOVE LANGUAGE THAT WAS ONLY APPLICABLE TO THE ORIGINAL APPOINTMENT OF THE BOARD AT ITS INCEPTION; AND AMENDING 4.16.060 TO CHANGE THE TITLE OF THE EXECUTIVE DIRECTOR OF THE COMMUNITY HEALTH ENDOWMENT TO PRESIDENT/CEO - Rod Confer, City Attorney, came forward to provide history of the Community Health Endowment. This asset of the City came about when it sold Lincoln General Hospital and a fund of \$37 million was created by City Charter. The Charter also established the Community Health Endowment Board of Trustees; however, the details of how that was to be implemented was left to City ordinance. Mr. Confer discussed changes that required an amendment to the ordinance as it related to a community health emergency. He said the ordinance has always provided that in the event of community health emergency, the Council had the ability, upon two-thirds vote of the Council and the Community Health Endowment Board of Trustees, invade the original \$37 million and take up to 1/4 of that amount for purposes of the emergency. How that was going to take place

REGULAR MEETING

March 18, 2013

Page 540

and the mechanism for that occurring was never in the ordinance, so a revision explains that occurrence. He said a definition of what constitutes a health emergency has added language for clarification. Mr. Confer said that due to a disagreement in the interpretation of language stating whether the \$9.25 million limit only applies to the original corpus of the fund or to the entire fund, an additional amendment will come before Council next week. Because of this proposed amendment, he asked Council to consider another public hearing in one week -- but not to delay the vote. Mr. Confer cleared up confusion brought about by a newspaper article. He clarified that the County Board is not involved in this process because it is exclusively a City asset from the sale of the Lincoln General Hospital.

Lori Seibel, Community Health Endowment President/CEO, came forward to answer questions. She explained an original prohibition which prevented individuals on the board of an acute care hospital from serving on the Board of Trustees. What was once an issue of balance when the hospital sale was a difficult historical event, the prohibition is now no longer necessary. She addressed Council questioning relating to the prohibition of a public elected official from serving on the Board, Ms. Seibel stated that it maintains a separation from the idea of undue influence.

Council Member Schimek inquired about the replacement of \$9.25 million of funds if there really was an expenditure.

Ms. Seibel said the Trustees were favorable about the idea that if funds came and were refunded or reimbursed from another source, those would go back. She spoke about the written language and expressed concern that it may have become convoluted and full of assumptions. Ms. Seibel agreed that continued public hearing next week would be a good idea, especially in light of possible amendments.

Judy Halstead, Lincoln-Lancaster County Health Department, came forward to clarify the answer to a question raised by Council Member Cook. She said that if, for example, because of the delay of federal reimbursement that was needed for the sake of urgency to use funds that there would be an ability to reimburse those funds. Ms. Halstead clarified that Ms. Seibel stated the Board is in favor of such reimbursement. Ms. Halstead added that the City is also in favor of this requirement. She said it is necessary to make the language clear that caps the \$9.25 million - that it would not be any funds beyond that. In addition, she would ask Mr. Confer to clarify language that any funds that we received that were already paid out by Community Health Endowment, that the reimbursement would go back to the Community Health Endowment.

Council Member Schimek stated it was really important for the public to understand about the use of funds & reimbursement and she wanted it stated for the record.

Council Chair Eskridge asked about the origin of \$9.25 million: if that figure was derived from a quarter of the principle that was established when the fund started, is it the goal of the Board to see that set amount, not a quarter of whatever the principle amount might be at some future time? Ms. Seibel agreed that the idea was 25% of the original \$37 million. She said the cap of \$9.25 million represents the original intent. She presented a scenario in which a greater amount was withdrawn, thereby decimating the fund and disabling the CHE from achieving its mission. Ms. Seibel noted two things: 1) the Board of Trustees has said emphatically that if a public health emergency occurred, they would want to stand ready to assist; 2) if, in fact, a devastation occurred in the community, a discussion to access funds would follow.

Council Member Cook questioned the 48-hour time frame. Mr. Confer and Ms. Seibel agreed that the language is advisory. Ms. Seibel said 48 hours would give the Trustees time to express their opinion and have it on record.

Ms. Seibel said the Community Health Endowment Board of Trustees meets on the fourth Wednesday of each month. She invited Council to engage in a good discussion with the Board on March 27. Ms. Seibel agreed that continued public hearing next week would be a good idea, especially in light of possible amendments. In response to further questions, Ms. Seibel said the CHE Board is comprised of 15 members and the quorum requirement is eight. In an emergency, ten would need to show up and to vote.

Council Chair Eskridge asked Ms. Halstead to provide examples of a community health emergency. She shared that a community disaster may be any of the following: pandemic; tornado; isolation; federal declaration; state declaration.

Michael J. Tavlin, CHE Chair, was on hand for questioning.
This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING CATHERINE BEECHAM AND BERWYN JONES TO THE HISTORIC PRESERVATION COMMISSION FOR TERMS EXPIRING APRIL 15, 2016 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87261 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Catherine Beecham and Berwyn Jones to the Historic Preservation Commission for terms expiring April 15, 2016, is hereby approved.

Introduced by Eugene Carroll

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

REAPPOINTING JON CAMP TO THE DISTRICT ENERGY CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2014 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87262 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Jon Camp to the District Energy Corporation for a term expiring December 31, 2014, is hereby approved.

Introduced by Eugene Carroll

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

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JANUARY 31, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87263 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended January 31, 2013, \$206,384.40 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 Jonathan Cook

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MARCH 4, 2013 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, APRIL 1, 2013 AT 3:00 P.M. FOR THE APPLICATION OF WMJD, LLC DBA SINGLE BARREL FOR AN ADDITION TO ITS ALREADY LICENSED PREMISES BY ADDING AN OUTDOOR AREA APPROX. 32' BY 109' LOCATED AT 130 N. 10TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87264 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 1, 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 WMJD, LLC dba Single Barrel for an addition to its already licensed premises by adding an outdoor area approx. 32' by 109' located at 130 N. 10th Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, APRIL 1, 2013 AT 3:00 P.M. FOR THE APPLICATION OF FRAICHE, INC. DBA CHEZ HAY CATERING FOR A CLASS IK LIQUOR LICENSE LOCATED AT 210 N. 14TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87265 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 1, 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 Fraiche, Inc. dba Chez Hay Catering for a Class IK liquor license located at 210 N. 14th Street.

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

Introduced by Jonathan Cook

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 12073 to Special Permit 1947 approved by the Planning Director on March 5, 2013 requested by Verizon Wireless to replace the existing antennas located inside the monopole and to erect an equipment shelter on the roof of the commercial building which will be of a color and finish to match the building on property generally located on the northeast corner of 33rd St. and O Street.

Administrative Amendment No. 12064 to Special Permit 1999A, Wilderness Hills Community Unit Plan, approved by the Planning Director on March 6, 2013 requested by Sterling Group, Inc. to show setbacks, grading, utilities and sidewalk connections for the multifamily lot south of Crescent Drive on property generally located at S. 33rd Street and Crescent Drive.

REFERRALS TO THE PLANNING DEPARTMENT:

CHANGE OF ZONE 13004 - Requested by TDP Phase One, LLC from B-4 Lincoln Center Business District to B-4 Lincoln Center Business District with a Special Sign District designation known as "The Railyard Special Sign District" on property generally bounded by North 7th Street on the east, R Street on the north, Canopy Street on the west and Q Street on the south.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF DON E. YOUNG II DBA CAPITAL CIGAR COMPANY FOR A CLASS D LIQUOR LICENSE AT 333 NORTH COTNER BOULEVARD, SUITE 6 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-87266

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Don E. Young II dba Capital Cigar Company for a Class "D" liquor license at 333 North Cotner Boulevard, Suite 6, Lincoln, Nebraska, for the license period ending April 30, 2013, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

3. The premises must comply in every respect with all city and state regulations.

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

Introduced by Eugene Carroll

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

APPLICATION OF KIT MENH SAM DBA SHEN CAFÉ FOR A CLASS A LIQUOR LICENSE AT 3520 VILLAGE DRIVE, SUITE 100 - PRIOR to reading:

CARROLL Moved to continue Public Hearing with Action in one week to March 25, 2013.

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

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

APPROVING A LEASE BETWEEN THE CITY OF LINCOLN AND TANYA A. PORTER AND DAMIAN A. PORTER FOR THE LEASE OF APPROXIMATELY 3,850 SQUARE FEET AT THE SOUTHWEST CORNER OF THE GROUND LEVEL OF THE CENTRUM PARKING GARAGE, GENERALLY LOCATED AT 1100 N STREET, FOR USE AS A DAY CARE FACILITY FOR A FIVE YEAR TERM WITH AN OPTION TO RENEW THE LEASE FOR AN ADDITIONAL FIVE YEAR TERM - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln, Nebraska and Tanya A. Porter and Damian A. Porter for the lease of approximately 3,850 sq. ft. of space in the southwest corner of the ground level of the Centrum Parking Garage, generally located at 1100 N Street, for use as a day care facility, the second time.

AMENDING CHAPTER 4.16 OF THE LINCOLN MUNICIPAL CODE RELATING TO HOSPITAL BOARD BY AMENDING SECTION 4.16.007 TO ESTABLISH A PROCEDURE FOR INVADING THE CORPUS OF THE FUND IN THE EVENT OF A PUBLIC HEALTH EMERGENCY; AMENDING SECTION 4.16.010 OF THE CODE TO CLARIFY THAT EX OFFICIO MEMBERS OF THE BOARD OF TRUSTEES OF THE COMMUNITY HEALTH ENDOWMENT SHALL BE ENTITLED TO VOTE; REMOVING THE PROHIBITION THAT PREVENTS THE DIRECTOR OF AN ACUTE CARE HOSPITAL IN LINCOLN FROM SERVING ON THE BOARD OF TRUSTEES AND ADDING A PROHIBITION AGAINST ELECTED OFFICIALS SERVING ON THE BOARD OF TRUSTEES; AND PROVIDING THAT MEMBERS OTHER THAN EX OFFICIO MEMBERS MAY NOT SERVE MORE THAN TWO SUCCESSIVE TERMS ON THE BOARD OF TRUSTEES, EXCEPT FOR MEMBERS WHO ARE APPOINTED TO FILL A VACANCY ON THE BOARD; AMENDING SECTION 4.16.050 TO REMOVE LANGUAGE THAT WAS ONLY APPLICABLE TO THE ORIGINAL APPOINTMENT OF THE BOARD AT ITS INCEPTION; AND AMENDING 4.16.060 TO CHANGE THE TITLE OF THE EXECUTIVE DIRECTOR OF THE COMMUNITY HEALTH ENDOWMENT TO PRESIDENT/CEO - CLERK read an ordinance, introduced by Eugene Carroll, amending Chapter 4.16 of the Lincoln Municipal Code relating to hospital board by amending Section 4.16.007 to establish a procedure for invading the corpus of the Fund in the event of a public health emergency; amending Section 4.16.010 of the Code to clarify that ex officio members of the Board of Trustees of the Community Health Endowment shall be entitled to vote; removing the prohibition that prevents the director of an acute care hospital in Lincoln from serving on the Board of Trustees and adding a prohibition against elected officials serving on the Board of Trustees; and providing that members other than ex officio members may not serve more than two successive terms on the Board of Trustees, except for members who are appointed to fill a vacancy on the Board; amending Section 4.16.050 to remove language that was only applicable to the original appointment of the Board at its inception; amending 4.16.060 to change the title of the executive director of the Community Health Endowment to President/CEO; and repealing Sections 4.16.007, 4.16.010, 4.16.050 and 4.16.060 as hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS - NONE

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

CHANGE OF ZONE 13003 - APPLICATION OF SIGMA ALPHA EPSILON BUILDING ASSOCIATION FOR A CHANGE OF ZONE FROM R-7 RESIDENTIAL DISTRICT TO R-7 RESIDENTIAL DISTRICT WITH LANDMARK OVERLAY, DESIGNATING THE SIGMA ALPHA EPSILON FRATERNITY HOUSE AS A LANDMARK, ON PROPERTY GENERALLY LOCATED AT 635 NORTH 16TH STREET - CLERK read an ordinance, introduced by Lloyd Hinkley, amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the third time.

HINKLEY Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Camp.
The ordinance, being numbered #19853, is recorded in Ordinance Book #28, Page .

VACATION 12010 - VACATING THE NORTH 12 FEET OF THE PRESCOTT AVENUE RIGHT-OF-WAY BETWEEN SOUTH 48TH STREET AND SOUTH 52ND STREET - CLERK read an ordinance, introduced by Lloyd Hinkley, vacating the north 12 feet of the Prescott Avenue right-of-way between South 48th Street and South 52nd Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

HINKLEY Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Camp.
The ordinance, being numbered #19854, is recorded in Ordinance Book #28, Page .

APPROVING THE LICENSE AGREEMENT FOR PARKING BETWEEN THE CITY OF LINCOLN AND THE SALVATION ARMY FOR THE USE OF FIVE PARKING SPACES WITHIN THE PENTZER PARK PARKING LOT GENERALLY LOCATED AT NORTH 27TH STREET AND POTTER STREET - CLERK read an ordinance, introduced by Lloyd Hinkley, accepting and approving the License Agreement between the City of Lincoln, Nebraska and the Salvation Army to designate five parking spaces in the Pentzer Park parking lot generally located at North 27th Street and Potter Street for use by the Salvation Army, the third time.

HINKLEY Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Camp.
The ordinance, being numbered #19855, is recorded in Ordinance Book #28, Page .

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "M" BY CHANGING THE CLASSIFICATION TITLE OF "DIVISION CHIEF OF MAINTENANCE" TO "DIVISION CHIEF OF LOGISTICS" - CLERK read an ordinance, introduced by Lloyd Hinkley, amending Section 1 of Ordinance No. 19776 passed September 17, 2012, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M," by changing the job classification title of "Division Chief of Maintenance" to "Division Chief of Logistics," the third time.

HINKLEY Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Camp.
The ordinance, being numbered #19856, is recorded in Ordinance Book #28, Page .

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUPS WHOSE CLASSIFICATION IS ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "M" BY CREATING THE CLASSIFICATIONS OF "FIBER NETWORK AND INFRASTRUCTURE MANAGER" - PRIOR to reading:

COOK Moved MTA #1 to amend Bill No. 13-36 in the following manner:
1. On line 4, delete the word "Infrastructure" and insert in lieu thereof, the word "Right-of-way."
2. On line 9, delete the word "Infrastructure" and insert in lieu thereof, the word "Right-of-way."

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

CLERK Read an ordinance, introduced by Lloyd Hinkley, amending Section 1 of Ordinance No. 19776 passed September 17, 2012 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M," by creating the job classification of "Fiber Network and ~~Infrastructure~~ Right-of-way Manager," the third time.

HINKLEY Moved to pass the ordinance as amended.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Camp.
The ordinance, being numbered #19857, is recorded in Ordinance Book #28, Page .

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP WHOSE CLASSIFICATION IS ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "A" BY CREATING THE CLASSIFICATIONS OF "IMPACT FEE ADMINISTRATOR" - CLERK read an ordinance, introduced by Lloyd Hinkley, amending Section 1 of Ordinance No. 19601 passed

REGULAR MEETING

March 18, 2013

Page 544

August 15, 2011, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A," by creating the job classification of "Impact Fee Administrator," the third time.

HINKLEY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19858**, is recorded in Ordinance Book #28, Page .

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBRASKALINK HOLDINGS, LLC TO OCCUPY SPACE IN THE CITY'S LINCOLN TECHNOLOGY IMPROVEMENT DISTRICT CONDUIT SYSTEM FOR A 20 YEAR TERM - CLERK read an ordinance, introduced by Lloyd Hinkley, accepting and approving a Conduit System Lease Agreement between the City of Lincoln, Nebraska and NebraskaLink Holdings, LLC to occupy space in the City's Lincoln Technology Improvement District conduit system for a 20 year term, the third time.

HINKLEY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19859**, is recorded in Ordinance Book #28, Page .

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

AMENDING CHAPTER 24.01 OF THE LINCOLN MUNICIPAL CODE (LINCOLN FIRE SUPPRESSION SYSTEMS) TO DELETE REFERENCES TO OR ACTIONS REQUIRED OF THE EXAMINING BOARD AND THE ADMINISTRATIVE AUTHORITY; AND BY AMENDING SECTION 24.01.010 TO REPLACE THE DEFINITION OF "ADMINISTRATIVE AUTHORITY" WITH THE DEFINITION OF "BUILDING AND SAFETY"; AMENDING SECTION 24.01.040 TO PROVIDE QUALIFICATIONS FOR A FIRE SUPPRESSION JOURNEYMAN AND FIRE SUPPRESSION CONTRACTOR, AND TO PROVIDE THAT THE DIRECTOR SHALL DETERMINE THE MINIMUM QUALIFICATIONS FOR APPLICANTS FOR REGISTRATION BASED ON A POINT SYSTEM AND SHALL APPROVE THE FORM AND CONTENT OF ANY EXAMINATION TO BE GIVEN TO APPLICANTS; REPEALING SECTION 24.01.050, EXAMINING BOARD, AUTHORITY; ADDING A NEW SECTION NUMBERED 24.01.065 TO PROVIDE FOR THE APPEAL OF AN ISSUED OR DENIED REGISTRATION CERTIFICATE; REPEALING SECTION 24.01.070, EXAMINING BOARD, MEETINGS; AMENDING SECTION 24.01.100 TO CHANGE THE PROCESS FOR SUSPENDING OR REVOKING A CERTIFICATE OF REGISTRATION; AMENDING SECTION 24.01.110 TO PROVIDE RENEWAL OF CERTIFICATES OF REGISTRATION UPON APPROVAL OF THE DIRECTOR; AMENDING SECTION 24.01.120 TO PROVIDE ANY PERSON REGISTERED AS A CONTRACTOR OR JOURNEYMAN WHO DOES NOT RENEW HIS CERTIFICATE OF REGISTRATION FOR A PERIOD OF 60 DAYS AFTER THE EXPIRATION OF THE SAME MAY BE REQUIRED TO SUBMIT HIMSELF TO AN EXAMINATION BY THE DIRECTOR BEFORE SUCH PERSON CAN AGAIN BE REGISTERED; AMENDING SECTION 24.01.150 TO INCREASE REGISTRATION AND EXAMINATION FEES; AMENDING SECTION 24.01.180 TO DELETE REFERENCES TO FIRE AND RESCUE DEPARTMENT; AMENDING SECTION 24.01.190 TO PROVIDE FOR A PLAN REVIEW FEE; AMENDING SECTION 24.01.200 TO INCREASE PERMIT FEES AND INSPECTION FEES AND TO PROVIDE DOUBLE FEES WHERE WORK FOR WHICH A PERMIT IS REQUIRED IS STARTED WITHOUT A PERMIT AND TO ADD PROVISIONS RELATING TO PERMIT EXPIRATIONS AND REFUNDS; AMENDING SECTION 24.01.220 TO REQUIRE A DOUBLE CHECK BACKFLOW PREVENTER OF ALL SPRINKLER SYSTEMS; AND REPEALING SECTION 24.01.330, DETECTOR METER - PRIOR to reading:

COOK Moved to Place Bill No. 13-42 on Indefinite Pending.

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

ANNEXATION 12002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 25 ACRES GENERALLY LOCATED SOUTHEAST OF SOUTH 70TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 13-43, 13-44) (ACTION DATE: 4/1/13) - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Corporate Limits Map by annexing approximately 25 acres generally located southeast of South 70th Street and Yankee Hill Road, the first time.

CHANGE OF ZONE 05068C - APPLICATION OF R.C. KRUEGER DEVELOPMENT TO AMEND THE WOODLANDS AT YANKEE HILL PLANNED UNIT DEVELOPMENT; FOR A CHANGE OF ZONE FROM AG AGRICULTURE DISTRICT TO R-3 RESIDENTIAL PUD DISTRICT; FOR EXPANSION OF THE AREA OF THE PUD BY APPROXIMATELY 25 ACRES GENERALLY LOCATED SOUTHEAST OF SOUTH 70TH STREET AND YANKEE HILL ROAD; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION; FOR APPROVAL OF A REVISED DEVELOPMENT PLAN FOR CERTAIN MODIFICATIONS TO THE ZONING AND LAND SUBDIVISION ORDINANCE; AND TO ALLOW AN ADDITIONAL 60 LOTS FOR RESIDENTIAL DWELLING UNITS IN THE UNDERLYING R-3 RESIDENTIAL ZONED AREA. (RELATED ITEMS: 13-43, 13-44) (ACTION DATE: 4/1/13) - CLERK read an ordinance, introduced by Jonathan Cook, being the application of R.C. Krueger Development to amend The Woodlands at Yankee Hill Planned Unit Development; for a change of zone from AG Agriculture District to R-3 Residential PUD District; for expansion of the area of the PUD by approximately 25 acres generally located southeast of South 70th Street and Yankee Hill Road; for a Planned Unit Development district designation; for approval of a revised development plan for certain modifications to the Zoning and Land Subdivision Ordinance; and to allow an additional 60 lots for residential dwelling units in the underlying R-3 Residential zoned area, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

APPOINTING SCOTT NEAL TO THE AGING PARTNERS AREA AGENCY ON AGING AREA WIDE ADVISORY COUNCIL FOR A TERM EXPIRING JULY 1, 2016.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 16 - 28, 2013.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND UNION COLLEGE FOR UNION COLLEGE'S BACCALAUREATE REGISTERED PUBLIC HEALTH NURSING STUDENTS TO RECEIVE FIELD AND CLINICAL TRAINING AT THE HEALTH DEPARTMENT FOR A TERM OF JANUARY 1, 2013 THROUGH DECEMBER 31, 2015. (REQUEST P.H. ON CONSENT AGENDA OF 3/25/13)

APPROVING SUPPLEMENTAL AGREEMENT NO. 4 BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO REMOVE THE MAXIMUM FEDERAL FUNDING CAP FOR THE JAMAICA NORTH TRAIL PROJECT - PHASE 2B PROJECT NO. ENH-55(160), CONTROL NO. 12879.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN FIREFIGHTERS ASSOCIATION, LOCAL NO. 644, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, FOR A PERIOD OF AUGUST 16, 2012 THROUGH AUGUST 31, 2014.

APPROVING SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR PROGRAMMING AGREEMENT BM 1205 TO REVISE THE FUNDING RESPONSIBILITIES OF THE FEDERAL AID PROJECT FOR THE SAFETY PROJECT AT SUPERIOR STREET AND I-180 EAST RAMP, PROJECT NO. HSIP-5254(8), CONTROL NO. 12928.

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE - NONE

ADJOURNMENT 3:55 P.M.

CARROLL Moved to adjourn the City Council meeting of March 18, 2013.
Seconded by Schimek & carried by the following vote: AYES: Carroll, Cook, Eskridge, Emery, Hinkley, Schimek; NAYS: None; ABSENT: Camp.

Joan E. Ross, City Clerk

Sandy L. Dubas, Office Specialist

REGULAR MEETING
March 18, 2013
Page 546