

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, OCTOBER 7, 2013 AT 3:00 P.M.**

The Meeting was called to order at 3:00 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**

CAMP Having been appointed to read the minutes of the City Council proceedings of September 30, 2013 reported having done so, found same correct. Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

**PUBLIC HEARING**

APPOINTING DIANNA SCHIMEK, THOMAS SULLIVAN AND JOSE SOTO TO THE COMMUNITY HEALTH ENDOWMENT BOARD FOR TERMS EXPIRING SEPTEMBER 1, 2016 - Luke Peterson, 2520 R Street, Nebraska, an employee of The Nebraska Independent Living Council, came forward to testify on behalf of an individual with disabilities, who is opposed to the appointment of Jose Sotto. The individual in opposition is autistic and is having issues requesting accommodations under the American Disability Act, for expanded testing times, home work, and audio recordings from Southeast Community College. She was told that her GPA was on the higher end of most students with autism and her request was denied. She requested a meeting with Mr. Sotto and an employee at SCC and received blatant oppositions denying her request. She felt it was pertinent to come before council to explain why she feels that Mr. Sotto would not be a fit individual for The Community Health Endowment Board.

This matter was taken under advisement.

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 - Tom Schaefer, Public Works and Utilities Department came forward and states that this ordinance was created about a year and a half ago. We have not reached the number of petitions needed to move forward on this re-paving district, and the majority of the property owners are no longer in favor of this. We are asking, at this time to have it repealed.

This matter was taken under advisement.

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 - Mike Lang, Mayor's Office, came forward to state the innovation campus would be a major catalyst on the economic development efforts moving forward. We are asking for the approval on a long term agreement with UNL to support CREST. Under the terms of this agreement, the City will be diverting reclaimed water that normally runs into Salt Creek onto the Innovation Campus to provide heating and cooling capacity. There are only 5 of these systems in North America and ultimately we are hoping that this will attract businesses that are in support of renewable energy and sustainability. It will cost \$12,000,000 dollars to construct the system which the University will pay for in whole. They will also cover all of the administrative operations and maintenance expenses on behalf of the City, so in terms of our capitol outlay, there will be none. If we are successful and can attract additional jobs and investments, it will have a real positive fiscal impact in the community.

Steve Huggenberger, City Attorney's office, came forward to state this is a 50 year agreement that has a revenue sharing formula. UNL will receive which 2/3 of the revenue and 1/3 goes to the City after all costs are paid for. In addition to the maintenance and original construction obligations, CREST will pay for all replacement costs as well.

Dan Duncan, no address given, came forward to testify in support.

This matter was taken under advisement.

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 - Judy Halstead, Lincoln-Lancaster County Health Department, came forward to speak on the properties that have nuisance complaints. The Health department does agree on the request made to Council to hold 1744 S. 25<sup>th</sup> Street and delay for one week. Discussion followed.

This matter was taken under advisement.

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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 - Marvin Krout, Planning Department, came forward to state that this subdivision was approved over 20 years ago. There are 33 residents petitioned to vacate the easement and 48 residents who are in favor of keeping the pedestrian walkway. The best option is to have convenient sidewalks. Mid-block pedestrian ways can be an amenity if its done right. It needs to have good visibility and surveillance from either side of the street and needs to be maintained by the homeowners association as opposed to the owners. This easement does not provide any of those options. Planning is asking to approve the waiver for the public easement. No formal concerns and liability to the City if the waiver is approved.

Val Nickell, 2861 Homeland Place, came forward to testify, in support.

Dianne McFee, no address given, came forward to testify, in support.

Karrie Usher, 2830 Homeland Place, came forward to testify, in opposition.

Jamie Ferris, 2819 N.W. 8<sup>th</sup> Street, came forward to testify, in opposition.

William Dunn, 2848 Homeland Place, came forward to testify, in support.

Dianne McFee, no address given, came forward for rebuttal and to answer questions. Discussion followed.

This matter was taken under advisement.

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 - Bob Walla, Purchasing, came forward to explain that this is a renewal of a two year term for the Council approval.

This matter was taken under advisement.

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 - Bob Walla, Purchasing, came forward to explain that this is a two year contract with the University of Nebraska for milk supply for the downtown senior center. Discussion followed.

This matter was taken under advisement.

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 - Bob Walla, Purchasing, came forward to state this is a multi-entity contract. This is where the gas is supplied to the meter and Black Hills owns it from that point on. This is actually purchasing the fuel itself.

This matter was taken under advisement.

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 - Rod Confer, City Attorney, came forward to state that the primary reason for this agreement is to establish a public endowment fund with the Keno services money. The Keno committee decided to accumulate the earnings until they reach a 1,000,000 million level. They decided to invest that into a public endowment fund which allows more freedom to make a better return than before. This is also making some slight changes to the guidelines for applying for grants.

This matter was taken under advisement.

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 - Don Taute, Assistant City Attorney, stated this could be amended to either include all of the streets or parts of the streets. If it is to be delayed, the stakeholders can look at other options and then Public Works can see what other projects are impacted and what the funding availability would be. Discussion followed.

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 - Rod Confer, City Attorney, came forward to clarify that the City is getting rid of this ordinance in regards to these offenses, and will now be prosecuting individuals under the County Attorney's office and charged under the state statute. Discussion followed.

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 - Rod Confer, City Attorney, came forward to clarify that the purpose of this change is to put all of the drug and liquor offenses into one separate chapter for organizational purposes and making them easier to find. In addition, we are amending the penalty provisions and making them the same as the state statute. Discussion followed.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

APPOINTING JAMES HEWITT TO THE HISTORIC PRESERVATION COMMISSION FOR A TERM EXPIRING APRIL 15, 2016 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-87583 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointment of James Hewitt to the Historic Preservation Commission for a term expiring August 15, 2016, is hereby approved.

Introduced by Leirion Gaylor Baird

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

REAPPOINTING JANET GOODMAN-BANKS, OLGA R. KANNE AND COLETTE M. POLITE TO THE MULTICULTURAL ADVISORY COMMITTEE FOR TERMS EXPIRING SEPTEMBER 18, 2016 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-87584 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointments of Janet Goodman-Banks, Olga R. Kanne and Colette M. Polite to the Multicultural Advisory Committee for terms expiring September 18, 2016, are hereby approved.

Introduced by Leirion Gaylor Baird

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

REAPPOINTING TINA UDELL TO THE COMMUNITY HEALTH ENDOWMENT BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2016 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-87585 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of Tina Udell to the Community Health Endowment Board for a term expiring September 1, 2016, is hereby approved.

Introduced by Leirion Gaylor Baird

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

APPOINTING DIANNA SCHIMEK, THOMAS SULLIVAN AND JOSE SOTO TO THE COMMUNITY HEALTH ENDOWMENT BOARD FOR TERMS EXPIRING SEPTEMBER 1, 2016 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-87856 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointments of DiAnna Schimek, Thomas Sullivan and Jose Soto to the Community Health Endowment Board for terms expiring September 1, 2016, are hereby approved.

Introduced by Leirion Gaylor Baird

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

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CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON SEPTEMBER 23, 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 21, 2013 AT 3:00 P.M. FOR THE APPLICATION OF KIECHEL FINE ART LLC DBA KIECHEL FINE ART FOR A CLASS C LIQUOR LICENSE LOCATED AT 1208 O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87587 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 application of Kiechel Fine Art LLC dba Kiechel Fine Art for a Class C liquor license located at 1208 O Street.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 21, 2013 AT 3:00 P.M. FOR THE APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP 2 FOR A CLASS D LIQUOR LICENSE LOCATED AT 240 NORTH 17TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87588 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 application of Whitehead Oil Company dba U-Stop 2 for a Class D liquor license located at 240 North 17th Street.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 21, 2013 AT 3:00 P.M. FOR THE APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP 3 FOR A CLASS D LIQUOR LICENSE LOCATED AT 610 SOUTH 10TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87589 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 application of Whitehead Oil Company dba U-Stop 3 for a Class D liquor license located at 610 South 10th Street.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 21, 2013 AT 3:00 P.M. FOR THE APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP 5 FOR A CLASS D LIQUOR LICENSE LOCATED AT 8231 E. O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87590 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 application of Whitehead Oil Company dba U-Stop 5 for a Class D liquor license located at 8231 E. O Street.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 21, AT 3:00 P.M. FOR THE APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP 6 FOR A CLASS D LIQUOR LICENSE LOCATED AT 942 S. 27TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87591 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 application of Whitehead Oil Company dba U-Stop 6 for a Class D liquor license located at 942 S. 27th Street.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 21, 2013 AT 3:00 P.M. FOR THE APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP 7 FOR A CLASS D LIQUOR LICENSE LOCATED AT 5600 S. 56TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87592 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 application of Whitehead Oil Company dba U-Stop 7 for a Class D liquor license located at 5600 S 56th Street.

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

Introduced by Doug Emery

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

#### MISCELLANEOUS REFERRALS - NONE

#### LIQUOR RESOLUTIONS - NONE

#### ORDINANCES - 2<sup>ND</sup> 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 63<sup>rd</sup> Street from Gladstone Street to Fremont 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 second time.

#### PUBLIC HEARING - RESOLUTIONS

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 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-87593 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Central Renewal Energy System Agreement between the Board of Regents of the University of Nebraska and the City of Lincoln to use the effluent from the City's Theresa Street treatment plant to provide heating and cooling for the buildings on the Nebraska Innovation Campus, upon the terms as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute the same and any necessary amendments on behalf of the City of Lincoln. This is a fifty year agreement by which the parties will share net revenues after the point at which all costs for the project are paid.

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.

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 - Prior to reading:

EMERY Moved to remove 1744 S 25<sup>th</sup> to have continued Public Hearing and Action on October 14, 2013.

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

Clerk read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption for approval:

A-87599 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that: Pursuant to Section 8.26.040 of the Lincoln Municipal Code, the nuisance abatement costs as shown on the list which is attached hereto, marked Exhibit "A" and made a part hereof by reference, are hereby assessed against the

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property set opposite each amount as shown thereon. Said assessments shall be delinquent from and after December 1, 2013 and draw interest as provided for in Neb. Rev. Stat. § 45-104.01 for assessments.

Introduced by Leirion Gaylor Baird

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

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 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-87594 WHEREAS, Homestead Park 8th Addition and Homestead Park 9<sup>th</sup> Addition, generally located near N.W. 8th Street and Glacier Trail were previously approved by the City of Lincoln; and

WHEREAS, pursuant to the Land Subdivision Ordinance a pedestrian way easement is required to be provided when a block length exceeds 1,000 feet in length; and

WHEREAS, pursuant to said requirement, a pedestrian way easement was required to be granted and a sidewalk installed in the pedestrian way easement over Lot 4, Block 4, Homestead Park 8th Addition and Lot 13, Block 1, Homestead Park 9th Addition generally located between N.W. 8th Street and Homeland Place approximately one block north of Glacier Trail as a condition of approval for said Additions; and

WHEREAS, Diane McFee, on behalf of the members of the Homestead Park Homeowners Association and other concerned citizens including the owners of the above described property, has requested a modification of the Land Subdivision Ordinance to waive said requirement, pursuant to §26.31.010 of the Lincoln Municipal Code; and

WHEREAS, on September 4, 2013 the Planning Commission held a public hearing on said request and approved the waiver; and

WHEREAS, on September 18, 2013 Karrie Usher filed a notice of appeal appealing the action of the Planning Commission approving the requested waiver; and

WHEREAS, pursuant to Lincoln Municipal Code § 26.31.010(g)(2) the action appealed from is deemed advisory and the City Council is authorized to take final action on the requested waiver; and

WHEREAS, the City Council finds that the design and construction of the sidewalk in the pedestrian way easement are perceived as safety issues for the neighborhood, that waiver of the sidewalk and pedestrian way easement would have little if any impact on pedestrian traffic, and that the strict application of the requirement that a pedestrian way be located in Lot 4, Block 4, Homestead Park 8th Addition and Lot 13, Block 1, Homestead Park 9th Addition, would result in actual difficulties or substantial hardship or injustice to the property owners.

NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska: That the requested waiver of the requirement of the Land Subdivision Ordinance that a pedestrian way sidewalk be installed in Lot 4, Block 4, Homestead Park 8th Addition and Lot 13, Block 1, Homestead Park 9th Addition, is hereby approved, and the existing platted pedestrian way easement located on said lots is hereby authorized to be released.

Introduced by Leirion Gaylor Baird

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

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 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-87595 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Amendment to Agreement for the Annual Requirements for Administration of StarTran's Special Transportation Programs between the City of Lincoln and the League of Human Dignity, pursuant to Bid No. 11-204, to extend the term for an additional two-year term from October 31, 2013 through October 30, 2015, upon the terms and conditions 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 Leirion Gaylor Baird

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

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 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-87596 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached 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, pursuant to the University of Nebraska/Lincoln

RFP No. 2195-13-5010, for a two year term, upon the terms as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Leirion Gaylor Baird

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

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 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-87597 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached 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, pursuant to Bid No. 13-239, for a four year term with the option to renew for one additional two year term, upon the terms as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Leirion Gaylor Baird

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

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 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-87598 WHEREAS, the City of Lincoln and Lancaster County previously entered into an Interlocal Agreement relating to the administration and use of the proceeds in the Keno Human Services Prevention Fund ("Prevention Fund") approved by the City Council of the City of Lincoln, Nebraska with Resolution No. A-83426 dated July 18, 2005; and

WHEREAS, the parties desire to amend paragraph 3 of the Interlocal Agreement regarding administration of the Keno Human Services Prevention Fund Guidelines to provide for the deposit of \$1,000,000 from the Prevention Fund into the Keno Prevention Public Endowment Fund ("Endowment Fund"); the Finance Director's investment of the money in the Endowment Fund as directed by the City Council; that the Endowment Fund not be accessed until the Endowment Fund reaches \$1,500,000; and that all remaining Prevention Fund monies and all future City and County contributions to the Prevention Fund be utilized by the Joint Budget Committee for the annual allocation of keno awards; and

WHEREAS, Keno Human Services Prevention Fund Guidelines were attached to the Interlocal Agreement setting out Guidelines for grant application which included application forms and budget forms; and

WHEREAS, the parties further desire to revise and update the Keno Human Services Prevention Fund Guidelines.

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

That the attached First Amendment to the Interlocal Agreement Between the City of Lincoln and the County of Lancaster, The Keno Human Services Prevention Fund, is hereby accepted and approved, and the Mayor is authorized to execute the said First Amendment on behalf of the City of Lincoln.

The City Clerk is directed to transmit an executed copy of this Resolution and two originals of the First Amendment to the Lancaster County Clerk to obtain the approval and execution of the First Amendment by the Lancaster County Board of Commissioners.

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.

### ORDINANCE - 3<sup>RD</sup> 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 - PRIOR to reading:

COOK Moved to delay action on Bill No. 13-108 for three weeks to October 28, 2013.

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

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 third time.

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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 third time.

FELLERS Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19926**, is recorded in Ordinance Book # 28, Page .

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 third time.

FELLERS Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19927**, is recorded in Ordinance Book # 28, Page .

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 third time.

FELLERS Moved to pass the ordinance as read.

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYES: None. The ordinance, being numbered #19928, is recorded in Ordinance Book # 28, Page .

**ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required)**

APPROVING A SUBLEASE AGREEMENT BETWEEN EXPERIENCE WORKS AND THE CITY OF LINCOLN FOR THE SUBLEASE BY EXPERIENCE WORKS OF 316.74 SQUARE FEET OF SPACE AT 1111 O STREET FOR PURPOSES OF WORKFORCE INVESTMENT ACT SERVICES AND THE AMERICAN JOB CENTER FOR A ONE YEAR TERM OF OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014 WITH THE OPTION TO RENEW FOR THREE ADDITIONAL ONE YEAR TERMS - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln, Nebraska and Experience Works for the sublease of space at 1111 O Street, Lincoln, Lancaster County, Nebraska for a term of October 1, 2013 through September 30, 2014 with the option to renew for three additional one year terms, whereby the City of Lincoln is subleasing space to Experience Works for the purposes of Workforce Investment Act Services and the American Job Center, the first time.

AMENDING CHAPTER 8.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO BODY ART ESTABLISHMENTS BY AMENDING SECTION 8.08.060 TO INCREASE THE PERMIT FEES FOR A BODY ART ESTABLISHMENT AND AMENDING SECTION 8.08.350 TO INCREASE THE REINSTATEMENT FEE FOR A BODY ART ESTABLISHMENT - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 8.08 of the Lincoln Municipal Code relating to Body Art Establishments by amending Section 8.08.060 to increase the permit fees for a body art establishment; amending Section 8.08.350 to increase the reinstatement fee for a body art establishment; and repealing Sections 8.08.060 and 8.08.350 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 8.14 OF THE LINCOLN MUNICIPAL CODE RELATING TO CHILD CARE PROGRAMS BY AMENDING SECTION 8.14.037 TO INCREASE THE PERMIT FEES ASSOCIATED WITH CHILD CARE PROGRAMS AND AMENDING SECTION 8.14.150 TO INCREASE THE FEE FOR REINSTATEMENT OF A SUSPENDED CHILD CARE PROGRAM CERTIFICATE OF COMPLIANCE - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 8.14 of the Lincoln Municipal Code relating to Child Care Programs by amending Section 8.14.037 to increase the permit fees associated with child care programs; amending Section 8.14.150 to increase the fee for reinstatement of a suspended child care program certificate of compliance; and repealing Sections 8.14.037 and 8.14.150 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 8.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LINCOLN FOOD CODE BY AMENDING SECTION 8.20.150 TO INCREASE THE PERMIT FEES ASSOCIATED WITH FOOD ESTABLISHMENTS AND AMENDING SECTION 8.20.170 TO INCREASE THE FEE FOR REINSTATEMENT OF A PERMIT ASSOCIATED WITH FOOD SERVICE - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 8.20 of the Lincoln Municipal Code relating to the Lincoln Food Code by amending Section 8.20.150 to increase the permit fees associated with food establishments; amending Section 8.20.170 to increase the fee for reinstatement of a permit associated with food service; and repealing Sections 8.20.150 and 8.20.170 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 8.24 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE NOISE CONTROL ORDINANCE BY AMENDING SECTION 8.24.150 TO INCREASE THE PERMIT FEE FOR A VARIANCE TO THE PROVISIONS OF LMC SECTION 8.24.090 RELATING TO NOISE DISTURBANCES - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 8.24 of the Lincoln Municipal Code relating to the Noise Control Ordinance by amending Section 8.24.150 to increase the permit fee for a variance to the provisions of LMC Section 8.24.090 relating to noise disturbances; and repealing Section 8.24.150 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 8.38 OF THE LINCOLN MUNICIPAL CODE RELATING TO PUBLIC SWIMMING POOLS BY AMENDING SECTION 8.38.090 TO INCREASE THE PERMIT FEE FOR THE OPERATION OF A CLASS A OR CLASS B SWIMMING POOL - CLERK read an ordinance, introduced by John Camp, amending Chapter 8.38 of the Lincoln Municipal Code relating to Public Swimming Pools by amending Section 8.38.090 to increase the permit fee for the operation of a Class A or Class B swimming pool; and repealing Section 8.38.090 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 8.40 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPA FACILITIES BY AMENDING SECTION 8.40.070 TO INCREASE THE PERMIT FEES ASSOCIATED WITH THE OPERATION OF SPA FACILITIES - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 8.40 of the Lincoln Municipal Code relating to Spa Facilities by amending Section 8.40.070 to increase the permit fees associated with the operation of spa facilities; and repealing Section 8.40.070 of the Lincoln Municipal Code as hitherto existing, the first time.

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AMENDING CHAPTER 8.44 OF THE LINCOLN MUNICIPAL CODE RELATING TO WATER WELLS BY AMENDING SECTION 8.44.070 TO INCREASE THE PERMIT FEES ASSOCIATED WITH WATER WELLS - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 8.44 of the Lincoln Municipal Code relating to Water Wells by amending Section 8.44.070 to increase the permit fees associated with water wells; and repealing Section 8.44.070 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 24.38.070 OF THE LINCOLN MUNICIPAL CODE RELATING TO FEES FOR ON-SITE WASTEWATER TREATMENT SYSTEMS TO INCREMENTALLY INCREASE SAID FEES TO COVER COSTS OF PROVIDING REQUIRED SERVICES TO BUSINESS AND INDUSTRY AND TO PROTECT THE HEALTH OF THE RESIDENTS OF CITY - CLERK read an ordinance, introduced by Jon Camp, amending Section 24.38.070 of the Lincoln Municipal Code relating to fees for On-site Wastewater Treatment Systems to incrementally increase said fees to cover costs of providing required services to business and industry and to protect the health of the residents of City; and repealing Section 24.38.070 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 24.42.110 OF THE LINCOLN MUNICIPAL CODE TO INCREASE FEES ASSOCIATED WITH THE REGULATION OF PROPERTY TRANSFERS WITH ON-SITE WASTEWATER TREATMENT SYSTEMS - CLERK read an ordinance, introduced by Jon Camp, amending Section 24.42.110 of the Lincoln Municipal Code to increase fees associated with the regulation of property transfers with on-site wastewater treatment systems; and repealing Section 24.42.110 of the Lincoln Municipal Code as hitherto existing, the first time.

**RESOLUTIONS - 1<sup>ST</sup> READING - ADVANCE NOTICE**

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 16-30, 2013.

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND IOWA COLLEGE ACQUISITION, LLC, DBA KAPLAN UNIVERSITY, FOR FEDERAL WORK STUDY PROGRAM FUNDS FOR STUDENTS ENROLLED IN A BUSINESS PROGRAM TO PROVIDE BASIC OFFICE ASSISTANCE AT THE HEALTH DEPARTMENT FOR A TERM OF JULY 1, 2013 THROUGH JUNE 30, 2015. (CONSENT)

COMP. PLAN CONFORMANCE NO. 13007 - APPROVING THE ANTELOPE VALLEY REDEVELOPMENT PLAN TO ADD THE "21ST AND N REDEVELOPMENT PROJECT: THE EXCHANGE AT ANTELOPE VALLEY" FOR (A) A 12,000 SQUARE FOOT MIXED USE RETAIL BUILDING AND 28 DWELLING UNITS; (B) 67 DWELLING UNITS; AND (C) A 40,000 SQUARE FOOT GROCERY STORE IN THE AREA GENERALLY LOCATED AT S. 21ST STREET AND N STREET BETWEEN K STREET ON THE SOUTH, N STREET ON THE NORTH, S. ANTELOPE VALLEY PARKWAY ON THE WEST AND 23RD STREET ON THE EAST.

ADOPTING INCREASED FEES FOR SPECIAL WASTE PERMITS AS AUTHORIZED UNDER SECTION 8.32.090 OF THE LINCOLN MUNICIPAL CODE.

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS, ARTICLE 1, SECTION 6, TO INCREASE FEES FOR REQUIRED SERVICES TO BUSINESS AND INDUSTRY.

ADOPTING INCREASED FEES FOR CONDUCTING NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PERMIT COMPLIANCE INSPECTIONS AT REGULATED INDUSTRIAL FACILITIES.

APPROVING AN AMENDMENT TO THE FY 12/13 CIP TO ADD AN APPROPRIATION OF \$1 MILLION FOR THE CONSTRUCTION OF THE SECOND HORIZONTAL COLLECTOR WELL CAISSON AND LATERALS IN LINCOLN'S WELL FIELD NEAR ASHLAND, NEBRASKA.

**MISCELLANEOUS BUSINESS**

ESTABLISHING A ROADS TO JOBS FUND TO MAKE FUNDS AVAILABLE FOR ROAD PROJECTS, DECLARING A SURPLUS OF \$8,000,000.00 IN THE SPECIAL ASSESSMENT REVOLVING FUND, AND AUTHORIZING THE TRANSFER OF SAID FUNDS TO THE ROADS TO JOBS FUND. (5/11/09 - PLACED ON INDEFINITE PENDING)

FELLERS Moved to withdraw Bill No. 09R-76.

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

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4637 and was placed on file in the Office of the City Clerk.

AMENDING CHAPTER 10.32 OF THE LINCOLN MUNICIPAL CODE RELATING TO STOPPING, STANDING AND PARKING OF VEHICLES BY ADDING A NEW SECTION NUMBERED 10.32.075 TO PROHIBIT THE PARKING OF TRUCKS ON A STREET MORE THAN 400 FEET FROM THE PRIMARY PLACE OF BUSINESS AND PROVIDING CERTAIN EXCEPTIONS. (4/11/11 - 3RD READING W/CON'T. P.H. ON 4/18/11) (4/18/11 - PLACED ON INDEFINITE PENDING)

FELLERS Moved to withdraw Bill No. 11-39.

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

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4638 and was placed on file in the Office of the City Clerk.

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AMENDING SECTION 10.34.030 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKING METERS:  
DEPOSIT OF COINS AND TIME LIMITS, TO PROVIDE THAT NO PARKING FEE SHALL BE  
CHARGED ON MARTIN LUTHER KING DAY, PRESIDENTS DAY AND VETERANS DAY. (6/25/12 -  
PLACED ON PENDING - NO DATE CERTAIN)

FELLERS Moved to withdraw Bill No. 12-76.

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

The ordinance, having been **WITHDRAWN**, was assigned the File **#38-4639** and was placed on  
file in the Office of the City Clerk.

**OPEN MICROPHONE - NONE**

**ADJOURNMENT 4:44 P.M.**

CAMP Moved to adjourn the City Council meeting of October 7, 2013.

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

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Teresa J. Meier  
City Clerk

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Soulinnee Mychackavane  
Office Specialist

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