

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MAY 13, 2013 AT 3:00 P.M.**

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

Vice Council Chair Camp 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 May 6, 2013 reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Beutler came forward to present the Award of Excellence for the month of April to Robyn Cruse-Miller of the Lincoln Water System, a division Public Works and Utilities. She was nominated by Dave Thurber in the category of loss prevention for her efforts in creating a safe and efficient work environment, and in improving customer service. Cruse-Miller helped to reduce noise levels in call centers by finding cost-effective modular furniture to solve the problem. To reduce impact to daily operations, she assisted with the installation on a City holiday.

Dave Thurber, Utilities Service Manager, came forward to state that Ms. Cruse-Miller is a go-to person and will always step outside of her boundaries to make improvements.

Jerry Obrist, Chief Engineer of Water Works, came forward to thank Ms. Cruse-Miller for her initiative in solving a problem.

Miki Esposito, Director of Public Works, came forward to state that Ms. Cruse-Miller is a model performer when it comes to internal and external customer service.

Robin Cruse-Miller came forward to graciously accept her award.

PUBLIC HEARING

APPLICATION OF LEAST OF THESE LLC DBA SEBASTIAN'S TABLE FOR A CLASS I LIQUOR LICENSE AT 126 N. 14TH STREET;

MANAGER APPLICATION OF ERIK HUSTAD FOR LEAST OF THESE LLC DBA SEBASTIAN'S TABLE AT 126 N. 14TH STREET - Erik Hustad, 126 N. 14th St., came forward to take the oath and answer questions. Sebastian's Table will be an upscale, full-service restaurant that will provide a different atmosphere from the surrounding bars. The same team also owns and operates Honest Abe's. They are tentatively scheduled to open in August.

This matter was taken under advisement.

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. (3/18/13 - INDEFINITE PENDING) (4/29/13 - REMOVED FROM PENDING TO HAVE 1ST READING ON 5/6/13 - Fred Hoke, Director of Building and Safety, came forward to request this item be withdrawn.

Council Member Jonathan Cook moved to withdraw Bill No. 13-42 and Council voted.

This matter was taken under advisement.

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AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF WATER REVENUE REFUNDING BONDS OF THE CITY OF LINCOLN, NEBRASKA TO REFUND OUTSTANDING WATER REVENUE BONDS OF THE CITY AND RELATED MATTERS - Steve Hubka, Director of Finance, came forward to state that this refunding is not a revenue neutral item; it will save a significant amount of money. It is one of many the City has had over the last couple of years to take advantage of historically low interest rates. This will not extend the term of the debt.

Scott Keene, Ameritas Investment Corp., came forward to state that this will refund the outstanding 2004 series bonds that were issued in the amount of \$40 million. There is approximately \$31 million that is currently outstanding. Final maturity is August of 2025. Today's market would allow the refunding of these bonds at approximately 2.6%, for estimated present value savings of approximately \$2 million. The strong ratings of the City are expected to be affirmed in the near future. Bonds will be taken to market on May 22, and the settling of the bond issue and funding of the escrow account will occur on June 6. The ordinance gives the Finance Director authority to determine the method of sale.

Lauren Wismer, Gilmore & Bell, was on hand to answer questions.

Mike Rogers, Gilmore & Bell, was on hand to answer questions.

This matter was taken under advisement.

ESTABLISHING A NEW RATE SCHEDULE FOR CUSTOMERS OF THE LINCOLN WATER SYSTEM TO BE IMPOSED DURING CONDITIONS REQUIRING EMERGENCY WATER MANAGEMENT AS SPECIFIED IN THE WATER MANAGEMENT PLAN ADOPTED BY EXECUTIVE ORDER NO. 86012 - Miki Esposito, Director of Public Works & Utilities, came forward to state that in March, Nebraska was number one in a list of 7 states identified as running out of water. The City learned a great deal from the drought conditions, water shortages, and mandatory watering restrictions of last year and has worked to improve water strategy going forward. The Lincoln Water System will continue to monitor drought and other data to ensure that prudent and appropriate steps towards mitigation are being taken, and to make certain that the public is well informed and prepared for drought conditions. HDR was asked to study the issue objectively, based on what other water systems and communities around the country are doing to prepare for drought conditions. Many have determined that a prudent approach to encourage conservation is the adoption of drought rates.

Tom Gould, HDR Engineering, came forward to state that when it comes to managing the supply and demand of water, the City wants to be proactive. Last year Lincoln implemented customer education and both voluntary and mandatory restrictions to deal with drought. Pricing is a third component that would enhance efforts. Economic incentive sends a message to consumers about their consumption costs and encourages efficient use. Increases in rates are revenue neutral and are intended to be used on a temporary basis, only during water shortages. The plan focuses on non-efficient, discretionary water uses. Those who do not conserve will see slightly higher bills. Those who do conserve will see bills that are less than or equal to regular bills during the early stages of drought, and increases will be less significant than those of high-volume users in later phases. Non-residential uses are structured slightly differently to account for industrial or business users who do not always have complete control over their water usage. Adoption of this ordinance does not mean that the new rates go into effect, only that they are ready to use should they be necessary.

Gerald Cunning, 900 W. Nance Ave., came forward to state that he is in favor of conservation efforts, but the 8 unit designation for the lowest rate is unreasonable. It is unfair to punish the lowest users when they are unable to get their use any lower.

Gayle Stuefer, 4101 N. 44th St., came forward to state that this system is unfair because not everyone has the same lot size or yard conditions. The watering schedule can be difficult for working people to follow.

Linda Sand, 525 S. 47th St., came forward to state that the duplex she owns has a single water meter. Currently, it is occupied by a single tenant. She has concerns about her bills if she rents to a family in the future.

David Pauley, 8001 Eastward Ct., came forward to state that tiered rates makes sense, but it is unfair to judge a person who lives alone on a small lot the same as a family on a large lot.

Matt Herman, 6424 Thunderbird Cir., came forward to state that the lowest water usage tier should be reconsidered because the amount required to fall under that category seems too low.

John Olsson, American Water Works Association, came forward in support of the rate structure. The AWWA seeks to advance public health, safety and welfare by utilizing the efforts of the entire water community. Water is a valuable, limited resource and appropriate pricing that recognizes the correlation between supply and demand should be developed and implemented.

Mike Morosin, 1500 N. 15th St., came forward to state that even though it can be challenging for some, it is possible to use less than 8 units of water if a household plans carefully, gradually switches to water-saving appliances and adjusts habits in order to conserve.

Trina Derickson, 1421 D St., came forward to state her concern for the effects a water rate hike could have on rental rates. It is not fair to individuals who have little control over their cost of living.

Jo Tetherow, 3118 Shirley Ct., came forward to state that she worries about low-income families who are growing their own food in their yard; they have to water. People who disregard the rules should be the ones who are paying extra.

Fran Mejer, Business Manager for Public Works Department, came forward to state that in Lincoln among all users, the average amount of water use is approximately 11-12 units per month, or 22 Units for the two month billing cycle.

Miki Esposito returned to clarify that each unit of an apartment complex is calculated individually, and not the entire complex. The first 8 units of total water use remain at the lower rate, even if a household exceeds that amount; only the amount in excess of 8 units would be charged at the higher rate. Last summer, the City was under mandatory water restrictions, or Level II drought conditions, for 5 weeks.

Tom Gould returned to state that businesses are a challenging group to set rates for, but have been dealt with equitably under this pricing structure.

Jerry Obrist, Chief Engineer of Water Works, came forward to state that the City is currently still behind in water supply, but conditions are improving. Another consideration is the horizontal well that is expected to be completed June 1, 2014. It has the ability to mine more water from the aquifer on a temporary basis and will mitigate the effects of drought on the local water supply. The 8 unit use-per-month measurement is based on a family of 4, using 50 gallons each per day. This is a reasonable amount for normal internal use.

This matter was taken under advisement.

APPROVING SUPPLEMENTAL AGREEMENT NO. 5 BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA DEPT. OF ROADS FOR THE JAMAICA NORTH TRAIL PHASE 2, NDOR PROJECT NO. ENH-55(160) CONTROL NO. 12879, TO REVISE THE FEDERAL SHARE PAYABLE ON THIS PROJECT DURING THE CONSTRUCTION AND CONSTRUCTION ENGINEERING PHASE TO A MAXIMUM OF 80 PERCENT OF THE ELIGIBLE AND PARTICIPATING COSTS - Terry Genrich, Parks & Recreation Department, came forward to state that the state is changing the percentage they are going to provide for the construction of this project from 65% to 80%.

This matter was taken under advisement.

APPROVING THE RECREATIONAL TRAILS PROGRAM PROJECT AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA GAME AND PARKS COMMISSION FOR A RECREATIONAL TRAILS PROGRAM PROJECT GRANT TO CONSTRUCT THE WILDERNESS PARK TRAIL BRIDGE - Terry Genrich, Parks & Recreation Department, came forward to state that a grant was approved for this project. Because this is a multi-year agreement, Council is required to approve it before Parks can move forward with the project.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

RESOLUTION LEVYING THE SPECIAL TAXES ASSESSED FOR THE COSTS OF THE IMPROVEMENTS IN THE HAVELOCK STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-87326 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

The special taxes assessed April 29, 2013, to pay the costs of the improvements in the Havelock Street Maintenance Improvement District are hereby levied and shall bear interest at 14% and that the period of time in which the assessments are to be paid shall be one (1) year.

Introduced by DiAnna Schimek

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

RESOLUTION LEVYING THE SPECIAL TAXES ASSESSED FOR THE COSTS OF THE IMPROVEMENTS IN THE NORTH 27TH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-87327 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

The special taxes assessed April 29, 2013, to pay the costs of the improvements in the North 27th Street Maintenance Improvement District are hereby levied and shall bear interest at 14% and that the period of time in which the assessments are to be paid shall be one (1) year.

Introduced by DiAnna Schimek

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

RESOLUTION LEVYING THE SPECIAL TAXES ASSESSED FOR THE COSTS OF THE IMPROVEMENTS IN THE SOUTH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-87328 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

The special taxes assessed April 29, 2013, to pay the costs of the improvements in the South Street Maintenance Improvement District are hereby levied and shall bear interest at 14% and that the period of time in which the assessments are to be paid shall be one (1) year.

Introduced by DiAnna Schimek

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

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RESOLUTION LEVYING THE SPECIAL TAXES ASSESSED FOR THE COSTS OF THE IMPROVEMENTS IN THE UNIVERSITY PLACE MAINTENANCE BUSINESS IMPROVEMENT DISTRICT _ CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:
A-87329 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

The special taxes assessed April 29, 2013, to pay the costs of the improvements in the University Place Business Maintenance Improvement District are hereby levied and shall bear interest at 14% and that the period of time in which the assessments are to be paid shall be one (1) year.

Introduced by DiAnna Schimek

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON APRIL 29, 2013 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 12022 to Use Permit No. 154D, Wilderness Hills Commercial Center, approved by the Planning Director on May 3, 2013, requested by Olsson Associates, to adjust the lot sizes and remove a portion of the buildable area on Lots 13 and 14 and add an outdoor plaza/landscape area, on property generally located on the southeast corner of S. 27th St. and Yankee Hill Rd.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF LEAST OF THESE, LLC DBA SEBASTIAN'S TABLE FOR A CLASS I LIQUOR LICENSE AT 126 N. 14TH STREET - CLERK read the following resolution, introduced by Eugene Carrol, who moved its adoption for approval:

A-87330 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 Least of These LLC dba Sebastian's Table for a Class "I" liquor license at 126 N. 14th Street, Lincoln, Nebraska, for the license period ending April 30, 2014, 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 and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hinkley, Schimek; NAYS: None; ABSENT: Eskridge.

MANAGER APPLICATION OF ERIK HUSTAD FOR LEAST OF THESE LLC DBA SEBASTIAN'S TABLE AT 126 N. 14TH STREET - CLERK read the following resolution, introduced by Eugene Carrol, who moved its adoption for approval:

A-57331 WHEREAS, Least of These LLC dba Sebastian's Table located at 126 N. 14th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Erik Hustad be named manager;

WHEREAS, Erik Hustad appears to be a fit and proper person to manage said business.

NOW, THEREFORE, 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 Erik Hustad be approved as manager of this business for said licensee. 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 and carried by the following vote: Camp, Carroll, Cook, Emery, Hinkley, Schimek; NAYS: None; ABSENT: Eskridge.

ORDINANCES - 2ND 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. (3/18/13 - INDEFINITE PENDING) (4/29/13 - REMOVED FROM PENDING TO HAVE 1ST READING ON 5/6/13) - CLERK read an ordinance, introduced by Lloyd Hinkley, amending Chapter 24.01 of the Lincoln Municipal Code (Lincoln Fire Suppression Systems) by amending Section 24.01.010 to replace the definition of "Administrative Authority" with the definition of "Building and Safety"; amending Section 24.01.030 to delete references to Administrative Authority; amending Section 24.01.040 to delete the Examining Board provisions, 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; amending Section 24.01.060 to delete references to examining board and Administrative 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 24.01.080 to delete actions required of the examining board and references to Administrative Authority; 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 24.01.130 to delete references to examining board and Administrative Authority; amending Section 24.01.140 to delete a reference to Administrative Authority; amending Section 24.01.150 to increase registration and examination fees; amending Section 24.01.160 to delete references to Administrative Authority; amending Section 24.01.180 to delete references to Administrative Authority and Fire and Rescue Department; amending Section 24.01.190 to provide for a plan review fee and to delete references to Administrative Authority; 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; amending Sections 24.01.230, 24.01.250, 24.01.260, 24.01.270, 24.01.280, and 24.01.290 to delete references to Administrative Authority; repealing Section 24.01.330, Detector Meter; amending Sections 24.01.340, 24.01.360, and 24.01.370 to delete references to Administrative Authority; and repealing Sections 24.01.010, 24.01.030, 24.01.040, 24.01.060, 24.01.080, 24.01.100, 24.01.110, 24.01.120, 24.01.130, 24.01.140, 24.01.150, 24.01.160, 24.01.170, 24.01.180, 24.01.190, 24.01.200, 24.01.220, 24.01.230, 24.01.250, 24.01.260, 24.01.270, 24.01.280, 24.01.290, 24.01.340, 24.01.360, and 24.01.370 of the Lincoln Municipal Code as hitherto existing, the second time.

COOK Moved to Withdraw Bill No. 13-42.

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

The ordinance, having been **WITHDRAWN**, was assigned File #38-4633 & was placed on file in the Office of the City Clerk.

AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF WATER REVENUE REFUNDING BONDS OF THE CITY OF LINCOLN, NEBRASKA TO REFUND OUTSTANDING WATER REVENUE BONDS OF THE CITY AND RELATED MATTERS - CLERK read an ordinance, introduced by Lloyd Hinkley, being the Fifth Series Ordinance adopted under and Pursuant to Ordinance No. 18088 authorizing the issuance of Water Revenue Refunding Bonds, Series 2013, of the City of Lincoln, Nebraska in a principal amount not to exceed thirty-two

million dollars (\$32,000,000); fixing in part and providing for the fixing in part of the details of the Bonds; Providing for the sale of the Bonds and the application of the proceeds thereof; authorizing the execution and delivery of certain documents and taking other action in connection with the foregoing; and related matters, the second time.

PUBLIC HEARING - RESOLUTIONS

ESTABLISHING A NEW RATE SCHEDULE FOR CUSTOMERS OF THE LINCOLN WATER SYSTEM TO BE IMPOSED DURING CONDITIONS REQUIRING EMERGENCY WATER MANAGEMENT AS SPECIFIED IN THE WATER MANAGEMENT PLAN ADOPTED BY EXECUTIVE ORDER NO. 86012 - PRIOR to reading:

COOL Moved MTA #1 to Amend Bill No. 13R-95 in the following manner:
 On page 2, line 5, add the following sentence:
"The Director of Public Works and Utilities shall have the authority to establish water rates for specific water uses to supplement the following rate schedules by amendment to the City Water Management Plan."

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

CLERK Read the following resolution, introduced by Lloyd Hinkley, who moved its adoption:

A-87332 WHEREAS, the City Council of Lincoln, Nebraska, is authorized under Section 17.22.010 of the Lincoln Municipal Code to establish water use charges for all customers of the Lincoln Water System.

WHEREAS, the water rate increases are based upon financial projections which demonstrate the necessity for the increase to support the construction of needed facility improvements, debt service, and the operation and maintenance of the system to provide community-wide water service.

WHEREAS, Lincoln's water infrastructure is a necessary component and is required under City Charter to be provided to all areas served within the city limits.

WHEREAS, the City has adopted a Water Management Plan, being Executive Order No. 86012, that provides the City's policy for conservation and management of water usage during drought conditions, natural disasters, or failures of the water system facilities.

WHEREAS, the Water Management Plan identifies different phases or levels for restrictions which may be imposed by the Mayor during conditions requiring emergency water management; and

WHEREAS, the Water Shortage Charges indicated herein shall replace the Water Use Charges in Schedules A, B, and C, established in Resolution A-86943 during the duration of any water emergency declared by the Mayor. Such Water Shortage Charges shall be automatically implemented in conjunction with the phases or levels of restrictions imposed in the Water Management Plan.

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

That the following Water Shortage Charges replace the Water Use Charges at the time an emergency is declared in conjunction with the implementation of the City's Water Management Plan.

RESIDENTIAL WATER SHORTAGE CHARGES

	Normal Water Conditions	Voluntary Restrictions Phase 1	Mandatory Restrictions Phase 2	Mandatory Restrictions Phase 3	Mandatory Restrictions Catastrophic
Demand Reduction Goal	0%	Up to 10%	10% - 20%	20% - 30%	30% - 50%
Block 1: 0 - 8 CCF	\$1.344	\$1.344	\$1.559	\$1.855	\$2.873
Block 2: 8 - 23 CCF	\$1.911	\$2.624	\$2.771	\$3.726	\$5.446
Block 3: Over 23 CCF	\$2.961	\$4.587	\$5.635	\$7.249	\$10.393

NON-RESIDENTIAL WATER SHORTAGE CHARGES

	Normal Water Conditions	Voluntary Restrictions Phase 1	Mandatory Restrictions Phase 2	Mandatory Restrictions Phase 3	Mandatory Restrictions Catastrophic
Demand Reduction Goal	0%	Up to 10%	10% - 20%	20% - 30%	30% - 50%
Block 1: 0 - 80 CCF	\$1.344	\$1.496	\$1.688	\$1.934	\$2.714
Block 2: Over 80+ CCF	\$1.911	\$2.128	\$2.400	\$2.750	\$3.858

HIGH USE WATER SHORTAGE CHARGES

	Normal Water Conditions	Voluntary Restrictions Phase 1	Mandatory Restrictions Phase 2	Mandatory Restrictions Phase 3	Mandatory Restrictions Catastrophic
Demand Reduction Goal	0%	Up to 10%	10% - 20%	20% - 30%	30% - 50%
Rate 1: Base or Below	\$1.276	\$1.276	\$1.289	\$1.302	\$1.340
Rate 2: Usage 5% - 15% above base	\$1.323	\$1.323	\$1.349	\$1.376	\$1.402
Rate 3: Usage 15% - 25% above base	\$1.365	\$1.365	\$1.420	\$1.447	\$1.474
Rate 4: Usage 25% above base	\$1.407	\$1.407	\$1.491	\$1.520	\$1.548

Introduced by Lloyd Hinkley

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

APPROVING SUPPLEMENTAL AGREEMENT NO. 5 BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA DEPT. OF ROADS FOR THE JAMAICA NORTH TRAIL PHASE 2, NDOR PROJECT NO. ENH-55(160) CONTROL NO. 12879, TO REVISE THE FEDERAL SHARE PAYABLE ON THIS PROJECT DURING THE CONSTRUCTION AND CONSTRUCTION ENGINEERING PHASE TO A MAXIMUM OF 80 PERCENT OF THE ELIGIBLE AND PARTICIPATING COSTS - CLERK read the following resolution, introduced by Lloyd Hinkley, who moved its adoption:

A-87333 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Supplemental Agreement No. 5 between the City of Lincoln and the State of Nebraska Department of Roads for Project No. ENH-55(160), State CN-12879, to revise the federal funding share payable during the construction and construction engineering phase for the Jamaica North Trail - Phase 2, to a maximum of 80 percent of the eligible and participating costs, in accordance with the terms and conditions contained in said Supplemental Agreement No. 5, 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 copy of this Resolution (Exhibit "A") to Terry Genrich, Parks and Recreation Department, for transmittal and execution by the State Department of Roads.

Introduced by Lloyd Hinkley

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

APPROVING THE RECREATIONAL TRAILS PROGRAM PROJECT AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA GAME AND PARKS COMMISSION FOR A RECREATIONAL TRAILS PROGRAM PROJECT GRANT TO CONSTRUCT THE WILDERNESS PARK TRAIL BRIDGE - CLERK read the following resolution, introduced by Lloyd Hinkley, who moved its adoption:

A-87334 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the Recreational Trails Program Project Agreement between the City of Lincoln and the Nebraska Game and Parks Commission for Recreational Trails Program Project grant to construct the Wilderness Park Trail Bridge, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Project Agreement on behalf of the City.

The City Clerk is hereby directed to transmit an executed original Project Agreement to Lynn Johnson, Director of Parks and Recreation Department, for transmittal to the Nebraska Game and Parks Commission.

Introduced by Lloyd Hinkley

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF APRIL 16-30, 2013 - CLERK read the following resolution, introduced by Lloyd Hinkley, who moved its adoption:

A-87335 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 May 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:

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<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Dylan Chapman	\$1,132.89	Joe Wenciker	\$1,747.48
State Farm Insurance		Kim Van Groningen	2,218.18
a/s/o Dylan Chapman	1,132.10		
Helen DuPont	44.73		
Ryan & Natalie Headrick	767.36		
David Chambers	61.19		
Patti Raider	325.00		
John W. Carlile Jr.	396.25		
Rose & Kevin Mackey	681.00		
JariLe Roberts	470.00		
Andrew Donahoe	2,379.00		

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 Lloyd Hinkley

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

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

CREATING SPECIAL ASSESSMENT WATER DISTRICT NO. 1204 FOR THE PURPOSE OF CONSTRUCTING A 6-INCH DIAMETER WATER MAIN IN DUDLEY STREET FROM 50TH STREET TO 51ST STREET, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Doug Emery, creating Water District No. 1204, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the third time.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19876**, is recorded in Ordinance Book #28, Page .

ANNEXATION NO. 12005 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 23 ACRES GENERALLY LOCATED AT SOUTH 70TH STREET AND COUNTRYVIEW ROAD. (RELATED ITEMS: 13-58, 13-59) - CLERK read an ordinance, introduced by Doug Emery, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made part of Ordinance No. 18208, to reflect the extension of this corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19877**, is recorded in Ordinance Book #28, Page .

CHANGE OF ZONE NO. 12030 - APPLICATION OF ROKEBY HOLDINGS, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURE DISTRICT AND R-3 PLANNED UNIT DEVELOPMENT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND COUNTRYVIEW ROAD. (RELATED ITEMS: 13-58, 13-59) - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District Maps adopted by reference and made part of the Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19878**, 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" TO CORRECT THE PAY RANGE FOR THE CLASSIFICATION OF "IMPACT FEE ADMINISTRATOR" - CLERK read an ordinance, introduced by Doug Emery, amending Section 1 of Ordinance No. 19601 passed 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 amending the pay range of the job classification of Impact Fee Administrator from (A14) to (A15), the third time.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19879**, is recorded in Ordinance Book #28, Page .

AMENDING SECTION 2.35.035 OF THE LINCOLN MUNICIPAL CODE TO AUTHORIZE EMERGENCY WATER RESTRICTIONS ENACTED BY EXECUTIVE ORDER AND ALLOW THE DIRECTOR OF PUBLIC WORKS AND UTILITIES TO APPOINT WATER CONSERVATION OFFICERS; AMENDING SECTION 8.44.030 OF THE LINCOLN MUNICIPAL CODE (USE OF WATER WELL; WHEN PERMITTED) TO REQUIRE PRIVATE WATER WELL OWNERS COMPLY WITH CERTAIN PROVISIONS OF EMERGENCY WATER RESTRICTIONS; AMENDING SECTION 17.26.010 OF THE LINCOLN MUNICIPAL CODE (EMERGENCY RESTRICTIONS) TO MAKE ANY PERSONS WHO FAIL TO FOLLOW DULY ENACTED EMERGENCY WATER RESTRICTIONS SUBJECT TO THE ADMINISTRATIVE PENALTIES IDENTIFIED HEREIN; AMENDING CHAPTER 17.26 OF THE LINCOLN MUNICIPAL CODE RELATING TO EMERGENCY RESTRICTIONS BY ADDING A NEW SECTION NUMBERED 17.26.015

(RESPONSIBILITY OF PROPERTY OWNER) TO MAKE UNLAWFUL ANY VIOLATION OF AN EMERGENCY WATER RESTRICTION AND TO ESTABLISH A REBUTABLE PRESUMPTION THAT PROPERTY OWNERS ARE RESPONSIBLE FOR VIOLATIONS THAT OCCUR ON PROPERTY OWNED BY THEM; ADDING A NEW SECTION NUMBERED 17.26.040 (WATER CONSERVATION OFFICER) TO AUTHORIZE THE DIRECTOR OF PUBLIC WORKS AND UTILITIES TO APPOINT, EMPLOY, DETERMINE QUALIFICATIONS AND AUTHORIZE CITATION AUTHORITY FOR WATER CONSERVATION OFFICERS; ADDING A NEW SECTION NUMBERED 17.26.045 (PAYMENT OF FINES AND COSTS; ADMINISTRATIVE HEARING PROCESS; APPEAL) TO ESTABLISH FINES AND ADMINISTRATIVE COSTS FOR THE VIOLATION OF EMERGENCY WATER RESTRICTIONS; TO ESTABLISH AN ADMINISTRATIVE PROCESS FOR THE HANDLING, PROCESSING AND CONDUCT OF HEARINGS AND FOR APPEALS OF VIOLATION OF EMERGENCY WATER RESTRICTIONS; AND ADDING A NEW SECTION NUMBERED 17.26.047 (EMERGENCY WATER RESTRICTION FINES AND COSTS; RULES; COLLECT AND ACCOUNT FOR MONEY) TO ADDRESS THE COLLECTION AND ACCOUNTING OF MONIES COLLECTED FOR VIOLATIONS OF EMERGENCY WATER RESTRICTIONS - PRIOR to reading:

COOK Moved MTA #1 to amend Bill No. 13-61 in the following manner:

1. On page 5, line 11, delete "\$100.00" and insert in lieu thereof: "\$200.00".
2. On page 5, line 15, delete "\$200.00" and insert in lieu thereof: "\$300.00".
3. On page 5, line 19, delete "\$150.00" and insert in lieu thereof: "\$50.00".
4. On page 5, line 22, delete "\$175.00" and insert in lieu thereof: "\$75.00".

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

CLERK Read an ordinance, introduced by Doug Emery, amending Section 2.35.035 of the Lincoln Municipal Code to authorize emergency water restrictions enacted by Executive Order and allow the Director of Public Works and Utilities to appoint Water Conservation Officers; amending Section 8.44.030 of the Lincoln Municipal Code (Use of Water Well; When Permitted) to require private water well owners to comply with certain provisions of emergency water restrictions; amending Section 17.26.010 of the Lincoln Municipal Code (Emergency Restrictions) to make any persons who fail to follow duly enacted emergency water restrictions subject to the administrative penalties identified herein; amending Chapter 17.26 of the Lincoln Municipal Code relating to Emergency Restrictions by adding a new section numbered 17.26.015 (Responsibility of Property Owner) to make unlawful any violation of an emergency water restriction and to establish a rebuttable presumption that property owners are responsible for violations that occur on property owned by them; adding a new section numbered 17.26.040 (Water Conservation Officer) to authorize the Director of Public Works and Utilities to appoint, employ, determine qualifications and authorize citation authority for Water Conservation Officers; adding a new section numbered 17.26.045 (Payment of Fines and Costs; Administrative Hearing Process; Appeal) to establish fines and administrative costs for the violation of emergency water restrictions; to establish and administrative process for handling, processing and conduct of hearings and for appeals of violation of emergency water restrictions; adding a new section numbered 17.26.047 (Emergency Water Restriction Fines and Costs; Rules; Collect and Account for Money) to address the collection and accounting of monies collected for violations of emergency water restrictions; and repealing Sections 2.35.035, 8.44.030, and 17.26.010 of the Lincoln Municipal Code as hitherto existing, the third time.

EMERY Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19880, is recorded in Ordinance Book #28, Page .

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

CHANGE OF ZONE 13005 - APPLICATION OF OSI BROTHERS, LLC, ON BEHALF OF THE OWNER DAVID W. BRATCHER, LLC, FOR A CHANGE OF ZONE FROM AG AGRICULTURE DISTRICT TO AG AGRICULTURE DISTRICT WITH LANDMARK OVERLAY, TO DESIGNATE THE LINCOLN AIR FORCE BASE REMOTE FACILITY GENERALLY LOCATED AT 6901 WEST ADAMS STREET, AS A LANDMARK - CLERK read the following resolution, introduced by DiAnna Schimek, amending the City of Lincoln Zoning District Map attached to and made part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE - NONE

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE

Matt Herman, 6424 Thunderbird Cir., came forward to suggest that the time frame of water bills and the time frame used to calculate usage rates be consistent in order to make it easier for the consumer to understand.

This matter was taken under advisement.

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ADJOURNMENT 5:08 P.M.

SCHIMEK Moved to adjourn the City Council meeting of May 13, 2013.
Seconded by Hinkley & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Hinkley, Schimek; NAYS: None; ABSENT: Eskridge.

Teresa J. Meier, City Clerk

Amy Hana Huffman, Office Specialist