

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 14, 2013 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Eskridge; Council Members: Christensen, Emery, Fellers, Gaylor Baird; City Clerk, Teresa J. Meier; Absent: Camp, Cook.

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

CHRISTENSEN Having been appointed to read the minutes of the City Council proceedings of October 7, 2013 reported having done so, found same correct. Seconded by Emery & carried by the following vote: AYES: Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp, Cook.

PUBLIC HEARING

APPLICATION OF TPG HOLDINGS, LLC DBA YE OLD PUB (NKA THE HOT MESS) FOR A CLASS C LIQUOR LICENSE LOCATED AT 408 S. 11TH STREET;
MANAGER APPLICATION OF JASON A. ABLES FOR TPG HOLDINGS, LLC DBA YE OLD PUB (NKA THE HOT MESS) LOCATED AT 408 S. 11TH STREET - Jason Ables, 408 S. 11th Street, came forward to take the oath and answer questions. He stated he is the current manager of Marz and will be managing both establishments for the time being. This location is now under new ownership and there will be an establishment name change to "Hot Mess".

This matter was taken under advisement.

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 - David Landis, Director of Urban Development, came forward to state this is the third of four leases in this space. Over time, this move will redirect \$100,000 to provision of actual services instead of to rent.

This matter was taken under advisement.

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;
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;
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;
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;
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;
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;
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;
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;
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 - Scott Holmes, Health Department, came forward to state that costs are reviewed and cut as much as possible, and then the fees are assessed. The Board of Health has approved these updates. In answer to Council questions, he stated that there is approximately a 3% increase for each fee. Discussion followed.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 16-30, 2013 - Rod Confer, City Attorney, came forward to explain a damage claim that was recommended for denial by the Law Department. A car windshield was damaged by a golf ball while driving past Mahoney Golf Course on Adams Street. The citizen involved protested this recommendation based on the facts that she was not

informed that it was the responsibility of the golfer if damage was caused to her vehicle, and because she saw nets in other areas of the course and believed the City did not take adequate precautions to protect passing vehicles in this area. In answer to Council questions, Mr. Confer replied that there are extreme situations where balls go over the fence, but the City does take reasonable precautions to prevent incidents like this. The employees who misinformed her are not responsible for causing damage to her vehicle. Law Department does not feel it was foreseeable that a ball would be hit that far in this area of the course.

This matter was taken under advisement.

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 - David Landis, Director of Urban Development, came forward to state this is the second of three steps necessary to create the 21st and N Redevelopment Project. The existing plan is a general statement of the plan, and it is amended to include a description of what will actually be carried out. This development includes a mixed-use building, apartments, other residential living spaces, and a 30,000 square foot grocery store and its parking lot.

Tom Huston, 233 S 13th St, came forward to state this development conforms to the Comprehensive Plan and especially the Downtown Master Plan. He discussed the general timeline for this project as it moves through its various stages before Council. The land use aspect will appear before Council in December.

Fred Hoppe, 1600 Stony Hill Rd., came forward to answer Council questions. He stated there will be sixty-three row houses and approximately 30 apartments included in this development.

Brad Hedrick, Vice President of Operations at Windstream, 1440 M Street, came forward to state that there is no objection to the project in total, only to the vacation of 20th street. We wanted it noted that we have concerns about that and we look forward to working with the developers.

Richard Meginnis, 1248 O Street, came forward to state the predominant concern is for parking. If 20th Street is vacated, Windstream wants to be sure there is time to work with the developer to keep access and at least the same number of parking stalls. Overall, this is a great project.

Mr. Landis returned to state that the grocery plan contains a public easement which will allow Windstream to have continued access similar to what they have now. The vacation will come before Council in January, so there is time to act.

This matter was taken under advisement.

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 AS AUTHORIZED UNDER SECTION 28.02.70 OF THE LINCOLN MUNICIPAL CODE - Scott Holmes, Health Department, came forward to state that these fees are similar to the ordinances and there is approximately a 3% overall increase. These programs pertain to protecting public health from pollutants and are all fee funded. In answer to Council questions, Mr. Holmes replied that these updates appear annually, but there has been discussion to adapt to the biennial budget.

This matter was taken under advisement.

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 - Miki Esposito, Director of Public Works, came forward to state that next year, the City will have the first new, fully functional horizontal well, which will yield an additional 10 million gallons of water per day. It will cost 2.1 million dollars. In answer to Council questions, Ms. Esposito replied that the second well will not be online for up to six years. The funds for this project are all rate generated and are not taken from the general fund.

Jerry Obrist, Chief Engineer of Water Works, came forward to explain technical aspects of how the horizontal wells are constructed. The goal is for these wells to mitigate the effects of drought when surface water is diminished by providing a significant amount of available groundwater.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

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 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:
A-87600 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Service Agreement between the City of Lincoln on behalf of the Lincoln-Lancaster County Health Department and 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, in accordance with the terms, conditions and assurances contained in said Agreement is hereby approved and the Mayor is hereby authorized to execute the Service Agreement on behalf of the City.

The City Clerk is directed to return an executed copy of the Agreement to Judy Halstead, Director of the Lincoln Lancaster County Health Department.

Introduced by Roy Christensen

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

RESOLUTION APPROVING THE CITY OF LINCOLN'S INVESTMENT ACTIVITY REPORT FROM THE CITY TREASURER FOR THE FOURTH QUARTER, ENDING AUGUST 31, 2013 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87601 BE IT HEREBY RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Investment Activity report and attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Roy Christensen

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 4, 2013 AT 3:00 P.M. FOR THE BOARD OF EQUALIZATION TO EQUALIZE THE ASSESSMENTS FOR THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY & DOWNTOWN MAINTENANCE DISTRICT.

CHRISTENSEN Moved for Approval.

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON SEPTEMBER 30, 2013 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM THE CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS AUGUST 31, 2013 CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

PETITIONS & COMMUNICATIONS

REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 13023 - Requested by MBA Apartments, LLC, from R-1 Residential District to R-4 Residential District, on property generally located at S. 55th Street and Shady Creek Court.

Special Permit No. 585C - Requested by MBA Apartments, LLC, for an amendment to the Quail Valley Community Unit Plan, to add two buildings comprising of approximately 48 additional multi-family units, on property generally located at S. 55th Street and Shady Creek Court.

Use Permit No. 102A - Requested by St. Patrick Catholic Church, for an amendment to reduce the front yard setback to 8 feet on a portion of N. 61st Street and a portion of Morrill Avenue for a parking lot, and to reduce the front yard setback to 1 foot on a portion of N. 62nd Street for a building expansion, on property generally located at N. 61st Street and Morrill Avenue (6126 Morrill Avenue).

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 13066 to Special Permit No. 1832, Mechling's Wilderness Park Estates, approved by the Planning Director on October 1, 2013, requested by Alan McHargue, to adjust the front yard setback on Lots 2 and 3, Block 1, from 30 feet to 20 feet on property generally located at S. 14th St. and Mockingbird Lane.

Administrative Amendment No. 13070 to Special Permit No. 1762D, Vintage Heights Community Unit Plan, approved by the Planning Director on October 2, 2013, requested by Tuscan Townhomes, LLC, to adjust the rear setback to 15 feet for buildings and to 9 feet for covered, unenclosed decks for Lots 21-30, Block 30 on property generally located near S. 84th St. and Foxtail Dr.

Administrative Amendment No. 13067 to Special Permit No. 1959, Prairie Village Community Unit Plan, approved by the Planning Director on October 7, 2013, requested by Pedcor Investments, LLC, to revise the layout of the apartment complex on property generally located at N. 84th St. and Leighton Ave.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF TPG HOLDINGS, LLC DBA YE OLD PUB (NKA THE HOT MESS) FOR A CLASS C LIQUOR LICENSE LOCATED AT 408 S. 11TH STREET - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption for approval:

A-87602

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of TPG Holdings, LLC dba Ye Old Pub for a Class "C" liquor license at 408 S. 11th Street, Lincoln, Nebraska, for the license period ending October 31, 2014, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
2. The premises must comply in every respect with all city and state regulations.

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

Introduced by Roy Christensen

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

MANAGER APPLICATION OF JASON A. ABLES FOR TPG HOLDINGS, LLC DBA YE OLD PUB (NKA THE HOT MESS) LOCATED AT 408 S. 11TH STREET - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption for approval:

A-87603

WHEREAS, TPG Holdings, LLC dba Ye Old Pub located at 408 S. 11th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Jason A. Ables be named manager;

WHEREAS, Jason A. Ables appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Jason A. Ables be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Roy Christensen

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

ORDINANCES - 2ND 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 second 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 second 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 second 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 second 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 second 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 second 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 second time.

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 second 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 second 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 second time.

PUBLIC HEARING - RESOLUTIONS

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. (10/7/13 - PUBLIC HEARING & ACTION DELAYED ON THIS PROPERTY TO 10/14/13) - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87604 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

REGULAR MEETING
October 14, 2013
Page 54

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

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 - - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87605 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 October 1, 2013, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

DENIED CLAIM		ALLOWED/SETTLED CLAIMS	
Becky Kramer	\$215.00	Farm Bureau a/s/o	
Steve McMasters	374.50	Knaub & Sons, Inc.	\$1,895.08
Century Sales & Management		Ellory Harper	334.28
o/b/o DLI Enterprises II LLC	NAS*	Jamie Lopez	312.58
Pete Stolze	45.56	Doug Strobe	59.00
		Randy & Sally Moon	747.63

* No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

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

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 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87606 WHEREAS, the City Council on July 21, 2003, adopted Resolution No. A-82222 finding an area generally bounded by C Street on the south, 17th Street on the west, the Burlington Northern Railroad on the north, and 28th Street on the east (comprising parts of the Near South, Woods Park, Malone, Clinton, Hawley, Hartley, and Downtown neighborhoods), and an area generally bounded by the Burlington Railroad on the south, Interstate 180 on the west, Salt Creek on the north, and 14th Street on the east (comprising the North Bottoms neighborhood) to be blighted and substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, the City Council has previously adopted the Antelope Valley Redevelopment Plan and amendments thereto (hereinafter the "Antelope Valley Redevelopment Plan" or "Plan") including plans for various redevelopment projects within said blighted and substandard area in accordance with the requirements and procedures of the Nebraska Community Development Law; and now desires to modify said plan by establishing 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 on property 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 S. 23rd Street on the east; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk modifications to the Redevelopment Plan contained in the document entitled "Proposed Amendments to the Antelope Valley Redevelopment Plan (the 21st and N Redevelopment Project: The Exchange at Antelope Valley)" which is attached hereto, marked as Attachment "A", and made a part hereof by reference, and has reviewed said plan and has found that it meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 2012); and

WHEREAS, on September 20, 2013, a notice of public hearing was mailed postage prepaid to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place and purpose of the public hearing to be held on October 2, 2013 before the Lincoln City - Lancaster County Planning Commission regarding the proposed 21st and N Redevelopment Project: The Exchange at Antelope Valley, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, on September 27, 2013 a notice of public hearing was mailed postage prepaid to the foregoing registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on October 14, 2013 regarding the proposed 21st and N Redevelopment Project: The Exchange at Antelope Valley, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on September 27, 2013 and October 4, 2013 a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place and purpose of the public hearing to be held on October 14, 2013 regarding the proposed 21st and N Redevelopment Project: The Exchange at Antelope Valley for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, said proposed Amendments to the Antelope Valley Redevelopment Plan to add the 21st and N Redevelopment Project: The Exchange at Antelope Valley, have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and said Planning Commission on October 2, 2013 found the Plan Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on October 14, 2013 in the City Council chambers of the County-City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed modifications to the Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed modifications to the redevelopment plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed modifications to the redevelopment plan.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the 21st and N Redevelopment Project: The Exchange at Antelope Valley is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will promote the general health, safety and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That incorporating the 21st and N Redevelopment Project: The Exchange at Antelope Valley into the Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.

3. That the substandard and blighted conditions in the 21st and N Redevelopment Project: The Exchange at Antelope Valley Area are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing.

4. That elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

5. That the 21st and N Redevelopment Project: The Exchange at Antelope Valley would not be economically feasible without the use of tax-increment financing.

6. That the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

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

1. That the document entitled "Proposed Amendments to the Antelope Valley Redevelopment Plan for the 21st and N Redevelopment Project: The Exchange at Antelope Valley" attached hereto as Attachment "A", establishing and adding the 21st and N Redevelopment Project: The Exchange at Antelope Valley to the Antelope Valley Redevelopment Plan (to be listed as Project N), is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan as they relate to the above-described modifications.

3. That the Redevelopment Project Area for the 21st and N Redevelopment Project: The Exchange at Antelope Valley as described and depicted in the Plan Amendments is the Redevelopment Project Area comprising the property to be included in the area subject to the tax increment provision authorized in the Nebraska Community Development Law.

4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents needed for the authorization to provide necessary funds including Community Improvement Financing in accordance with the Community Development Law to finance related necessary and appropriate public acquisitions, improvements and other activities set forth in said Plan Amendment to the Antelope Valley Redevelopment Plan.

Introduced by Roy Christensen

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

REGULAR MEETING
October 14, 2013
Page 56

ADOPTING INCREASED FEES FOR SPECIAL WASTE PERMITS AS AUTHORIZED UNDER SECTION 8.32.090 OF THE LINCOLN MUNICIPAL CODE - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87607 WHEREAS, the City Council adopted Resolution No. A-86481 on August 29, 2011, and is authorized under Chapter 8.32 of the Lincoln Municipal Code to establish and revise fees and minimum quantities for the issuance of Special Waste Permits; and

WHEREAS, the Health Director has re-evaluated the estimated costs and available resources to administer, operate and enforce the Special Waste Disposal provision of Chapter 8.32, and has determined that certain revisions are appropriate.

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

Commencing on the effective date of this resolution, the following schedule of annual permit fees, special fees, and minimum quantities is hereby established:

- A. Group 1: Wastes That May Contain Free Liquids
 1. Cooking oil and grease. Any quantity going to the Theresa Street Wastewater Treatment Plant Dump Station requires a permit, which permit may be issued as a blanket permit covering multiple disposals as provided on the permit. Annual Permit Fees: None.
Waste in excess of one gallon per month or one pound per load disposed at a waste disposal site other than the Theresa Street Wastewater Treatment Plant Dump Station requires a Special Waste Permit. Annual permit fee: \$185.00 \$190.00.
 2. Cooking grease trap waste. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station. Annual permit fee: None.
For all other disposal sites. Annual permit fee: \$185.00 \$190.00.
 3. Mud or sand from sumps or traps. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station. Annual permit fee: None.
For all other disposal sites. Annual permit fee: \$185.00 \$190.00.
 4. Septic tank waste. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plan Dump Station - Annual permit fee: None.
For all other disposal sites - Annual permit fee: \$185.00 \$190.00.
 5. Chemicals and waste from portable or chemical toilets. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station - Annual permit fee: None.
For all other disposal sites - Annual permit fee: \$185.00 \$190.00.
 6. Sewage or other organic residues or sludges. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plan Dump Station - Annual permit fee: None.
For all other disposal sites - Annual permit fees: \$185.00 \$190.00.
 7. Sludges containing a liquid concentration of 80% or more by weight or material producing free liquids in a Standard Paint Filter Test. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station - Annual permit fee: None.
For all other disposal sites - Annual permit fee: \$185.00 \$190.00.
- Group II: Petroleum-based Wastes
 8. Petroleum type grease trap waste. Any quantity requires a permit. Annual permit fee: \$315.00 \$325.00.
 9. Sludges from petroleum tanks. Any quantity requires a permit - Annual permit fee: \$315.00 \$325.00.
 10. a. Used oil filters. Any quantity requires an annual permit - Annual permit fees:
Less than 220 pounds per month - \$70.00.
220 pounds or more a month - \$315.00 \$325.00.
b. Petroleum contaminated soil and granular absorbents. Permitted Quantity: 220 pounds per month or more - Annual permit fee: \$315.00 \$325.00.
c. Petroleum contaminated refuse or other materials except oil filters, soil and granular absorbents. Any quantity requires a permit - Annual permit fee:
Quantities up to 220 pounds per month - \$70.00.
Quantities 220 pounds or more per month - \$315.00 \$325.00.
 11. Petroleum contaminated water. Permitted quantity: 55 gallons per month or more - Annual permit fee: \$315.00 \$325.00.
 12. Oil, lubricants, hydraulic fluids, fuels, and other petroleum products. Any quantity requires a permit. Permit issued only for incineration in a used oil burning heating unit - Annual permit fee: \$40.00.
- Group III: Empty Containers
 13. Pressurized containers or containers that may explode upon crushing. Empty containers meeting criteria for safe disposal at the City of Lincoln's Sanitary Landfill adopted according to §8.32.070 will not require a permit.
For all other disposal sites: any quantity requires a permit - Annual Permit fee: \$185.00 \$190.00.
 14. Containers over five gallons in size. Empty containers meeting criteria for safe disposal at the City of Lincoln's Sanitary Landfill adopted according to §8.32.070 will not require a permit.

For all other disposal sites: Any quantity requires a permit - Annual Permit fee: \$185.00 \$190.00.

15. Empty containers labeled "DANGER" or which once contained hazardous material. Empty containers meeting criteria for safe disposal at the City of Lincoln's Sanitary Landfill adopted according to §8.32.070 will not require a permit.

For all other disposal sites: Any quantity requires a permit - Annual permit fee: \$185.00 \$190.00.

16. Fuel tanks. Empty containers meeting criteria for safe disposal at the City of Lincoln's Sanitary Landfill adopted according to §8.32.070 will not require a permit.

For all other disposal sites - Any quantity requires a permit - Annual permit fee: \$185.00 \$190.00.

Group IV: Solvents, Absorbents, Filters, and Residues

17. Solvents, degreasers, strippers, thinners, and related products. Any quantity requires a permit. Annual permit fee: \$185.00 \$190.00.

18. Refuse containing solvents, degreasers, strippers, or thinners. Any quantity requires a permit - Annual permit fee: \$185.00 \$190.00.

19. Lime or other inorganic residues or sludges. Minimum quantities: twenty-five gallons or 43 pounds per month - Annual permit fee: \$315.00 \$325.00.

20. Paint dry waste, filters, and paint contaminated material. Minimum quantities: 43 pounds per month - Annual permit fee: \$315.00 \$325.00.

21. Fly ash. Minimum quantities: 43 pounds per month - Annual permit fee: \$315.00 \$325.00.

22. Bottom ash. Minimum quantities: 43 pounds per month - Annual permit fee: \$315.00 \$325.00.

Group V: Hazardous or Toxic Chemicals or Chemical Products

23. Antifreeze or treatment chemicals for boilers, heat exchangers, cooling towers, and similar uses. Minimum quantities: Five gallons or more per day - Annual permit fee: \$185.00 \$190.00.

24. Chemicals labeled WARNING for toxics and pesticides: Minimum quantities: One pint or one pound per load or more - Annual permit fee: \$315.00 \$325.00.

25. Pharmaceutical products. Minimum quantities: More than five gallons or 43 pounds per month - Annual permit fee: \$315.00 \$325.00.

26. Adhesives, sealants, coatings or catalysts. Minimum quantities: More than five gallons or 43 pounds per month - Annual permit fee: \$315.00 \$325.00.

27. Material containing between 25 and 100 percent of the maximum concentration of any Toxic Characteristic Leaching Procedure (TCLP) listed chemical as referenced in 30 CFR 261.24, Table 1 or that exceeds a concentration of 0.3 mg/kg of nickel. Minimum quantities: More than five gallons or 43 pounds per month - annual permit fee; \$315.00 \$325.00.

28. Hazardous or potentially hazardous waste or chemicals labeled "DANGER."

Any quantity requires a permit - Annual permit fee: \$315.00 \$325.00.

Group VI: Miscellaneous

29. Treated or untreated infectious waste from hospitals. Any quantity requires a permit - Annual permit fee: \$315.00 \$325.00.

30. Treated or untreated infectious waste from other than hospitals. Any quantity requires a permit - Annual permit fee: \$40.00.

31. Waste containing or likely to contain polychlorinated biphenyls (PCB). Any quantity requires a permit - Annual permit fee: \$185.00 \$190.00.

32. Waste containing asbestos. Wastes from National Emission Standards of Hazardous Air Pollutants (NESHAP) and Nebraska Department of Health and Human Services permitted removal projects in Lincoln and Lancaster County do not require a Special Waste Permit.

All other asbestos waste material in any quantity requires a permit - Annual permit fee: \$70.00.

33. Material other than asbestos that could create a health hazard if airborne. Any quantity requires a permit - Annual permit fee: \$185.00 \$190.00.

34. Wood that has been treated with hazardous or toxic chemicals. Quantities more than 43 pounds per month - Annual permit fee: \$70.00.

35. Any other solid waste which, because of its physical, chemical or biological characteristics, requires special handling, treatment or disposal methodologies in order to protect public health, safety, and the environment. Any quantity requires a permit - Annual permit fee: \$185.00 \$190.00.

F. General

1. If the Health Department identifies a new special waste stream due to process changes or otherwise, such special waste stream shall require an additional application, permit, and permit fee even if the special waste generator has an existing permit for a separate waste stream, including an existing permit for the same waste or waste category.

2. New industries, commercial operations, or home occupations disposing special wastes shall file a completed inventory/permit application with the Lincoln-Lancaster County Health Department within six months.

3. Inventory/permit applications from existing special waste generators must be filed within 60 45 days of notification by the Health Director. If, after notice has been sent, an inventory/permit application is received by the Lincoln-Lancaster County Health Department after 60 45 days or if the application is postmarked after the 60 45-day period, the resulting permit, if issued, will be assessed an additional \$75.00.

REGULAR MEETING
October 14, 2013
Page 58

BE IT FURTHER RESOLVED that City Council Resolution No. A-87031 shall be superseded by the terms of this resolution.

Introduced by Roy Christensen

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

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 SPECIAL WASTE PERMITS AS AUTHORIZED UNDER SECTION 8.32.090 OF THE LINCOLN MUNICIPAL CODE - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87608 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Amendments to Article 1, Section 6, Fees, of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards implemented by the Lincoln-Lancaster County Health Department, a copy of which is attached hereto, marked as Attachment "A" and made a part hereof by reference, to increase the fees for regulated businesses and industries, are hereby approved.

The City Clerk is directed to return two (2) fully executed copies of this Resolution and Amendments to Angela Zocholl, Lancaster County Clerk's Office, for filing with the County.

Introduced by Roy Christensen

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

ADOPTING INCREASED FEES FOR CONDUCTING NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PERMIT COMPLIANCE INSPECTIONS AT REGULATED INDUSTRIAL FACILITIES ADOPTING INCREASED FEES FOR SPECIAL WASTE PERMITS AS AUTHORIZED UNDER SECTION 8.32.090 OF THE LINCOLN MUNICIPAL CODE - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87609 WHEREAS, the City Council adopted Resolution No. A-87030 on October 1, 2012, and is authorized under Chapter 28.02 of the Lincoln Municipal Code to establish and revise fees which the City may charge for National Pollutant Discharge Elimination System (NPDES) stormwater permit compliance inspections; and

WHEREAS, the Health Director has re-evaluated the estimated costs and available resources to administer, operate and enforce Lincoln Municipal Code Chapter 28.02, Illicit Discharges, and has determined that certain revisions are appropriate; and

WHEREAS, the Lincoln-Lancaster County Board of Health has reviewed the proposed fees and recommends their adoption; and

WHEREAS, the proposed fees are before the City Council for its consideration and approval.

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

Commencing on the effective date of this resolution, the schedule of costs for NPDES stormwater permit compliance inspection fees shall be as follows:

SCHEDULE OF COSTS	
NPDES Permit Type	Annual Inspection Fee
General	\$445.00 \$455.00
No Exposure	\$320.00 \$330.00
Subject to permit, not yet issued	\$320.00 \$330.00
Late payment within 30 days after March 1	Annual fee plus 33% of annual fee
Late payment after 30 days after March 1	Annual fee plus 67% of annual fee

BE IT FURTHER RESOLVED that City Council Resolution No. A-870300 shall be superseded by the terms of this resolution.

Introduced by Roy Christensen

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

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 ADOPTING INCREASED FEES FOR SPECIAL WASTE PERMITS AS AUTHORIZED UNDER SECTION 8.32.090 OF THE LINCOLN MUNICIPAL CODE - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87610 WHEREAS, Resolution No. A-86975, adopted by the City Council of Lincoln, Nebraska on August 20, 2012, adopted the fiscal year 2012-2013 and 2013-2014 annual budgets for the City of Lincoln and further adopted the Capital Improvement Program attached to Resolution No. A-85975 as Schedule No. 5; and

WHEREAS, a capital improvement project for a Lincoln Water System project to construct two Horizontal Wells, two Well Houses and Raw Water Pipeline amended Schedule No. 5 of the Annual Budget as a capital improvement project through Resolution No. A-87217 to be funded in fiscal year 2012-2013 and/or 2013-2014; and

WHEREAS, Resolution No. A-87217 authorized the construction of one Horizontal Well, one Well House and Raw Water Pipeline Project and the City now desires to construct the caisson and laterals for the second well and amend the first year (2012-2013) and/or second year (2013-2014) of the Fiscal Year 2012/2013 - 2017/2018 Six Year Capital Improvement Program (CIP) to establish such project; and

WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that, "The [city] council shall not appropriate any money in any budget for any capital improvements project unless and until the conformity or non-conformity of the project has been reported on by the Planning Department by special report or in connection with the Capital Improvements Programming process." The Charter definition of "Planning Department" includes the Planning Commission; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has previously reviewed the Water System Project for both Horizontal Wells, two Well Houses and Raw Water Pipeline for conformity or nonconformity with the Comprehensive Plan as a capital improvement project and the Planning Commission found the proposed Water System Project to be in conformity with the Comprehensive Plan.

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

That the implementation of the Water System Project for the second Horizontal Well, caisson and laterals, is hereby established as a capital improvement project within the Capital Improvement Program.

BE IT FURTHER RESOLVED that the Capital Improvement Program on Schedule 5 of Resolution No. A-86975 be amended by adding the Water System Project for construction of the second Horizontal Well, caisson and laterals, to the Public Works & Utilities Department/Water list of capital improvement projects on Schedule 5.

BE IT FURTHER RESOLVED that the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget in the amount of \$1,000,000.00 in Public Works & Utilities Department/Water for this construction of the second Horizontal Well, caisson and laterals.

Introduced by Roy Christensen

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

ORDINANCE - 3RD 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 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 third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19929**, is recorded in Ordinance Book #29, Page .

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

APPROVING THE 21ST AND N REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND HOPPE BROTHERS LLC RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN L AND N, 21ST AND THE ANTELOPE VALLEY CHANNEL; K AND L, 20TH TO ANTELOPE VALLEY PARKWAY, AND CITY RIGHT-OF-WAY ALONG N STREET FROM S. 17TH STREET THROUGH THE S. 23RD STREET INTERSECTION AND L STREET FROM S. ANTELOPE VALLEY PARKWAY TO 21ST STREET. (RELATED ITEMS: 13R-241, 13R-242, 13-129) (ACTION DATE: 10/28/13).

APPROVING AN AMENDMENT TO THE FY 13/14 CIP TO AUTHORIZE AND APPROPRIATE \$4,474,000 IN TIF FUNDS FOR THE 21ST AND N REDEVELOPMENT PROJECT. (RELATED ITEMS: 13R-241, 13R-242, 13-129) (ACTION DATE: 10/28/13).

AUTHORIZING THE ISSUANCE OF 21ST AND N STREETS REDEVELOPMENT PROJECT TAX ALLOCATION BONDS. (RELATED ITEMS: 13R-241, 13R-242, 13-129) - CLERK read an ordinance, introduced by Roy Christensen, authorizing and providing for the issuance of City of Lincoln, Nebraska Tax Allocation Bonds, Notes or other obligations, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$5,000,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the

REGULAR MEETING
October 14, 2013
Page 60

City's 21st & N Streets Redevelopment Project Area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bonds, notes or other obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bonds, notes or other obligations as the same become due; limiting payment of the bonds, notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the finance director to exercise his independent discretion and judgement in determining and finalizing certain terms and provision of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the first time.

CREATING PAVING DISTRICT NO. 2633 IN WEST NANCE AVENUE FROM N.W. 8TH STREET TO N.W. 9TH STREET - CLERK read an ordinance, introduced by Roy Christensen, creating Paving District No. 2633, 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 relaying 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 first time.

CHANGE OF ZONE 05026C - APPLICATION OF DICKEY'S BARBEQUE TO AMEND THE APPLE'S WAY PLANNED UNIT DEVELOPMENT TO DELETE THE NOTE WHICH PROHIBITS FAST FOOD RESTAURANTS WITH DRIVE-THROUGH FACILITIES AND BUSINESSES WHICH OPERATE 24 HOURS A DAY, ON PROPERTY GENERALLY LOCATED AT SOUTH 66TH STREET AND HIGHWAY 2 - CLERK read an ordinance, introduced by Roy Christensen, amending the Development Plan for the Apple's Way Planned Unit Development on property generally located at South 66th Street and Highway 2 and legally described as Lot 1 and Lot 2, Block 1, Lots 1-5, Block 3, and Outlot B, all in Apples Way Addition, and Lots 1 and 2, Apples Way 1st Addition, Lincoln, Lancaster County, Nebraska, to allow fast food restaurants with drive-through facilities as permitted uses on Lot 3, Block 3, Apples Way Addition, the first time.

CHANGE OF ZONE 13017 - APPLICATION OF DARYLL LIGHTNER FOR A CHANGE OF ZONE FROM AG AGRICULTURE DISTRICT AND R-2 RESIDENTIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT, AND FROM AG AGRICULTURE DISTRICT, R-2 RESIDENTIAL DISTRICT AND H-3 HIGHWAY COMMERCIAL DISTRICT TO P PUBLIC USE DISTRICT, ON PROPERTY GENERALLY LOCATED AT N.W. 27TH STREET AND WEST VINE STREET - CLERK read an ordinance, introduced by Roy Christensen, 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 first time.

CHANGE OF ZONE 13021 - APPLICATION OF BRUCE BRINKMAN FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND EIGER DRIVE - CLERK read an ordinance, introduced by Roy Christensen, 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 first time.

CHANGE OF ZONE 13019 - APPLICATION OF PIEDMONT SHOPPING CENTER, LLC FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO B-3 COMMERCIAL DISTRICT PUD ON PROPERTY GENERALLY LOCATED AT COTNER BOULEVARD AND A STREET; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR APPROVAL OF A DEVELOPMENT PLAN WITH MODIFICATIONS TO THE DESIGN STANDARDS, ZONING ORDINANCE, AND LAND SUBDIVISION ORDINANCE TO ALLOW IMPROVEMENTS AND B-3 USES ON THE UNDERLYING B-3 ZONED AREA - PRIOR to reading:

FELLERS Moved to Delay Public Hearing for Bill No. 13-128 to November 4, 2013.
Seconded by Gaylor Baird and carried by the following vote: AYES: Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp, Cook.

CLERK Read an ordinance, introduced by Roy Christensen, 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 first time.

AMENDING SECTIONS 6.02.300, 6.12.045, 6.12.130, 6.12.132, 6.12.136, 6.12.140, AND 6.12.145 OF THE LINCOLN MUNICIPAL CODE RELATING TO CATS TO DELETE THE WORDS "HOBBY KENNEL" AS IT IS AN OBSOLETE AND DUPLICATIVE TERM - CLERK read an ordinance, introduced by Roy Christensen, amending Sections 6.02.300, 6.12.045, 6.12.130, 6.12.132, 6.12.136, 6.12.140, and 6.12.145 of the Lincoln Municipal Code relating to Cats to delete the words "hobby kennel" as it is an obsolete and duplicative term; and repealing Sections 6.02.300, 6.12.045, 6.12.130, 6.12.132, 6.12.136, 6.12.140, and 6.12.145 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 6.04.150 OF THE LINCOLN MUNICIPAL CODE RELATING TO SHELTER FEES TO INCREASE THE FIRST TIME IMPOUNDMENT FEE BY \$5.00 PER ANIMAL - CLERK read an ordinance, introduced by Roy Christensen, amending Section 6.04.150 of the Lincoln Municipal Code relating to Shelter Fees to increase the first time impoundment fee by \$5.00 per animal; and repealing Section 6.04.150 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 6.10 OF THE LINCOLN MUNICIPAL CODE, DANGEROUS AND POTENTIALLY DANGEROUS DOGS, BY DELETING SECTION 6.10.100, BITES UNLAWFUL, AND AMENDING SECTION 6.10.090, CONFISCATION, TO DELETE A REFERENCE TO SAID SECTION 6.10.100 - CLERK read an ordinance, introduced by Roy Christensen, amending Chapter 6.10 of the Lincoln Municipal Code, Dangerous and Potentially Dangerous Dogs, by deleting Section 6.10.100, Bites Unlawful, and amending Section 6.10.090, Confiscation, to delete a reference to said Section 6.10.100; and repealing Section 6.10.090 of the Lincoln Municipal code as hitherto existing, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

APPLICATION OF MONTY FROEHLICH TO USE THE PUBLIC RIGHT-OF-WAY AT 815 O STREET FOR A CONCRETE LEVEL SLAB TO SERVE AS AN OUTDOOR DINING AREA.

MISC. NO. 13002 -- DECLARING THE PIEDMONT REDEVELOPMENT AREA CONSISTING OF APPROXIMATELY 8.6 ACRES GENERALLY LOCATED BETWEEN A STREET AND C STREET FROM 50TH STREET TO COTNER BOULEVARD, AS BLIGHTED AND SUBSTANDARD.

REAPPOINTING PATRICK FINNEGAN TO THE CITIZEN POLICE ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 17, 2016.

APPOINTING BRADLEY BRANDT TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM EXPIRING APRIL 27, 2014.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND ROCHESTER ARMORED CAR FOR THE ANNUAL REQUIREMENTS FOR ARMORED CAR SERVICES, PURSUANT TO BID NO. 13-280, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR AN ADDITIONAL TWO YEAR TERM.

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE

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

This matter was taken under advisement.

Richard Esquivil, 733 W. Cumming St., came forward to state that the new carwash on 24th and O does not look correct or fit the Downtown Master Plan. The arrows added to the roundabout on 14th and Superior are extremely helpful and make it very clear to drivers which lane they need to use.

This matter was taken under advisement.

Peter Katt, Baylor Evnen Law Firm, came forward on behalf of property owner Monty Froelich. He stated his client has been working to restore a historic building he purchased on O Street but is having no luck communicating with the City about investment in the project. The process is not transparent and any help Council could provide would be appreciated.

This matter was taken under advisement.

Mike Morosin, 1500 N. 15th Street, came forward to state that a number of people have asked about the source of funding for the new parking garages near Pinnacle Bank Arena.

Council Member Doug Emery responded that the money comes out of the parking fund.

This matter was taken under advisement.

ADJOURNMENT 4:13 P.M.

REGULAR MEETING
October 14, 2013
Page 62

CHRISTENSEN Moved to adjourn the City Council meeting of October 14, 2013.
Seconded by Gaylor Baird & carried by the following vote: AYES:
Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp,
Cook.

Teresa J. Meier, City Clerk

Amy Hana Huffman, Office Specialist