THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 24, 2014 AT 5:30 P.M.

The Meeting was called to order at 3:00 p.m. Present: Council Chair Eskridge; Council Members: Camp, Christensen, Cook, Fellers, Gaylor Baird; Absent: Emery; 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 February 10, 2014, reported having done so, found same correct.
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

RECOGNITION

Council Chair Eskridge recognized the presence of Boy Scout Troop 472 in attendance at today’s meeting. He thanked the scouts for coming.

PUBLIC HEARING

APPLICATION OF PENELope’S LIL CAFE INC. DBA PENELope’S LIL CAFé FOR A CLASS I LIQUOR LICENSE AT 4724 PIOneERS BOULEVARD;
MANAGER APPLICATION OF BRENDa L. FAILOR FOR PENELope’S LIL CAFé INC. DBA PENELope’S LIL CAFE AT 4724 PIOneERS BOULEVARD - Brenda Failor, owner of Penelope’s Café, came forward to take the oath and answer questions. She stated that she had purchased Penelope’s Café which seats 69 people and only operates Thursday through Saturday. She shared she wants to be able to have a liquor license to serve alcoholic beverages during dinner.
William Failor, 4724 Pioneers Boulevard, husband, was present in support and to answer questions.

AUTHORIZING THE PURCHASE AGREEMENT FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 1520 VAN DORN STREET TO KYLIE J. SCHILDT - David Landis, Director, Urban Development, came forward. He said this was a building that was on the troubled property teams agenda. There was a foreclosure at this location and the City acquired the property and demolished this site. Working with Prairie Gold homes and HUD, we used NSP Federal money to build a new home at this location. Discussion followed.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND CYNTHIA OSTIGUIN FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 144 B STREET - Dave Landis, Director, Urban Development, came forward. This is a one bedroom duplex built in 1926. He stated we provided a loan to the previous owner who had gotten into some difficulty with Nation Star Mortgage. Nation Star Mortgage foreclosed on the property holder. Since we had a loan in the property, we bought out the mortgage for $35,000.00 and will be selling the property for $86,500.00. Discussion followed.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEIGHBORHOODS, INC. FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 2206 E STREET - David Landis, Director, Urban Development, came forward. The pipes broke in this property leaving water in the house for months causing black mold. He stated we acquired the building at no cost and demolished it for $11,000.00 dollars. Also, there were expenses to be paid and a loan for $6,300.00 on the property. The lot has been scraped and is being sold to Neighborworks for $20,000.00 dollars.

AMENDING CHAPTER 18.04 OF THE LINCOLN MUNICIPAL CODE RELATING TO CONSTRUCTION REQUIREMENTS TO BRING SAID CHAPTER INTO CONFORMANCE WITH NEB. REV. STAT. §15-905 BY AMENDING SECTION 18.04.010 TO DELETE A REFERENCE TO FARMSTEADS; REPEALING SECTION 18.04.020 (FARMSTEAD DEFINED); AMENDING SECTION 18.04.080 TO CORRECT A SECTION REFERENCE; AND AMENDING SECTION 18.04.090 TO EXEMPT CITIES AND VILLAGES WITHIN THREE MILES OF THE CORPORATE LIMITS OF THE CITY OF LINCOLN UNLESS SUCH CITIES AND VILLAGES CONSENT - Chris Connolly, Assistant City Attorney, City Attorney’s Office, came forward. He said that this amendment is something that we are harmonizing with a State statute that was approved last year by the Legislature at our request. It is to change
the nature and the way we enforce the building codes in a three mile zone surrounding the city. The State statute now reads buildings that are built on farms for farm purposes are exempt from city building codes, however, if it is for any other purpose it will be subject to City building codes.

Chad E. Blahak, Director of Building and Safety, came in support and to answer questions. Discussion followed.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 16-31, 2014 - Renee Aupperle, 5510 T St., came forward. She shared that her mailbox was taken out by a city plow and that she had followed the instructions that was left on her door to contact the claims department. She submitted her claim and it was rejected. Discussion followed.

Rick Peo, Chief Assistant City Attorney, City Attorney’s office, came forward. He stated that the Lincoln Municipal Code does have a provision that prohibits mailboxes being in the city right-of-way. Mailboxes that are in the city right-of-way are there at their own risk. If there are any damages that occur it is the property owners obligation to bear the costs for any repairs. The City is released of any liability for any damages. Discussion followed.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON FEBRUARY 3, 2014 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON FEBRUARY 10, 2014 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF 911 SURCHARGE FOR THE TIME PERIOD OF DECEMBER 2013 THROUGH JANUARY 2014 - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-2)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MON., MARCH 10, 2014 AT 3:00 P.M. ON THE APPLICATION OF VAL LIMITED DBA VALENTINO’S FOR A CLASS I LIQUOR LICENSE AT 3535 HOLDREGE ST - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-88102
BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 10, 2014 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 Val Limited dba Valentino’s for a Class I liquor license located at 3535 Holdrege Street.

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

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

SETTING THE HEARING DATE OF MON., MARCH 10, 2014 AT 3:00 P.M. ON THE APPLICATION OF GNS CORP. DBA CAPPY’S FOR A LIQUOR CATERING LICENSE AT 5560 S. 48TH ST. #4 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-88103
BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 10, 2014 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 GNS Corp. dba Cappy’s for a Liquor Catering License located at 5560 S. 48th Street #4.

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

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

SETTING THE HEARING DATE OF MON., MARCH 10, 2014 AT 3:00 P.M. ON THE APPLICATION OF WBC ENTERPRISES LLC DBA NIGHT OWL PUB FOR A CLASS C LIQUOR LICENSE AT 3233 ½ S. 13TH ST - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-88104
BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 10, 2014 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 WBC Enterprises LLC dba Night Owl Pub for a Class C liquor license located at 3233 ½ S. 13th Street.

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

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

SETTING THE HEARING DATE OF MON., MARCH 10, 2014 AT 3:00 P.M. ON THE APPLICATION OF HENRY MAC LLC DBA HENRY’S ON SOUTH TO ADD A LIQUOR CATERING LICENSE AND FOR AN ADDITION TO THE LICENSED PREMISE OF AN L SHAPED OUTDOOR AREA APPROX. 40’ X 30’ X 5’ TO THE SOUTHWEST FOR A SIDEWALK CAFE AT 2110 WINTHROP RD. – CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-88105
BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 10, 2014, 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 Henry Mac LLC dba Henry’s on South to add a Liquor Catering License and for an addition to the licensed premise of an L shaped outdoor area approx. 40’ x 30’ x 5’ on the southwest for a sidewalk café at 2110 Wintrop Rd.

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

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

REFERRED TO THE PLANNING DEPARTMENT:
Special Permit No. 14001 requested by Lutheran Family Services of Nebraska, Inc., for authority to operate a non-residential health care facility, with waivers to the front and side yard landscaping and to reduce the front, side and rear yard setbacks for the existing building and parking lot, on property generally located at 2201 South 17th Street.

PLACED ON FILE IN THE OFFICE OF CITY CLERK:
Administrative Amendment No. 14002 to Administrative Special Permit No. 00008, approved by the Planning Director on February 3, 2014, requested by Verizon Wireless, to rescind the special permit originally approving the collocation of personal wireless facility antennas on the building located at 132 S. 13th St.

LIQUOR RESOLUTIONS
APPLICATION OF PENELOPE’S LIL CAFÉ INC. DBA PENELOPE’S LIL CAFÉ FOR A CLASS I LIQUOR LICENSE AT 4724 PIONEERS BOULEVARD - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption for approval:

A-88106
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 Penelope’s Lil Café Inc. dba Penelope’s Lil Cafe for a Class “I” liquor license at 4724 Pioneers Boulevard, Lincoln, Nebraska, for the license period ending April 30, 2014, be approved with the condition that:
1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
3. The premises must comply in every respect with all city and state regulations.

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

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

MANAGER APPLICATION OF BRENDA L. FAILOR FOR PENELOPE’S LIL CAFÉ INC. DBA PENELOPE’S LIL CAFÉ AT 4724 PIONEERS BOULEVARD - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption for approval:

A-88107
WHEREAS, Penelope’s Lil Café Inc. dba Penelope’s Lil Café located at 4724 Pioneers Boulevard, Lincoln, Nebraska has been approved for a Retail Class “I” liquor license, and now requests that Brenda L. Failor be named manager;

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 Brenda L. Failor 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 Trent Fellers
Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylord Baird; NAYS: None; ABSENT: Emery.

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

AUTHORIZING THE PURCHASE AGREEMENT FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 1520 VAN DORN STREET TO KYLIE J. SCHILDT - CLERK read an ordinance, introduced by Leirion Gaylord Baird, approving a Purchase Agreement for the sale of property owned by the City of Lincoln and authorizing the transfer of the City owned property commonly known as 1520 Van Dorn Street to Kylie J. Schildt, the second time.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND CYNTHIA OSTIGUIN FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 144 B STREET - CLERK read an ordinance, introduced by Leirion Gaylord Baird, approving a Real Estate Sales Agreement between the City of Lincoln and Cynthia Ostiguin authorizing the sale of City owned property described as the south 90 feet of Lot 12, Block 229, Original Plat of the City of Lincoln, Lancaster County, Nebraska, more commonly known as 144 B Street, the second time.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEIGHBORHOODS, INC. FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 2206 E STREET - CLERK read an ordinance, introduced by Leirion Gaylord Baird, approving a Real Estate Sales Agreement between the City of Lincoln and Neighborhoods, Inc. authorizing the sale of City owned property described as the south 96 feet of Lot 9, Block 5, Houtz Place, Lincoln, Lancaster County, Nebraska, more commonly known as 2206 E Street, the second time.

AMENDING CHAPTER 18.04 OF THE LINCOLN MUNICIPAL CODE RELATING TO CONSTRUCTION REQUIREMENTS TO BRING SAID CHAPTER INTO CONFORMANCE WITH NEB. REV. STAT. §15-905 BY AMENDING SECTION 18.04.010 TO DELETE A REFERENCE TO FARMSTEADS; REPEALING SECTION 18.04.020 (FARMSTEAD DEFINED); AMENDING SECTION 18.04.080 TO CORRECT A SECTION REFERENCE; AND AMENDING SECTION 18.04.090 TO EXEMPT CITIES AND VILLAGES WITHIN THREE MILES OF THE CORPORATE LIMITS OF THE CITY OF LINCOLN UNLESS SUCH CITIES AND VILLAGES CONSENT - CLERK read an ordinance, introduced by Leirion Gaylord Baird, amending Chapter 18.04 of the Lincoln Municipal Code relating to Construction Requirements to bring said chapter into conformance with Neb. Rev. Stat. §15-905 by amending Section 18.04.010 to delete a reference to farmsteads; repealing Section 18.04.020 (Farmland Defined); amending Section 18.04.080 to correct a section reference; and amending Section18.04.090 to exempt cities and villages within three miles of the corporate limits of the City of Lincoln unless such cities and villages consent; and repealing Sections 18.04.010, 18.04.080 and 18.04.090 of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 16-31, 2014 - PRIOR to reading:

COOK Moved to amend Bill No. 14R-54 in the following manner: Remove the claim of James McCown from the list of Denied Claims.

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

CLERK Read the following resolution, introduced by Leirion Gaylord Baird who moved for its adoption: A-88108

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 February 3, 2014, 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 disposals of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

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<tr>
<th>DENIED CLAIMS</th>
<th>ALLOWED/SETTLED CLAIMS</th>
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<tr>
<td>Betty L. Sutko</td>
<td>Elva Lange</td>
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<td>Renee Aupperle</td>
<td>Chuck &amp; Melissa Robinson</td>
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<td>Joyce Vrbka</td>
<td>Cody Pfeiffer</td>
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<td>Vickie Tucker-Hunnicutt</td>
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<td>$209,390.42</td>
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<td>1,305.45</td>
<td>264.72</td>
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</table>
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 Leirion Gaylor Baird
Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

ORDINANCES - 3rd READING & RELATED RESOLUTIONS (as required)

REDEDICATION OF VACATED CRESTDALE ROAD AS PUBLIC RIGHT-OF-WAY - CLERK read an ordinance, introduced by Trent Fellers, rededicating Crestdale Road right-of-way vacated by Ordinance No. 11221, for the third time.

FELLERS Moved to pass ordinance as read.
Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

The ordinance, being numbered #19992, is recorded in Ordinance Book # 28, Page .

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

VACATION NO. 13005 – VACATING THE NORTH 21 FEET OF HOLDREGE STREET RIGHT-OF-WAY FROM THE WEST RIGHT-OF-WAY LINE OF NORTH 20TH CIRCLE TO THE WEST PROPERTY LINE OF LOT 52, I.T. - CLERK read an ordinance, introduced by Jon A. Camp, vacating the north 21 feet of Holdrege Street right-of-way from the west right-of-way line of North 20th Circle to the west property line of lot 52, I.T. and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE 2013 AND DECEMBER 2013 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Jon A. Camp, adopting the supplements to the Lincoln Municipal Code dated June 2013 and December 2013 as part of the official Lincoln Municipal Code, the first time.

AMENDING SECTION 1 OF ORDINANCE NO. 19904 PASSED AUGUST 12, 2013, RELATING TO THE PAY SCHEDULES OF EMPLOYEES WhOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER “A,” BY AMENDING CLASSIFICATION CODE 4020 TO REVISE THE CLASSIFICATION SPECIFICATION FOR ATHLETICS SUPERVISOR AS SET FORTH ON ATTACHMENT A - CLERK read an ordinance, introduced by Jon A. Camp, amending Section 1 of Ordinance No. 19904 passed August 12, 2013, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter “A,” by amending Classification Code 4020 to revise the classification specifications for “Athletics Supervisor.”, the first time.

RESOLUTIONS - 1st READING - ADVANCE NOTICE

APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT BETWEEN PIEDMONT SHOPPING CENTER, LLC, AND THE CITY OF LINCOLN FOR THE PIEDMONT SHOPPING CENTER REDEVELOPMENT PROJECT RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 1265 SOUTH COTNER BOULEVARD. (DEVELOPER REQUESTS 1ST & 2ND READING (PUBLIC HEARING & ACTION) BE COMBINED ON 2/24/14)

USE PERMIT 149A – APPLICATION OF YELLOW ROSES, LLC TO REDUCE THE REAR YARD SETBACK FROM 50 FEET TO 25 FEET AND TO REDUCE THE SIDE YARD SETBACK FROM 50 FEET TO 15 FEET FOR DEVELOPMENT OF COMMERCIAL SPACE ON PROPERTY GENERALLY LOCATED AT SOUTH 27TH STREET AND JAMIE LANE.

APPOINTING LOWELL S. BERG TO THE LIBRARY BOARD FOR A TERM EXPIRING AUGUST 31, 2015.
REAPPOINTING KAREN NALOW TO THE NEBRASKA CAPITOL ENVIRONS COMMISSION FOR A TERM EXPIRING JANUARY 9, 2017.

APPOINTING CRAIG STRONG TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A TERM EXPIRING APRIL 15, 2015.

APPOINTING TOM MCFARLAND TO THE MULTICULTURAL ADVISORY COMMITTEE FOR A TERM EXPIRING SEPTEMBER 18, 2014.

APPROVING ADDENDUM ONE TO CONTRACT AWARD TO THE HOME VISITING SERVICES CONTRACT 59298 04 BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND THE STATE OF NEBRASKA TO PROVIDE EVIDENCE-BASED HOME VISITING SERVICES FOR THE STATE OF NEBRASKA FOR A TERM OF FEBRUARY 10, 2014 THROUGH JUNE 30, 2015 WITH FOUR OPTIONAL ANNUAL RENEWALS. (CONSENT)

APPOINTING LAYNE SUP TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A TERM EXPIRING DECEMBER 31, 2016.


OPEN MICROPHONE - NONE

ADJOURNMENT

6:09 P.M.

CAMP Moved to adjourn the City Council Meeting of February 24, 2014.
Seconded by Cook & carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

Teresa J. Meier, City Clerk

Soulinnee Phan, Office Specialist