

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MARCH 25, 2013 AT 5:30 P.M.**

The Meeting was called to order at 5:30 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

COOK Having been appointed to read the minutes of the City Council proceedings of March 18, 2013 reported having done so, found same correct.

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

RECOGNITION

COUNCIL CHAIR ESKRIDGE RECOGNIZED A MEMBER OF BOY SCOUT TROOP 7 CHARTERED BY FAITH LUTHERAN CHURCH WHO WAS IN ATTENDANCE WORKING TOWARD HIS CITIZENSHIP IN THE COMMUNITY BADGE.

PUBLIC HEARING

APPLICATION OF KIT MENH SAM DBA SHEN CAFÉ FOR A CLASS A LIQUOR LICENSE AT 3520 VILLAGE DRIVE, SUITE 100. (P.H. & ACTION CON'T 1 WK TO 3/25/13) - Kit Menh Sam and Peter Sam came forward to take the oath and answer questions. The new restaurant will serve Chinese cuisine in a fast casual environment.

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);
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) - Marvin Krout, Director of Planning, was on hand to answer questions. This is the latest addition to the large development in this area. Council has already approved some commercial development and over 500 single family lots. This annexation and amendment to the PUD will add 25 acres and 64 single family lots. At this stage, there is only a conceptual plan. Final design plans, including dealing with drainage issues, will have to be submitted and approved by Public Works. Staff and the Planning Commission both recommend approval at this stage. 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 FEBRUARY 16 - 28, 2013 - Bruce Davidson, 6801 Crooked Creek Drive, came forward to describe the details of his claim. On December 18, 2012, the Fire Department was called to his residence by a contractor for a potential natural gas leak. Believing that Mr. Davidson might be inside, they were required to force entry into the home, and in doing so, Mr. Davidson believes they used excessive force, causing \$5,500 dollars in damages. He believes there was negligence on the part of the Fire Department because they should have been trained to break out only the glass to enter, which would have caused only \$300 in damages.

Bonnie Jakub, 6801 Crooked Creek Drive, came forward to answer Council questions. She stated that due to a miscommunication, neither she nor Bruce were home during the incident. Ms. Jakub was unaware the Fire Department had been called until she received a call from them.

Rod Confer, City Attorney, came forward to describe the reasons for the denial of this claim by the Law Department. He recounted the events that occurred as they were told to him during the investigation. Mr. Confer reported that Battalion Chief Pashalek explained that tempered glass is often difficult to break and normally, the type of doors at the Davidson residence are easy to remove. Based on the information they had at the time, the Fire Department acted appropriately since they believed this to be an emergency situation. Therefore, Law does not believe there was any negligence on the part of those who were present.

Megan Hoffmeyer, 1101 Big Tree Circle, came forward to describe the details of their claim. In February, she and her husband both sustained damage from a significant pothole to the tires and rims of their vehicles.

Rod Confer, City Attorney, came forward to state that the reason this claim was denied by the Law Department is that the portion of road in question is not within City Limits; it is a County road. They were informed of this via the denial letter sent to them after review of their claim.

This matter was taken under advisement.

REGULAR MEETING

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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 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 - Terry Genrich, Parks & Recreation Department, was on hand to answer questions. The Jamaica North Trail Project has been an ongoing for some time. The Federal process has changed during this time and there is no longer a cap on the funding. This removes that cap so that as this project continues to move forward, Federal funds will be available should the project exceed the \$500,000 amount.

Craig Aldridge, Public Works & Utilities Department, came forward to answer questions. The Federal Highway Administration has a pool of funds that has become available to State and local agencies who apply for their share of costs on highway safety improvement projects. The City has turned in an application and all that is needed is this approved supplement to the project programming agreement.

This matter was taken under advisement.

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 - Doug McDaniel, Director of Personnel, came forward to state that the City has concluded negotiations for this two-year agreement. He provided an overview of items which include a 3% wage increase in the first year, a 3.5% wage increase in the second year, a clean-up of language, and an increase in tuition reimbursement. No change was made in health insurance benefits. In answer to Council questions, Mr. McDaniel responded that there is a percentage increase that moves individuals up to different steps within classifications, and this averages approximately 4%. 56% of firefighters are at their maximum. He clarified the difference between moving up within a classification and being promoted to a different position.

Dave Engler, President of the Lincoln Firefighters Association, came forward on behalf of the Association in support of this labor contract. Significant effort goes into negotiating these agreements. Mr. Engler expressed his appreciation for the great working relationship the Association has with the City.

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 - Lori Siebel, Community Health Endowment President/CEO, was on hand to answer questions.

Michael J. Tavlin, Chariman of the Board of CHE, came forward to state that the two main mandates of the CHE are to make Lincoln the healthiest community in the nation and to preserve the inflation adjusted purchasing power of the original \$37 million that the City received from the sale of Lincoln General Hospital. This provision has existed for many years and the intent is simply to make some clarifications, not to make any changes.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING SCOTT NEAL TO THE AGING PARTNERS AREA AGENCY ON AGING AREAWIDE ADVISORY COUNCIL FOR A TERM EXPIRING JULY 1, 2016 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87267

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

That the appointment of Scott Neal to the Aging Partners Area Agency on Aging Areawide Advisory Council for a term expiring July 1, 2016, is hereby approved.

Introduced by Jonathan Cook

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

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)** - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87268

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

That the attached Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and the Union College, to provide field and clinical training to Union College nursing students at the Lincoln-Lancaster County Health Department for a period of January 1, 2013 to January 1, 2015, upon the terms and conditions set forth in said Service Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to forward one fully executed original of said Agreement to Judy Halstead, Lincoln-Lancaster County Health Department Director, for transmittal to the Union College.

Introduced by Jonathan Cook

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MARCH 11, 2013 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

REPORT OF SETTLEMENT AGREEMENT UNDER NEB. REV. STATE §84-713 (NON TORT CLAIM) - Clerk presented said report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 13011 to Special Permit No. 06001A, Grand Terrace Community Unit Plan, approved by the Planning Director on March 12, 2013, requested by Starostka-Lewis, LLC, to modify Outlot C to show the detention cell relocated from the east end of the outlot to the west end, and to show the east ½ of the outlot as two residential lots at S. 78th St. and Boone Trail, which is generally located near S. 84th St. and Highway 2.

Administrative Amendment No. 13014 - to Pre-Existing Use Permit No. 13002, Lee's Chicken, approved by the Planning Director on March 18, 2013, requested by Dennis Kann, to add a beer garden/outdoor dining area on to the existing building, on property generally located at the northeast corner of S. Coddington Ave. and W. Van Dorn St.

REFERRALS TO THE PLANNING DEPARTMENT:

Special Permit No. 13012 - Requested by Nebraska Dining, LLC., for the authority to sell alcoholic beverages for consumption on the premises associated with a restaurant, on property legally described as a portion of Lot 3, Leming's Subdivision, located in the NE 1/4 of Section 29-10-7, Lancaster County, Nebraska, generally located at S. 50th Street and O Street.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF KIT MENH SAM DBA SHEN CAFÉ FOR A CLASS A LIQUOR LICENSE AT 3520 VILLAGE DRIVE, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87269

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 Kit Menh Sam dba Shen Café for a Class "A" liquor license at 3520 Village Drive, Suite 100, 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 Jon Camp

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

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

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 second 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 second time.

PUBLIC HEARING - RESOLUTIONS

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

CAMP Moved to amend Bill No. 13R-67 by removing the claim of Davidson from the list of denied claims with Action in two weeks to 04/08/13.

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

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

A-86270 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 March 1, 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:

DENIED CLAIMS		ALLOWED/SETTLED CLAIMS	
The Hartford Insurance Group a/s/o		Cynthia Bartlett	\$18,206.24
Francis & LeaAnn Pytlik	\$ 1,588.42	David Martin	1,700.00
Barbara Dowse	20,927.59	Black Hills Energy	465.51
Michael Lecher	250,000.00	Chris Plock	502.52
Ed & Barb Newell	180.00		
Darrin & Christine Vidal-Fulford	NAS*		
Bruce D. Davidson	5,505.00		
Clinton Schlake	35.00		
FARA Insurance Service, TPA for			
State of Nebraska/DHHS	NAS*		
Brent & Kendra Schleicher	60.00		
Cathy Wilbrand	24.59		
David Amstutz	NAS*		
Drew Hoffmeyer	1,243.29		
Vanessa Wasser	40.00		
Brad Koch	178.42		

* 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 Jonathan Cook

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

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 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87271 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Supplemental Agreement No. 4 between the City of Lincoln and the State of Nebraska Department of Roads for Project No. ENH-55(160), State CN-12879, to remove the federal funding cap for the project to allow for additional funds above the original cap to be reimbursed at the 65% Federal Share amount, for the construction of the Jamaica North Trail - Phase 2 (B), in accordance with the terms and conditions contained in said Supplemental Agreement No. 4, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement and the executed Exhibit "A" to Terry Genrich, Parks and Recreation Department, for transmittal and execution by the State Department of Roads.

Introduced by Jonathan Cook

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

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 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87272 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Supplemental Agreement No. 1, Project Program Agreement, between the City of Lincoln and the State of Nebraska Department of Roads for construction of safety improvements at the intersection of Superior Street and Interstate 180 East Ramp, for Highway Safety Improvement Project funds, Project No. HSIP-5254(8), Control No. 12928, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to Craig Aldridge, Engineering Services Division of the Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Jonathan Cook

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

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 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87273 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached labor contract between the City of Lincoln and the Lincoln Firefighters Association, Local No. 644, International Association of Firefighters, to be effective August 16, 2012 through August 31, 2014, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Jonathan Cook

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

REQUEST FOR CONTINUED PUBLIC HEARING ORDINANCE - 3RD READING

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 - PRIOR to reading:

COOK Moved to waive Council rules to continue Public Hearing on this date.

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

COOK Moved MTA #2 to amend Bill No. 13-40 in the following manner:

1. On page 1, lines 2-3, strike the words "invading the corpus of the Fund" and insert in lieu thereof the words "requesting a portion of the Endowment funds".

2. On page 1, lines 20 and 21 and page 2, lines 1 through 4, strike the second and third sentences of Section 4.16.007 and insert in lieu thereof the following:

"However, in the event of a community health disaster, as defined herein, the Director of the Lincoln-Lancaster County Health Department may initiate a written request for funds to the Community Health Endowment Board of Trustees and the Council for the purpose of alleviating such disaster. Regardless of the total amount of the fund at the time of the request, such request shall not exceed Nine Million Two Hundred Fifty Thousand and no/100ths Dollars (\$9,250,000.00)."

3. On page 2, line 14, after the word "except" insert the following: "to alleviate a public health disaster or".

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

COOK Moved MTA #3 to amend Bill No. 13-40 in the following manner:

1. On page 2, line 4, after the period ending the sentence, strike the remaining language on lines 4 through 11, and insert in lieu thereof the following:

"If a majority of trustees of the Community Health Endowment Board has voted to allow the request for funds to alleviate a public health disaster, a majority vote of the City Council shall authorize such use of the endowment funds, but in the event that a majority of the Community Health Endowment Board has not voted to allow such request, a two-thirds vote of the City Council shall be required to authorize such requested use of fund."

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

SCHIMEK Moved MTA #4 to amend Bill No. 13-40 in the following manner:

1. On page 2, between lines 11 and 12, insert a new paragraph to read as follows:

"In the event that the City received reimbursement from public or private sources for expenditures that have been made to alleviate a public health disaster, for which funds have been expended from the Community Health Endowment, such reimbursed funds shall be used to replenish the funds that have been expended from the Community Health Endowment unless restriction that have been placed on such reimbursements prohibit replenishing such funds."

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

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 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 #19860, is recorded in Ordinance Book #28, Page .

ORDINANCE - 3RD 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 - PRIOR to reading:

HINKLEY Moved MTA #1 to amend Bill No. 13-39 by accepting the attached Substitute Attachment "A" Lease to replace the previously provided Attachment "A" to Bill No. 13-39.

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

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 third time.

CAMP Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19861, is recorded in Ordinance Book #28, Page .

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

VACATION NO. 13002 - VACATING SCHMIDT DRIVE BETWEEN W. DENTON ROAD AND SOUTH 1ST STREET - CLERK read an ordinance, introduced by Doug Emery, vacating Schmidt Drive between W. Denton Road and South 1st Street and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

AUTHORIZING THE CITY OF LINCOLN, NEBRASKA TO ENTER INTO A MASTER TAX-EXEMPT LEASE PURCHASE AGREEMENT AND RELATED DOCUMENTS WITH U.S. BANK, OR AN AFFILIATE THEREOF, IN THE AMOUNT OF \$512,317 FOR THE ACQUISITION OF GOLF COURSE GROUNDS MAINTENANCE EQUIPMENT FOR USE BY THE CITY - CLERK read and ordinance, introduced by Doug Emery, an ordinance of the City of Lincoln, Nebraska authorizing and approving a master tax-exempt lease/purchase agreement and property schedule no. 1 with U.S. Bankcorp Government Leasing and Finance, Inc. And a related escrow agreement for maintenance equipment in the amount of \$512,317.00; and related matters, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

APPROVING BBQ LUCK LLC DBA LUCKIE'S LOUNGE & BBQ AS A KENO SATELLITE SITE AT 5250
CORNHUSKER HIGHWAY.

APPROVING TALEXMO LLC DBA WOODEES BAR AS A KENO SATELLITE SITE AT 2001 WEST O STREET.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING
DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 1 - 15, 2013.

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE - NONE

ADJOURNMENT 6:52 P.M.

CAMP Moved to adjourn the City Council meeting of March 25, 2013.
 Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll,
Cook, Eskridge, Emery, Hinkley, Schimek; NAYS: None.

Joan E. Ross, City Clerk

Amy Hana Huffman, Senior Office Assistant

REGULAR MEETING
March 25, 2013
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