

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

The Meeting was called to order at 5:30 p.m. Present: Council Chair Eskridge; Council Members: Camp, Christensen, Cook, Emery, Fellers, Gaylor Baird; City Clerk, Teresa J. Meier.

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

GAYLOR BAIRD Having been appointed to read the minutes of the City Council proceedings of September 23, 2013 reported having done so, found same correct.

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

PUBLIC HEARING

CREATING SPECIAL ASSESSMENT RE-PAVING DISTRICT NO. 158 FOR THE PURPOSE OF RECONSTRUCTING PORTIONS OF 66TH STREET, ALMIRA LANE, MARCUS ROAD, AND ANNS COURT WITHIN THE COUNTRY MEADOWS HOMEOWNERS ASSOCIATION BOUNDARIES, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - Thomas Shaffer, Public Works & Utilities Department, came forward to state this request for creating a re-paving district came last September after a year and a half long discussion process with Country Meadows Homeowner's Association.

Steve Clymer, President of Country Meadows Homeowner's Association, came forward to state Country Meadows formed in 1992 and the roads were designed at that time to meet County standards. The roads are now in such poor condition that even after the City makes repairs, they quickly fail and conditions become worse. The neighborhood made the decision to be proactive about repairs, discussed several options, and worked with the City to come up with estimates related to costs and responsibilities of property owners. The neighborhood is overwhelmingly in support of moving ahead with the project. In answer to Council questions, Mr. Clymer discussed proposed plans for the repairs and estimated dollar amounts. Discussion followed.

Mr. Shaffer answered Council questions regarding the estimated costs and the background of this project.

Don Taute, City Attorney's Office, came forward to state it is a standard practice to go through the assessment process with property owners when annexed areas do not meet City standards. The end result is an improvement to roads and infrastructure. In answer to Council questions, he replied that these costs are nothing more than an estimate at this time; the project still requires Council approval of the district, a formal petition for the paving, and then finally the design plans and bidding process.

Mr. Shaffer discussed the cost of concrete versus asphalt, the potential time frame of construction if the project is approved, and sources of funding.

Council Member Cook expressed his concern about using the entire Residential Rehabilitation Fund on a single project that appears to be construction of a new road, rather than rehabilitation of it.

Miki Esposito, Director of Public Works, came forward to state the scope of these requests is very specific and legally, the City is bound to honor the request as is, even if it makes sense to extend construction beyond the area.

Marvin Krout, Director of Planning Department, came forward to state that this is one of the costs of annexation since County has different standards. This area has undergone intensive repair efforts and is not holding together. It will continue to deteriorate and it is not cost effective to continue to simply patch problems.

Mr. Shaffer stated that the Residential Rehabilitation funds are used up each year and not rolled over.

Council Member Gaylor Baird stated other sources of funding should be explored because it seems questionable to use so much of a single fund for such a small area.

Mr. Clymer returned to state that although the area is relatively small, it is surrounded by growth and development and these roads get used often by nonresidents of Country Meadows.

This matter was taken under advisement.

AMENDING SECTION 5.04.070 OF THE LINCOLN MUNICIPAL CODE, SALE TO MINORS AND INCAPACITATED PERSONS PROHIBITED, TO DELETE THE OFFENSE OF SELLING, GIVING, DISPOSING OF, EXCHANGING, DELIVERING, OR PERMITTING THE SALE, GIFT, OR PROCURING OF ANY ALCOHOLIC LIQUORS TO A MINOR OR INCAPACITATED PERSON AS THE STATE STATUTE PENALTY FOR SAID OFFENSE IS GREATER THAN AUTHORIZED FOR THE CITY - John McQuinn, City Attorney's Office, came forward to state the City laws cannot come close to matching the penalties of the State and the best option is to repeal this section of the Code. In answer to Council questions, he replied raising City

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penalties would be difficult due to the high volume of jury trials that would have to occur. The money from these penalties ends up in the County school fund whether the crime is prosecuted by the City or the State.

Jane Svoboda, no address given, came forward to state that all alcohol should be illegal.

This matter was taken under advisement.

AMENDING CHAPTER 5.04 OF THE LINCOLN MUNICIPAL CODE, ALCOHOLIC LIQUOR, BY REPEALING SECTIONS 5.04.080 (FURNISHING FALSE IDENTIFICATION), 5.04.090 (MINORS, MISREPRESENTING AGE), 5.04.100 (MINORS, POSSESSION OF ALCOHOL), 5.04.160 (PLACES WHERE DRINKING PROHIBITED), AND 5.04.165 (OPEN CONTAINERS IN VEHICLES), AND AMENDING CHAPTER 9.16 OF THE LINCOLN MUNICIPAL CODE, OFFENSES AGAINST PUBLIC DECENCY, BY REPEALING SECTIONS 9.16.025 (MARIJUANA DEFINED), 9.16.030 (TOXIC COMPOUNDS DEFINED), 9.16.035 (PARAPHERNALIA DEFINED), 9.16.105 (PARAPHERNALIA, USE OR POSSESSION, UNLAWFUL, PENALTY), 9.16.110 (TOXIC COMPOUNDS, UNLAWFUL USE), 9.16.120 (TOXIC COMPOUNDS, UNLAWFUL POSSESSION), 9.16.130 (TOXIC COMPOUNDS, UNLAWFUL SALE), 9.16.140 (TOXIC COMPOUNDS, PENALTY FOR VIOLATIONS), 9.16.145 (POSSESSION OF MARIJUANA, ONE OUNCE OR LESS, UNLAWFUL, PENALTY) AND INCORPORATING SAID OFFENSES AND PENALTIES INTO ONE CHAPTER BY ADDING NEW CHAPTER 9.48 ENTITLED "ALCOHOL AND DRUG OFFENSES" CONSISTING OF SECTION 9.48.010, DEFINITIONS; SECTION 9.48.020, FURNISHING FALSE IDENTIFICATION; SECTION 9.48.030, MINORS, MISREPRESENTING AGE; SECTION 9.48.040, MINORS, POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR PROHIBITED; SECTION 9.48.050, CONSUMING ALCOHOLIC LIQUOR IN PUBLIC PROHIBITED; SECTION 9.48.060, CONSUMPTION IN UNLICENSED PREMISES PROHIBITED; 9.48.070, CONSUMPTION INSIDE VEHICLES PROHIBITED; SECTION 9.48.080, OPEN ALCOHOLIC BEVERAGE CONTAINER IN MOTOR VEHICLE PROHIBITED; SECTION 9.48.090, POSSESSION OF MARIJUANA, ONE OUNCE OR LESS, UNLAWFUL, PENALTY; SECTION 9.48.100, TOXIC COMPOUNDS, UNLAWFUL USE; SECTION 9.48.110, TOXIC COMPOUNDS, UNLAWFUL POSSESSION; SECTION 9.48.120 TOXIC COMPOUNDS, UNLAWFUL SALE; SECTION 9.48.130, PARAPHERNALIA, USE OR POSSESSION, UNLAWFUL, PENALTY; SECTION 9.48.140, VIOLATIONS, PENALTY; AND SECTION 9.48.150, SEVERABILITY AND SAVINGS CLAUSE; AMENDING SECTION 9.20.100 OF THE LINCOLN MUNICIPAL CODE TO DELETE THE MINIMUM FINES FOR FURNISHING FALSE IDENTIFICATION, MISREPRESENTING AGE, MINOR IN POSSESSION OF ALCOHOL, AND CONSUMING ALCOHOL IN PROHIBITED PLACES TO MAINTAIN CONFORMITY WITH STATE STATUTE - John McQuinn, City Attorney's Office, came forward to state that upon review, it became apparent that these violations did not match up well with the State statutes. No penalties or provisions were changed, this is just a laundry list of items intended to create more consistency with the State. Discussion followed.

Jane Svoboda, no address given, came forward to share her opinions on this item.

This matter was taken under advisement.

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND 3732 HOLDINGS, LLC ALLOWING THE PROPERTY OWNER AT 6800 NORMAL BOULEVARD TO LEASE 4,525 SQUARE FEET OF SPACE WITHIN A PORTION OF HOLMES LAKE PARK TO ACCOMMODATE AN EXPANSION OF THE PARKING FOR ITS OFFICE BUILDING - Jocelyn Golden, City Attorney's Office, came forward to state this is a lease agreement for use of a commercial property adjacent to Holmes Lake and it will accommodate the expansion of a parking lot. In answer to Council questions, Ms. Golden clarified that the land is not a part of Holmes Lake Park itself. The lessee is required to plant and maintain landscaping. Discussion followed.

This matter was taken under advisement.

APPROVING THE AGREEMENT REGARDING ANNEXATION FEES BETWEEN RURAL WATER DISTRICT NO. 1, LANCASTER COUNTY, NEBRASKA (RWD) AND THE CITY OF LINCOLN FOR PAYMENT OF ANNEXATION FEES BY THE CITY FOR LAND THAT IS ANNEXED AND NO LONGER SERVED BY RWD - Marvin Krout, Director of Planning Department, came forward to state this is a proposed agreement to resolve a long-running disagreement with the Rural Water District regarding compensation they collect each time their customers are removed from their district via annexation by the City. A significant increase in these fees occurred several years ago. The City has finally reached an agreement with them to set a reasonable rate. The rate has a cost of living adjustment built into it. If a customer chooses to remain in the rural district, the City is discounted 10% of the fee for each year that passes. Discussion followed.

Mike Eckert, Civil Design Group, came forward to thank the Law and Planning Departments for their efforts. The outcome of this was of great interest to the City and the development community. The fees have been returned to within their original range.

This matter was taken under advisement.

APPROVING THE RELOCATION OF OMAHA EXPOSITION & RACING, INC. DBA LINCOLN RACE COURSE'S KENO SATELLITE SITE FROM 1800 STATE FAIR PARK TO 7055 SOUTH 1ST STREET - Katrina Coffey, Vice President of Marketing for Big Red Keno, came forward to state this is the approval for the move of this Keno satellite from its old location to the new Lincoln Race Course.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE RAILROAD TRANSPORTATION SAFETY DISTRICT, THE CITY, AND THE COUNTY TO ACCEPT THE TRANSFER OF RTSDFUNDING FOR THE SOUTH LINCOLN QUIET ZONE (14TH AND YANKEE HILL) AND FOR THE CITY AND COUNTY TO ACCEPT OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS IN THEIR RESPECTIVE AREAS;

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE RAILROAD TRANSPORTATION SAFETY DISTRICT AND THE CITY TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE SW 40TH STREET/BNSF OVERPASS AND TO ACKNOWLEDGE THE PAVING OF APPROXIMATELY 900 FEET OF SW 40TH STREET FROM WEST O STREET TO THE SOUTH;

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE RAILROAD TRANSPORTATION SAFETY DISTRICT AND THE CITY TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE SOUTH SALT CREEK QUIET ZONE AND TO ACCEPT THE OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS IN THE AREA - Thomas Shaffer, Public Works & Utilities Department, came forward on behalf of Roger Figard, Director of the Railroad Transportation Safety District, to state the City is working on the final payments and cleanup associated with these projects and, if needed, the City could tap into these available funds.

This matter was taken under advisement.

APPROVING A PRELIMINARY ENGINEERING AND NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND ALFRED BENESCH & COMPANY TO ESTABLISH THE RESPONSIBILITIES AND FEES FOR PRELIMINARY ENGINEERING AND NEPA PHASE SERVICES FOR SAFETY IMPROVEMENTS AT THE INTERSECTION OF N. 66TH STREET AND FREMONT STREET - Thomas Shaffer, Public Works and Utilities Department, came forward to state that the Nebraska Department of Roads requires the approval of Council to receive these Federal Funds.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND SPEECE LEWIS ENGINEERS TO PROVIDE PRELIMINARY AND FINAL DESIGN SERVICES AS WELL AS ENVIRONMENTAL AND GEOTECHNICAL SERVICES FOR THE 10TH STREET BRIDGE OVER SALT CREEK - Thomas Shaffer, Public Works and Utilities Department, came forward to state this is a Federal project which includes an exploratory investigation to ascertain the current condition of the bridge over Salt Creek near Military Road. There are many factors under consideration including whether it is more cost effective to rebuild or repair, the number of lanes, the effect of construction on the Tiger Beetle territory, levies, flood potential, the North Bottoms neighborhood, the Indian Center, and inclusion of pedestrian and bike lanes. In answer to Council questions, Mr. Shaffer replied that approximately \$30,000 will go towards the evaluation.

Miki Esposito, Director of Public Works, came forward to state that the fee is not just to establish scope. The plans are incorporated into doing the work once the evaluation is complete. Discussion followed.

Mike Morosin, 1500 N. 15th Street, came forward as a resident of the area to state that Council and Public Works have asked some good questions regarding this project. He would like to see a breakdown of the final project before it is approved to know what effect it will have on his neighborhood.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPROVING AN AMENDMENT TO AGREEMENT BETWEEN THE CITY OF LINCOLN AND PLUNKETT'S PEST CONTROL FOR THE ANNUAL REQUIREMENTS FOR PEST CONTROL SERVICES AT STARTRAN, PURSUANT TO QUOTE NO. 3640, FOR A FINAL TWO-YEAR RENEWAL TERM - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-87572 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Amendment to Agreement between the City of Lincoln and Plunkett's Pest Control for the annual requirements for Pest Control Services at StarTran, pursuant to Quote No. 3640, for a final two-year term, upon the terms as set forth in said Amendment to Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Trent Fellers

Seconded by Emery and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON SEPTEMBER 16, 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, OCTOBER 14, 2013 AT 3:00 P.M. FOR THE APPLICATION OF TPG HOLDINGS, LLC DBA YE OLD PUB FOR A CLASS C LIQUOR LICENSE LOCATED AT 408 S. 11TH STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-87573 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 14, 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 TPG Holdings, LLC dba Ye Old Pub for a Class C liquor license located at 408 S. 11th Street.

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

Introduced by Leirion Gaylor Baird

Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

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SETTING THE HEARING DATE OF MONDAY, OCTOBER 21, 2013 AT 3:00 P.M. FOR THE APPLICATION OF BLAISE REWAKA IN CONNECTION WITH TARGET STORE T-2303 LOCATED AT 8201 S. 40TH STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-87574 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 21, 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 manager application of Blaise Rewaka in connection with the Target Store T-2303 located at 8201 S. 40th Street.

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

Introduced by Leirion Gaylor Baird

Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS - NONE

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

CREATING SPECIAL ASSESSMENT RE-PAVING DISTRICT NO. 158 FOR THE PURPOSE OF RECONSTRUCTING PORTIONS OF 66TH STREET, ALMIRA LANE, MARCUS ROAD, AND ANNS COURT WITHIN THE COUNTRY MEADOWS HOMEOWNERS ASSOCIATION BOUNDARIES, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Trent Fellers, creating Re-Paving District No. 158, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and laying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, 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 second time.

AMENDING SECTION 5.04.070 OF THE LINCOLN MUNICIPAL CODE, SALE TO MINORS AND INCAPACITATED PERSONS PROHIBITED, TO DELETE THE OFFENSE OF SELLING, GIVING, DISPOSING OF, EXCHANGING, DELIVERING, OR PERMITTING THE SALE, GIFT, OR PROCURING OF ANY ALCOHOLIC LIQUORS TO A MINOR OR INCAPACITATED PERSON AS THE STATE STATUTE PENALTY FOR SAID OFFENSE IS GREATER THAN AUTHORIZED FOR THE CITY - CLERK read an ordinance, introduced by Trent Fellers, amending Section 5.04.070 of the Lincoln Municipal Code, Sale to Minors and Incapacitated Person Prohibited, by deleting the offense of selling, giving, disposing of, exchanging, delivering, or permitting the sale, gift, or procuring of any alcoholic liquors to a minor or incapacitated person from said Section 5.04.070 as the state statute penalty for said offense is greater than authorized by the City; and repealing Section 5.04.070 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 5.04 OF THE LINCOLN MUNICIPAL CODE, ALCOHOLIC LIQUOR, BY REPEALING SECTIONS 5.04.080 (FURNISHING FALSE IDENTIFICATION), 5.04.090 (MINORS, MISREPRESENTING AGE), 5.04.100 (MINORS, POSSESSION OF ALCOHOL), 5.04.160 (PLACES WHERE DRINKING PROHIBITED), AND 5.04.165 (OPEN CONTAINERS IN VEHICLES), AND AMENDING CHAPTER 9.16 OF THE LINCOLN MUNICIPAL CODE, OFFENSES AGAINST PUBLIC DECENCY, BY REPEALING SECTIONS 9.16.025 (MARIJUANA DEFINED), 9.16.030 (TOXIC COMPOUNDS DEFINED), 9.16.035 (PARAPHERNALIA DEFINED), 9.16.105 (PARAPHERNALIA, USE OR POSSESSION, UNLAWFUL, PENALTY), 9.16.110 (TOXIC COMPOUNDS, UNLAWFUL USE), 9.16.120 (TOXIC COMPOUNDS, UNLAWFUL POSSESSION), 9.16.130 (TOXIC COMPOUNDS, UNLAWFUL SALE), 9.16.140 (TOXIC COMPOUNDS, PENALTY FOR VIOLATIONS), 9.16.145 (POSSESSION OF MARIJUANA, ONE OUNCE OR LESS, UNLAWFUL, PENALTY) AND INCORPORATING SAID OFFENSES AND PENALTIES INTO ONE CHAPTER BY ADDING NEW CHAPTER 9.48 ENTITLED "ALCOHOL AND DRUG OFFENSES" CONSISTING OF SECTION 9.48.010, DEFINITIONS; SECTION 9.48.020, FURNISHING FALSE IDENTIFICATION; SECTION 9.48.030, MINORS, MISREPRESENTING AGE; SECTION 9.48.040, MINORS, POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR PROHIBITED; SECTION 9.48.050, CONSUMING ALCOHOLIC LIQUOR IN PUBLIC PROHIBITED; SECTION 9.48.060, CONSUMPTION IN UNLICENSED PREMISES PROHIBITED; 9.48.070, CONSUMPTION INSIDE VEHICLES PROHIBITED; SECTION 9.48.080, OPEN ALCOHOLIC BEVERAGE CONTAINER IN MOTOR VEHICLE PROHIBITED; SECTION 9.48.090, POSSESSION OF MARIJUANA, ONE OUNCE OR LESS, UNLAWFUL, PENALTY; SECTION 9.48.100, TOXIC COMPOUNDS, UNLAWFUL USE; SECTION 9.48.110, TOXIC COMPOUNDS, UNLAWFUL POSSESSION; SECTION 9.48.120 TOXIC COMPOUNDS, UNLAWFUL SALE; SECTION 9.48.130, PARAPHERNALIA, USE OR POSSESSION, UNLAWFUL, PENALTY; SECTION 9.48.140, VIOLATIONS, PENALTY; AND SECTION 9.48.150, SEVERABILITY AND SAVINGS CLAUSE; AMENDING SECTION 9.20.100 OF THE LINCOLN MUNICIPAL CODE TO DELETE THE MINIMUM FINES FOR FURNISHING FALSE IDENTIFICATION, MISREPRESENTING AGE, MINOR IN POSSESSION OF ALCOHOL, AND CONSUMING ALCOHOL IN PROHIBITED PLACES TO MAINTAIN CONFORMITY WITH STATE STATUTE - CLERK read an ordinance, introduced by Trent Fellers, amending Chapter 5.04 of the Lincoln Municipal Code, Alcoholic Liquor, by repealing Sections 5.04.080 (Furnishing False Identification), 5.04.090 (Minors, Misrepresenting Age), 5.04.100 (Minors, Possession of Alcohol), 5.04.160 (Places Where Drinking Prohibited), and 5.04.165 (Open Containers in Vehicles), and amending Chapter 9.16 of the Lincoln Municipal Code, Offenses Against Public Decency, by repealing Sections 9.16.025 (Marijuana Defined), 9.16.030 (Toxic Compounds Defined), 9.16.035 (Paraphernalia

Defined), 9.16.105 (Paraphernalia, Use or Possession, Unlawful, Penalty), 9.16.110 (Toxic Compounds, Unlawful Use), 9.16.120 (Toxic Compounds, Unlawful Possession), 9.16.130 (Toxic Compounds, Unlawful Sale), 9.16.140 (Toxic Compounds, Penalty for Violations), 9.16.145 (Possession of Marijuana, One Ounce or Less, Unlawful, Penalty) and incorporating said offenses and penalties into one chapter by adding new Chapter 9.48 entitled "Alcohol and Drug Offenses" consisting of Section 9.48.010, Definitions; Section 9.48.020, Furnishing False Identification; Section 9.48.030, Minors, Misrepresenting Age; Section 9.48.040, Minors, Possession or Consumption of Alcoholic Liquor Prohibited; Section 9.48.050, Consuming Alcoholic Liquor in Public Prohibited; Section 9.48.060, Consumption in Unlicensed Premises Prohibited; 9.48.070, Consumption Inside Vehicles Prohibited; Section 9.48.080, Open Alcoholic Beverage Container in Motor Vehicle Prohibited; Section 9.48.090, Possession of Marijuana, One Ounce or Less, Unlawful, Penalty; Section 9.48.100, Toxic Compounds, Unlawful Use; Section 9.48.110, Toxic Compounds, Unlawful Possession; Section 9.48.120 Toxic Compounds, Unlawful Sale; Section 9.48.130, Paraphernalia, Use or Possession, Unlawful, Penalty; Section 9.48.140, Violations, Penalty; and Section 9.48.150, Severability and Savings Clause; amending Section 9.20.100 of the Lincoln Municipal Code to delete the minimum fines for furnishing false identification, misrepresenting age, minor in possession of alcohol, and consuming alcohol in prohibited places to maintain conformity with state statute; and repealing Section 9.20.100 of the Lincoln Municipal Code as hitherto existing, the second time.

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND 3732 HOLDINGS, LLC ALLOWING THE PROPERTY OWNER AT 6800 NORMAL BOULEVARD TO LEASE 4,525 SQUARE FEET OF SPACE WITHIN A PORTION OF HOLMES LAKE PARK TO ACCOMMODATE AN EXPANSION OF THE PARKING FOR ITS OFFICE BUILDING - CLERK read an ordinance, introduced by Trent Fellers, accepting and approving a Lease Agreement between the City of Lincoln, Nebraska and 3732 Holdings, LLC for the lease of a 4,525 square feet area within a portion of Holmes Lake Park to accommodate an expansion of the parking for the office building located at 6800 Normal Boulevard, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING THE AGREEMENT REGARDING ANNEXATION FEES BETWEEN RURAL WATER DISTRICT NO. 1, LANCASTER COUNTY, NEBRASKA (RWD) AND THE CITY OF LINCOLN FOR PAYMENT OF ANNEXATION FEES BY THE CITY FOR LAND THAT IS ANNEXED AND NO LONGER SERVED BY RWD - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-87575 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Agreement Regarding Annexation Fees between Rural Water District No. 1, Lancaster County, Nebraska and City of Lincoln, Nebraska setting forth the agreement between the parties for payment of annexation fees by the City or a private party to Rural Water District No. 1, Lancaster County, Nebraska ("RWD") for land that is annexed and will no longer be served by RWD, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The Mayor is further authorized to approve amendments to this Agreement without further action of City Council.

The City Clerk is directed to return executed originals of the Agreement to the Planning Department for transmittal to RWD.

Introduced by Trent Fellers

Seconded by Emery and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPROVING THE RELOCATION OF OMAHA EXPOSITION & RACING, INC. DBA LINCOLN RACE COURSE'S KENO SATELLITE SITE FROM 1800 STATE FAIR PARK TO 7055 SOUTH 1ST STREET - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-87576 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have previously entered into a contract with EHPV Lottery Services, LLC for the operation of a keno type lottery, under which contract the City approved Omaha Exposition & Racing, Inc. d/b/a Lincoln Race Course for the operation of a satellite site at 1800 State Fair Park, Lincoln, Nebraska; and

WHEREAS, the contract provides that any relocation of a satellite site location must be approved by the City Council; and

WHEREAS, Omaha Exposition & Racing, Inc. d/b/a Lincoln Race Course is relocating to 7055 S. 1st Street and desires to continue its keno operation at that site.

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

That in accordance with the Contract for the Operation of a Keno Type Lottery entered into on March 10, 2008, between the City of Lincoln, County of Lancaster, and EHPV Lottery Services, LLC., and the subsequent approval of a keno satellite operation at Omaha Exposition & Racing, Inc. d/b/a Lincoln Race Course, 1800 State Fair Park, Lincoln, Nebraska, the City Council does hereby approve the relocation of Omaha Exposition & Racing, Inc. d/b/a Lincoln Race Course to 7055 S. 1st Street, Lincoln, Nebraska.

Introduced by Trent Fellers

Seconded by Emery and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

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ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 1 - 15, 2013 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-87577 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 September 16, 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 CLAIM		ALLOWED/SETTLED CLAIMS	
Molly Lamrouex	\$507.00	Blanca Rincon-Flores	\$ 1,224.00
		Black Hills Energy	770.10
		Lycebeth Loy	675,000.00

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 Trent Fellers

Seconded by Emery and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE RAILROAD TRANSPORTATION SAFETY DISTRICT, THE CITY, AND THE COUNTY TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE SOUTH LINCOLN QUIET ZONE (14TH AND YANKEE HILL) AND FOR THE CITY AND COUNTY TO ACCEPT OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS IN THEIR RESPECTIVE AREAS - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-87578 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City), Lancaster County, Nebraska (County) and the Lincoln-Lancaster County Railroad Transportation Safety District (RTSD) desire to cooperate with each other for funding maintenance of the South Lincoln Quiet Zone Project safety improvements.

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

That the attached Annual Financial Interlocal Agreement between the City, County and RTSD in connection with funding for the South Lincoln Quiet Zone Project and to accept ownership and maintenance of the safety improvements is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Trent Fellers

Seconded by Emery and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE RAILROAD TRANSPORTATION SAFETY DISTRICT AND THE CITY TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE SW 40TH STREET/BNSF OVERPASS AND TO ACKNOWLEDGE THE PAVING OF APPROXIMATELY 900 FEET OF SW 40TH STREET FROM WEST O STREET TO THE SOUTH - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-87579 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln-Lancaster County Railroad Transportation Safety District (RTSD) desire to cooperate with each other in funding construction of the S.W. 40th Street Overpass over the BNSF rail yard and the paving of approximately the first 900 feet of S.W. 40th Street south of West O Street.

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

That the attached Annual Financial Interlocal Agreement between the City and RTSD in connection with funding the S.W. 40th Street Overpass over the BNSF rail yard and the paving of approximately the first 900 feet of S.W. 40th Street south of West O Street is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Trent Fellers

Seconded by Emery and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE RAILROAD TRANSPORTATION SAFETY DISTRICT AND THE CITY TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE SOUTH SALT CREEK QUIET ZONE AND TO ACCEPT THE OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS IN THE AREA - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-87580 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln-Lancaster County Railroad Transportation Safety District (RTSD) desire to cooperate with each other for funding maintenance of the South Salt Creek Quiet Zone Project safety improvements. NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Annual Financial Interlocal Agreement between the City and RTSD in connection with funding for the South Salt Creek Quiet Zone Project and to accept ownership and maintenance of the safety improvements is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Trent Fellers

Seconded by Emery and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPROVING A PRELIMINARY ENGINEERING AND NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND ALFRED BENESCH & COMPANY TO ESTABLISH THE RESPONSIBILITIES AND FEES FOR PRELIMINARY ENGINEERING AND NEPA PHASE SERVICES FOR SAFETY IMPROVEMENTS AT THE INTERSECTION OF N. 66TH STREET AND FREMONT STREET - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-87581 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Preliminary Engineering and National Environmental Policy Act (NEPA) Services Agreement between the City of Lincoln and Alfred Benesch & Company for safety improvements at the intersection of N. 66th and Fremont Streets, 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 Kent Evans, Engineering Services Division of the Department of Public Works & Utilities, for transmittal and execution by the Nebraska Department of Roads.

Introduced by Trent Fellers

Seconded by Emery and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPROVING AN AGREEMENT BETWEEN THE CITY AND SPEECE LEWIS ENGINEERS TO PROVIDE PRELIMINARY AND FINAL DESIGN SERVICES AS WELL AS ENVIRONMENTAL AND GEOTECHNICAL SERVICES FOR THE 10TH STREET BRIDGE OVER SALT CREEK - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-87582 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Preliminary Engineering Services Agreement between the City of Lincoln and Speece Lewis Engineers for preliminary and final design services as well as environmental and geotechnical services for the 10th Street bridge over Salt Creek, 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 Kris Humphrey, Engineering Services Division of the Department of Public Works & Utilities, for transmittal and execution by the Nebraska Department of Roads.

Introduced by Trent Fellers

Seconded by Emery and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

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

ANNEXATION 13003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY .11 ACRES GENERALLY LOCATED AT TUSCAN AND DURADO COURTS - 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 the 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 Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered **#19923**, is recorded in Ordinance Book #29, Page .

CHANGE OF ZONE 13016 - APPLICATION OF FIRETHORN GOLF COMPANY FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND FROM R-3 RESIDENTIAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT TUSCAN AND DURADO COURTS - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District Maps adopted by reference and made a part of 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 Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered **#19924**, is recorded in Ordinance Book #29, Page .

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APPROVING A SUBLEASE AGREEMENT BETWEEN NEBRASKA VOCATIONAL REHABILITATION AND THE CITY OF LINCOLN FOR THE SUBLEASE BY NEBRASKA VOCATIONAL REHABILITATION OF 160 SQUARE FEET OF SPACE AT 1111 O STREET FOR PURPOSES OF WORKFORCE INVESTMENT ACT SERVICES AND THE AMERICAN JOB CENTER FOR A FOUR YEAR TERM OF OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2017 - CLERK read an ordinance, introduced by Doug Emery, accepting and approving a Sublease Agreement between the City of Lincoln, Nebraska and Nebraska Vocational Rehabilitation for the sublease of space at 1111 O Street, Lincoln, Lancaster County, Nebraska for a term of October 1, 2013 through September 30, 2017, whereby the City of Lincoln is subleasing space to Nebraska Vocational Rehabilitation for the purposes of Workforce Investment Act Services and the American Job Center, the third time.

EMERY Moved to pass the ordinance as read.

Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered **#19925**, is recorded in Ordinance Book #29, Page .

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

REPEALING ORDINANCE NO. 19513 CREATING RE-PAVING DISTRICT NO. 157, IN 63RD STREET, BETWEEN GLADSTONE AND FREMONT STREETS, DUE TO THE LACK OF A PETITION SIGNED BY A MAJORITY OF AFFECTED PROPERTY OWNERS - CLERK read an ordinance, introduced by Leirion Gaylor Baird, repealing Ordinance No. 19513 which created Repaving District No. 157, which repaving district included all that portion of 63rd Street from Gladstone Street to Fremong Street describing the benefitted property as follows: HAVELOCK, BLOCK 205, Lot 10-12, S49'; HAVELOCK, BLOCK 205, Lot 10-12, N47'S96'; HAVELOCK, BLOCK 205, Lot 10-12, N46'; HAVELOCK, BLOCK 205, Lot 1, N92'; HAVELOCK, BLOCK 205, Lot 2; HAVELOCK, BLOCK 205, Lot 3; HAVELOCK, BLOCK 178, Lot 11, E1' & Lot 12; HAVELOCK, BLOCK 178, Lot 11, EX E1'; HAVELOCK, BLOCK 178, Lot 9, E6' & Lot 10; HAVELOCK, BLOCK 178, Lot 1-2, S50'; HAVELOCK, BLOCK 178, Lot 1, N92; HAVELOCK, BLOCK 178, Lot 2, N92'; HAVELOCK, BLOCK 178, Lot 3; HAVELOCK, BLOCK 177, Lot 6; HAVELOCK, BLOCK 177, Lot 5; HAVELOCK, BLOCK 177, Lot 4; HAVELOCK, BLOCK 177, Lot 7; HAVELOCK, BLOCK 177, Lot 8; HAVELOCK, BLOCK 177, Lot 9; HAVELOCK, BLOCK 206, Lot 5-6, N71'; HAVELOCK, BLOCK 206, Lot 5-7, S71'; HAVELOCK, BLOCK 206, Lot 4; HAVELOCK, BLOCK 206, Lot 7-9, N62'; HAVELOCK, BLOCK 206, Lot 7, S80' & W80' Lot 8; HAVELOCK, BLOCK 206, Lot 8, E25' S80' & S80' Lot 9; HAVELOCK, BLOCK 219, Lot 1-6; HAVELOCK, BLOCK 220, Lot 1; HAVELOCK, BLOCK 220, Lot 2; HAVELOCK, BLOCK 200, Lot 3 all in Section 9, Township 10 North, Range 7 East of the sixth principal meridian in the City of Lincoln, Lancaster County, Nebraska and providing for the payment of the cost thereof, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

ADOPTING THE CENTRAL RENEWABLE ENERGY SYSTEM AGREEMENT BETWEEN THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA AND THE CITY OF LINCOLN TO USE MUNICIPAL EFFLUENT FOR HEATING & COOLING ON THE NEBRASKA INNOVATION CAMPUS.

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 1744 S. 25TH, 1411 N. 24TH, 1611 HARRISON, 935 BUTLER, 609 WEST Q, 3909 SUMNER, 3440 S. 44TH, 1710 BROOKHAVEN, 2975 HOLDREGE, 2280 HOLDREGE, 1020 SUMNER, 1947 SW 34TH, 1120 HIGH PLAINS ROAD, 5620 GREENWOOD, 3909 SUMNER.

WAIVER NO. 13008 - APPEAL OF KARRIE USHER FROM THE PLANNING COMMISSION APPROVAL OF THE REQUEST TO WAIVE THE REQUIREMENT OF \$26.23.125 OF THE LAND SUBDIVISION ORDINANCE FOR A PEDESTRIAN WAY ASSOCIATED WITH A BLOCK LENGTH IN EXCESS OF 1,000 FEET ON PROPERTY GENERALLY LOCATED NEAR N.W. 8TH STREET AND GLACIER TRAIL.

APPROVING AN AMENDMENT TO AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE LEAGUE OF HUMAN DIGNITY FOR THE ANNUAL REQUIREMENTS OF STARTRAN'S SPECIAL TRANSPORTATION PROGRAMS, PURSUANT TO BID NO. 11-204, TO EXTEND THE AGREEMENT TERM FOR TWO YEARS FROM OCTOBER 31, 2013 THROUGH OCTOBER 30, 2015.

APPOINTING JAMES HEWITT TO THE HISTORIC PRESERVATION COMMISSION FOR A TERM EXPIRING APRIL 15, 2016.

REAPPOINTING JANET GOODMAN-BANKS, OLGA R. KANNE AND COLETTE M. POLITE TO THE MULTICULTURAL ADVISORY COMMITTEE FOR TERMS EXPIRING SEPTEMBER 18, 2016.

REAPPOINTING TINA UDELL TO THE COMMUNITY HEALTH ENDOWMENT BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2016.

APPOINTING DIANNA SCHIMEK, THOMAS SULLIVAN AND JOSE SOTO TO THE COMMUNITY HEALTH ENDOWMENT BOARD FOR TERMS EXPIRING SEPTEMBER 1, 2016.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND HILAND DAIRY FOODS COMPANY FOR THE ANNUAL SUPPLY OF MILK AND DAIRY PRODUCTS FOR THE LINCOLN AREA AGENCY ON AGING FOR A TWO YEAR TERM.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND SEMINOLE ENERGY SERVICES LLC FOR THE ANNUAL SUPPLY OF NATURAL GAS FOR CITY AND COUNTY OWNED PROPERTY FOR A FOUR YEAR TERM.

APPROVING THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY TO REVISE PROVISIONS REGARDING THE ADMINISTRATION AND USE OF THE KENO HUMAN SERVICES PREVENTION FUND, THE INVESTMENT OF MONIES IN THE ENDOWMENT FUND, AND THE ADOPTION OF NEW KENO HUMAN SERVICES PREVENTION FUND GUIDELINES.

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE

Jane Svoboda, no address given, came forward to share her thoughts on various issues.

This matter was taken under advisement.

Mike Morosin, 1500 N. 15th Street, came forward to discuss his concerns regarding a shed on his property and inaccuracies surrounding the permit process.

This matter was taken under advisement.

ADJOURNMENT 7:39 P.M.

CAMP Moved to adjourn the City Council meeting of September 30, 2013.
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

Teresa J. Meier, City Clerk

Amy Hana Huffman, Office Specialist

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