

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, SEPTEMBER 29, 2014 AT 5:30 P.M.**

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

Council Chair Emery 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 September 29, 2014, reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF RHINODYNAMICS INC. DBA DUFFY'S TAVERN FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 55 FEET BY 51 FEET AT 1412 O ST. ON OCTOBER 10, 2014 FROM 5:00 P.M. TO 2:00 A.M. AND OCTOBER 11, 2014 FROM 4:00 P.M. TO 2:00 A.M. (9/22/14 - PUBLIC HEARING & ACTION CONT'D FOR 1 WEEK TO 9/29/14) - Scott Hatfield, Duffy's Tavern, 1412 O St, came forward to answer questions and stated the SDL was for Lincoln Calling, a music festival.

This matter was taken under advisement.

APPLICATION OF HY-VEE INC. DBA HY-VEE GAS FOR A CLASS D LIQUOR LICENSE AT 7101 PIONEERS BLVD;  
MANAGER APPLICATION OF SCOTT A. SCHLATTER FOR HY-VEE INC. DBA HY-VEE GAS AT 7101 PIONEERS BLVD - Scott Schlatter, 3325 Longview Crt, came forward to take the oath and answer questions.

This matter was taken under advisement.

VACATION 14006 - VACATING 13 FEET OF THE Y ST. RIGHT-OF-WAY EAST OF 10TH ST. GENERALLY LOCATED ADJACENT TO 1018, 1020, 1022, 1024, 1036, 1048, AND 1052 Y ST - Luke Schooler, representing LC Partners, came forward to answer questions.

Council Member Camp asked that when the project was completed, what plans did they have regarding football game activities.

Mr. Schooler responded they may try and have a small marketing event during football season, but tenants may be utilizing that area so there may not be any space left available for an event. For previous events, they have been in communication with the Lincoln Police Dept. prior to those events.

Marvin Krout, Planning Dept., came forward to answer questions.

This matter was taken under advisement.

VACATION 14007 - VACATING THE RIGHT-OF-WAY STUB OF SHERMAN CT. ADJACENT TO OUTLOT B, VAN DORN MEADOWS 1ST ADDITION, GENERALLY LOCATED AT SHERMAN ST. AND HOLMES PARK RD - Mark Hunzeker, representing Chateau Development, came forward to answer questions.

This matter was taken under advisement.

APPROVING A SCHEDULE OF FEES THE CITY MAY CHARGE DURING FY 2014/15 AND 2015/16 FOR AMBULANCE SERVICE - John Huff, Lincoln Fire Chief, came forward to answer questions. He stated that they have added some fees for service that have offset cost in their General Fund Budget. Discussion followed.

This matter was taken under advisement.

**COUNCIL ACTION**

**REPORTS OF CITY OFFICERS**

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND HEMOCUE AMERICA FOR THE ANNUAL REQUIREMENTS FOR HEMOCUE MICROCUVETTES, PURSUANT TO QUOTE NO. 4887, FOR A FOUR YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-88557

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

That the attached Contract Agreement between the City of Lincoln and Hemocue America, a division of Radiometer America, Inc., for the Annual Supply of HemoCue Microcuvettes, pursuant to Quote No. 4887, for a four year term, upon the terms as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jon Camp

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON SEPT. 15, 2014 (EXCEPT FOR RESOLUTION A-88539 WHICH WAS PRESENTED TO THE MAYOR ON 9/16/14) - CLERK presented said report which was placed on file in the Office of the City Clerk.

### **PETITIONS & COMMUNICATIONS**

#### REFERRED TO PLANNING DEPARTMENT:

Change of Zone 14026, from AG Agricultural District to I-1 Industrial District and H-3 Highway Commercial District, generally located at S.W. 56th St. and W. O St.

Pre-Existing Special Permit 40A, amending the special permit for excavation and stone milling to show existing and future buildings and to allow an additional access to S. 54th St., generally located at S. 54th St. and Wittstruck Rd. The Planning Commission action is final, unless appealed to the City Council.

Text Amendment 14013, amending Section 27.63.160 of the Lincoln Municipal Code relating to Special Permits for Excavation and Stone Milling to allow stone milling as an accessory use to an excavation operation; to eliminate stone milling as a separate permitted use; and to clarify that pre-existing excavation operations may not meet all conditions; and repealing Section 27.63.160 of the Lincoln Municipal Code as hitherto existing.

#### PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment 14065, to Special Permit 1576, Country View Estates Community Unit Plan, approved by the Planning Director on September 16, 2014, requested by Lincoln Housing Authority, to remove the trail connection in Outlot G, on property generally located at S. 56<sup>th</sup> St. and Union Hill Rd.

Waiver to Design Standards 14009, approved by the Planning Director on September 19, 2014, requested by Brown Design Associates, to adjust the Design Standard for Outdoor Lighting to allow outdoor lighting to exceed 0.5 horizontal foot-candles at the east property line of Lincoln Immanuel Lutheran Church generally located at 2001 S. 11<sup>th</sup> St.

Administrative Amendment 14064, to Preliminary Plat 04017, Twin Pines Estates, approved by the Planning Director on September 22, 2014, requested by ESP Engineering, to modify the grading plan and to correct the Minimum Opening Elevation table, on property generally located at SW 33<sup>rd</sup> St. and Denton Rd.

### **LIQUOR RESOLUTIONS**

APPLICATION OF RHINODYNAMICS INC. DBA DUFFY'S TAVERN FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 55 FEET BY 51 FEET AT 1412 O ST. ON OCTOBER 10, 2014 FROM 5:00 P.M. TO 2:00 A.M. AND OCTOBER 11, 2014 FROM 4:00 P.M. TO 2:00 A.M. (9/22/14 - PUBLIC HEARING & ACTION CONT'D FOR 1 WEEK TO 9/29/14) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88558

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 Rhinodynamics Inc. dba Duffy's Tavern for a special designated license to cover an area measuring approximately 55 feet by 51 feet at 1412 O Street, Lincoln, Nebraska, on October 10, 2014 between the hours of 5:00 p.m. and 2:00 a.m. and on October 11, 2014, between the hours of 4:00 a.m. and 2:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.

4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF HY-VEE INC. DBA HY-VEE GAS FOR A CLASS D LIQUOR LICENSE AT 7101 PIONEERS BLVD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88559 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 Hy-Vee Inc. dba Hy-Vee Gas for a Class "D" liquor license at 7101 Pioneers Boulevard, Lincoln, Nebraska, for the license period ending April 30, 2015, 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 Jon Camp

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

MANAGER APPLICATION OF SCOTT A. SCHLATTER FOR HY-VEE INC. DBA HY-EE GAS AT 7101 PIONEERS BLVD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88560 WHEREAS, Hy-Vee Inc. dba Hy-Vee Gas located at 7101 Pioneers Boulevard, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Scott A. Schlatter be named manager;

WHEREAS, Scott A. Schlatter 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 Scott A. Schlatter 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 Jon Camp

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

#### **ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

VACATION 14006 - VACATING 13 FEET OF THE Y ST. RIGHT-OF-WAY EAST OF 10TH ST. GENERALLY LOCATED ADJACENT TO 1018, 1020, 1022, 1024, 1036, 1048, AND 1052 Y ST - CLERK read an ordinance, introduced by Jon Camp, vacating 13 feet of the Y Street right-of-way east of North 10th Street generally located adjacent to 1018, 1020, 1022, 1024, 1036, 1048, and 1052 Y Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

VACATION 14007 - VACATING THE RIGHT-OF-WAY STUB OF SHERMAN CT. ADJACENT TO OUTLOT B, VAN DORN MEADOWS 1ST ADDITION, GENERALLY LOCATED AT SHERMAN ST. AND HOLMES PARK RD - CLERK read an ordinance, introduced by Jon Camp, vacating the right-of-way stub of Sherman Court adjacent to Outlot B, Block 2, Van Dorn Meadows 1st Addition generally located at Sherman Street and Holmes Park Road, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

#### **PUBLIC HEARING - RESOLUTIONS**

APPROVING A SCHEDULE OF FEES THE CITY MAY CHARGE DURING FY 2014/15 AND 2015/16 FOR AMBULANCE SERVICE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-88561 WHEREAS, in accordance with Title 7 of the Lincoln Municipal Code, the City Council has authority to approve a schedule of maximum fees which the City may charge for ambulance service rendered by the City of Lincoln; and

**REGULAR MEETING  
SEPTEMBER 29, 2014  
PAGE 634**

WHEREAS, Lincoln Fire and Rescue has proposed such a schedule of maximum fees for comment and review by Lincoln/Lancaster County EMS Oversight Authority, Inc. ("Oversight Authority"), the City's emergency medical services oversight agency; and

WHEREAS, the Oversight Authority has concluded the proposed maximum fees are reasonable; and

WHEREAS, the proposed rate schedule is before the City Council for its consideration and approval; and

WHEREAS, the City Council finds that the proposed rate schedule, based on the reasonable costs of providing ambulance service, represents reasonable maximum user fees to be charged for the provision of ambulance service by the City of Lincoln

NOW, THEREFORE, BE IT RESOLVED by the City Council, the proposed rate schedule attached hereto, marked as Attachment "A", and made a part hereof by reference, is hereby approved and shall take effect September 1, 2014.

Introduced by Jon Camp

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 1 - 15, 2014 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-88562 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated September 16, 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 dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

DENIED CLAIMS

None

ALLOWED/SETTLED CLAIMS

Alyssa Stark	\$129.21
Christopher Batt	\$295.18
Jeanine Krahmer	\$100.00

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

Introduced by Jon Camp

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

**ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required) - NONE**

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

AMENDING SECTION 2.76.365 OF THE LINCOLN MUNICIPAL CODE RELATING TO HOURS OF WORK TO PROVIDE THAT EMPLOYEES WITH A PAY RANGE PREFIXED BY "E" WHO ARE ELIGIBLE TO RETIRE WILL BE REQUIRED TO RETIRE WITHIN ONE YEAR FROM THE DATE THEY ELECT TO REDUCE THEIR HOURS - CLERK read an ordinance amending Section 2.76.365 of the Lincoln Municipal Code relating to Hours of Work to provide that employees with a pay range prefixed by "E" who are eligible to retire will be required to retire within one year from the date they elect to reduce their hours as provided in said section; and repealing Section 2.76.365 as hitherto existing, the first time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "M" TO CHANGE THE PAY RANGE OF BUILDING & SAFETY MANAGER FROM M03 TO M02 - CLERK read an ordinance amending Section 1 of Ordinance No. 19908 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 "M," by changing the pay range for the job classification "Building & Safety Manager" from M03 to M02, the first time.

CHANGE OF ZONE 14025 - APPLICATION OF B&J PARTNERSHIP LTD. FOR A CHANGE OF ZONE TO DESIGNATE THE O'CONNELL/GALBRAITH HOUSE AS AN HISTORIC LANDMARK, ON PROPERTY GENERALLY LOCATED AT S. 9TH ST. AND G ST - CLERK read an ordinance an ordinance amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the first time.

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

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 504 N. 24TH, 918 S. 16TH, 3610 MOHAWK, 245 F, 3928 S. 14TH, 1645 WASHINGTON, 347 S. 26TH, 2140 W. PLUM, 2975 HOLDREGE, 2019 PEPPER, 4225 S. 40TH, 6031 CORNHUSKER, 1430 N. 26TH, 2942 N. 51ST, 2248 SHELDON, 926 WASHINGTON, 6338 HARTLEY, 1336 N. 39TH, 2630 ORCHARD, 2241 HOLDREGE, 1937 GARFIELD, 7124 HAVELOCK, 1336 N. 39TH, 1640 N. 21ST, 6420 HOLDREGE, 1745 SUMNER, 2335 MARILYNN, 6031 CORNHUSKER, 1430 N. 53RD.

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND ELSEY PARTNERSHIP, INC. TO PRESERVE THE FLOOD STORAGE CAPACITY ON PROPERTY DESCRIBED AS THE SOUTH 88 FEET OF LOT 29, BLOCK 15, CAHN METCALF AND FARWELL'S SUBDIVISION GENERALLY LOCATED AT 11TH AND Y STS.

AUTHORIZING AN APPLICATION TO THE NEBRASKA GAME & PARKS COMMISSION FOR LAND AND WATER CONSERVATION GRANT FUNDING ASSISTANCE FOR THE RENOVATION OF LAKEVIEW PARK LOCATED AT N.W. 20TH AND Q STS.

**OPEN MICROPHONE**

Jane Svoboda, no address given, came forward to offer comment on various issues.

Mike Morosin, no address given, came forward to claim that former Mayor Colleen Seng had issued an Executive Order issued in 2005, stating that he was a business and eligible for compensation and \$10,000.00 for reestablishment fees.

Dean Hillhouse, 9111 Swing Cir, came forward to address concerns regarding his rental property at 17<sup>th</sup> & O St. He said there are issues regarding motorcycles parking on the lot and blocking access. They have experienced vandalism and graffiti and the current tenant is ready to vacate due to these existing problems. He presented copies of correspondence he had sent to Council Member Camp and the Chief of Police. He also showed pictures of 35-40 the motorcycles illegally parked on his property. He said he was asking for a resolution to this problem.

Gary Aldridge, 7112 S. 45<sup>th</sup> St, came forward to make reference to a previous Railroad Transportation Safety meeting he had attended. He commented that support, opposition, criticism, suggestions or observations are never offered to humiliate, but to primarily question what is taken for granted. For that reason, he may need to change, amend, revise, retract or apologize for his comments. A public or elected official easily offended or otherwise, may be called thin skinned by some and perhaps should look for a new line of work.

**PENDING LIST**

APPROVING A REAL ESTATE SALES AGREEMENT FOR THE SALE OF APPROXIMATELY 9.37 ACRES OF SURPLUS PROPERTY GENERALLY LOCATED AT 2201 S. 84TH ST. TO THE LINCOLN HOUSING AUTHORITY. (RELATED ITEMS: 14-65, 14-67, 14R-161) (6/23/14 - ACTION DELAYED FOR 2 WEEKS TO 7/14/14 W/ CONT'D P.H.) (7/14/14 - P.H. & ACTION DELAYED UNTIL 8/18/14, 7-0) (8/18/14 - P.H. & ACTION CONT'D UNTIL 9/8/14) (9/8/14 - PLACED ON PENDING, NO DATE CERTAIN) (*REQUEST OF APPLICANT TO WITHDRAW*);

CHANGE OF ZONE 14012 - APPLICATION OF THE LINCOLN HOUSING AUTHORITY FOR A CHANGE OF ZONE FROM R-1 RESIDENTIAL DISTRICT AND P PUBLIC USE DISTRICT TO R-3 RESIDENTIAL DISTRICT AND FROM R-1 RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 84TH ST. AND SOUTH ST. (RELATED ITEMS: 14-65, 14-67, 14R-161) (6/23/14 - ACTION DELAYED FOR 2 WEEKS TO 7/14/14 W/ CONT'D P.H.) (7/14/14 - P.H. & ACTION DELAYED UNTIL 8/18/14, 7-0) (8/18/14 - P.H. & ACTION CONT'D UNTIL 9/8/14) (9/8/14 - PLACED ON PENDING, NO DATE CERTAIN) (*REQUEST OF APPLICANT TO WITHDRAW*);

SPECIAL PERMIT 14009 - APPLICATION OF LINCOLN HOUSING AUTHORITY TO DEVELOP THE LINCOLN HOUSING AUTHORITY 84TH ST. SITE COMMUNITY UNIT PLAN FOR 72 DWELLING UNITS, WITH A REQUESTED WAIVER TO ALLOW MORE THAN 40 DWELLING UNITS ON A DEAD END STREET, ON PROPERTY GENERALLY LOCATED AT S. 84TH ST. AND SOUTH ST. (RELATED ITEMS: 14-65, 14-67, 14R-161) (ACTION DATE: 6/23/14) (6/23/14 - ACTION DELAYED FOR 2 WEEKS TO 7/14/14 W/ CONT'D P.H.) (7/14/14 - P.H. & ACTION DELAYED UNTIL 8/18/14, 7-0) (8/18/14 - P.H. & ACTION CONT'D UNTIL 9/8/14) (9/8/14 - PLACED ON PENDING, NO DATE CERTAIN) (*REQUEST OF APPLICANT TO WITHDRAW*);

**REGULAR MEETING  
SEPTEMBER 29, 2014  
PAGE 636**

CAMP                    Moved to Withdraw, Bills 14-65, 14-67, & 14R-161.  
                              Seconded by Fellers and carried by the following vote; AYES: Camp, Christensen, Cook, Emery,  
                              Eskridge, Fellers Gaylor Baird; NAYS: None.

**6:09 P.M.**

**ADJOURNMENT**

CAMP                    Moved to adjourn the City Council Meeting of September 29, 2014.  
                              Seconded by Gaylor Baird and carried by the following vote: AYES: Camp, Christensen, Cook,  
                              Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

---

Teresa J. Meier, City Clerk

---

Alexis Traylor, Office Specialist



