

THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, FEBRUARY 22, 2010 AT 5:30 P.M.

The Meeting was called to order at 5:30 p.m. Present: Council Chair Emery; Council Members: Camp, Carroll, Cook, Hornung, Snyder, Spatz; City Clerk, Joan E. Ross.

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

SNYDER Having been appointed to read the minutes of the City Council proceedings of February 8, 2010 reported having done so, found same correct.

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

PUBLIC HEARING

CHANGE OF ZONE 09030 - APPLICATION OF CONTINENTAL PROPERTIES FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 91ST STREET AND HERITAGE LAKES DRIVE;

SPECIAL PERMIT 09029 - APPLICATION OF CONTINENTAL PROPERTIES TO DEVELOP THE HERITAGE LAKES DRIVE MULTI-FAMILY COMMUNITY UNIT PLAN FOR UP TO 270 DWELLING UNITS, WITH ADJUSTMENTS TO THE PARKING REQUIREMENT AND TO ALLOW ENTRANCE SIGNS TO BE LOCATED AT ALTERNATE LOCATIONS, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 91ST STREET AND HERITAGE LAKES DRIVE - Kimberly Grimm, W134 N8675 Exec. Pkwy., Menomonee Falls, WI, came forward as Vice Pres. of Development for Continental Properties, to brief Council on the site plan. She said dialog & meetings have been held with neighbors who were well beyond the City's 200 ft. requirement. She said their two-story housing product which targets professionals has direct entry to each unit with stone exterior that compliments the existing residential to the east.

This matter was taken under advisement.

AMENDING TITLE 21 OF THE LINCOLN MUNICIPAL CODE BY CREATING A NEW CHAPTER 21.05 TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH AMENDMENTS, ADDITIONS AND DELETIONS THERETO, TO REGULATE AND GOVERN THE CONDITIONS AND MAINTENANCE OF RESIDENTIAL PROPERTY, BUILDINGS, AND STRUCTURES; TO PROVIDE THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE, AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES WITHIN THE CITY OF LINCOLN AND WITHIN THREE MILES THEREOF AND OUTSIDE THE LIMITS OF ANY OTHER INCORPORATED CITY OR VILLAGE; AND TO PROVIDE FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR AND REPEALING CHAPTER 21.01 OF THE LINCOLN MUNICIPAL CODE (THE LINCOLN HOUSING CODE); AND ESTABLISHING THE OPERATIVE DATE FOR THIS ORDINANCE AS 30 DAYS AFTER PASSAGE - Jon Carlson, manager of the Mayor's Stronger Safer Neighborhoods program, came forward to share the plan for addressing problem properties by bringing forward the International Property Maintenance Code (IPMC) which would replace Lincoln's current Uniform Housing Code having a date of 1994 and no longer supported since 2000. He said problem properties are those whose owners repeatedly let their properties become substandard in violation of housing codes. He said this in turn damages the quality of life in neighborhoods, driving down property values, costing taxpayer dollars in increased inspection/enforcement time and contributing to blight/crime in the community. Mr. Carlson said the process has involved input from the Task Force which is comprised of industry professionals and heard feedback from neighborhood groups. Following Council questions, Mr. Carlson said there were no additional sprinkler head requirements; discussion continued in smoke detector requirements; heard the need for notification to local property managers in addition to owners; responded to compliance/enforcement issues; figured the number of houses in need of repair fluctuated between 10 and 20; discussion would continue in reformation from a fine to a fee-based system.

Chris Connolly, Asst. City Attorney, came forward to answer questions about lead. He said the IPMC does not deal with lead issues, the EPA does. He does not see any significant increase or decrease in enforcement costs.

John Boies, Building & Safety Department, was on hand for questioning. Barb Markey, 2900 S. 24<sup>th</sup> St., came forward as a landlord to address her issues. She said she is in support of smoke alarms in each bedroom. She would like to see that conversion duplexes, rental houses, and triplexes are required to be licensed rental properties as she noted some abuses and their run-down appearance in her neighborhood.

Lynn Fisher, 6500 Alpine Rd., Denton, came forward as a landlord and Task Force member to state he was in support of the code change but expressed opposition to the specific requirement of smoke detectors in bedrooms as it would be an added financial burden to keep tenants from removing batteries or disabling the devices.

William Carver, 2202 Washington St., Near South Neighborhood Association President, came forward in support as it will continue to improve the quality of life in the neighborhoods and preserve older homes as well.

Eric Foster, 1920 J St., came forward in support of changes to the housing code. He expressed concerns and presented photos of properties that have been a problem in his neighborhood for nearly three years.

Tim Francis, 2511 T St., came forward representing the Hawley Neighborhood Assn. expressing support for changes in the housing code. He said it seems foolish to invest block grant money into target neighborhoods to subsidize improvements in one house, yet allow an adjacent property to deteriorate for years at a time.

Diana Wright, REOMA member and owner of Just Wright Properties, came forward in support but feels the smoke detector requirement is overkill.

Shawn Ryba, Lincoln Policy Network member, came forward in support of addressing problem properties. He asked citizens present but not necessarily testifying to stand in a show of support. He said hopefully this will send the message that problem properties are not tolerated in our city.

This matter was taken under advisement.

ORDERING ALLEY RE-PAVING DISTRICT NO. 49 CONSTRUCTED IN THE EAST/WEST ALLEY, 10TH TO 11TH STREETS, G TO H STREETS - Holly Lionberger, Public Works & Utilities Dept., came forward to discuss ordering of the re-paving district which has an estimated cost of \$80,000.

This matter was taken under advisement.

IDENTIFYING AND DECLARING THE AREA GENERALLY LOCATED ALONG SOUTH 48TH STREET BETWEEN CALVERT STREET AND PIONEERS BLVD AS THE COLLEGE VIEW BUSINESS IMPROVEMENT AREA; APPROVING THE APPOINTMENT OF GARY BOLLINGER, RON DETWEILER, KEN BOUGGER, TERRY BOCK AND LYNN FISHER AS MEMBERS OF THE BUSINESS IMPROVEMENT BOARD TO BE KNOWN AS THE "COLLEGE VIEW IMPROVEMENT BOARD"; AND DIRECTING THE BOARD TO MAKE RECOMMENDATIONS TO THE CITY COUNCIL FOR THE ESTABLISHMENT OF A PLAN FOR IMPROVEMENTS IN THE COLLEGE VIEW BUSINESS IMPROVEMENT AREA - David Landis, Director of Urban Development Dept., came forward to present part of the process in creating a business improvement district on South 48<sup>th</sup> Street. He said when this plan originated seven years ago, the area did not qualify for CDBG funds as it was not low/moderate income. Mr. Landis said CIP resources are now available for this project. He said following the first meeting in July 2008, progress has brought about neighborhood meetings, a public open house, naming of project volunteers and identification of streetscape improvements by a design team.

Lynn Fisher, property owner and volunteer member of the College View Improvement Board, came forward requesting approval for the project that will not only be great for the neighborhood but for the City as well.

Gary Bollinger, Union College representative and volunteer member of the College View Improvement Board, came forward in support of the project. He stated it will be a major enhancement to the college community.

Mr. Landis came forward to identify other volunteer board members in attendance as being the following: Ron Detweiler, Union Bank representative; Terry Bock, College View pastor; and Ken Bougger, College View business owner.

This matter was taken under advisement.

Council Chair Emery recognized the presence of Girl Scout Troop 113 who were in attendance at the City Council Meeting.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING SITARAM JASWAL TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING OCTOBER 1, 2012 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85731 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Sitaram Jaswal to the Air Pollution Control Advisory Board for a three-year term expiring October 1, 2012 is hereby approved.

Introduced by Adam Hornung

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPOINTING TIMOTHY PLANDER TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING OCTOBER 1, 2012 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85732 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Timothy Plander to the Air Pollution Control Advisory Board for a three-year term expiring October 1, 2012 is hereby approved.

Introduced by Adam Hornung

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

REQUEST OF PUBLIC WORKS TO SET THE HEARING DATE OF MONDAY, MARCH 8, 2010, AT 3:00 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

- 10-19 TO PROVIDE AUTHORITY TO CREATE A SPECIAL ASSESSMENT FOR AN IMPROVEMENT DISTRICT FROM THE INTERSECTION OF BETTY LOU BLVD. AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AT AUGUSTA DRIVE.
- 10-20 TO PROVIDE AUTHORITY TO CREATE A SPECIAL ASSESSMENT FOR A PAVING DISTRICT FROM THE INTERSECTION OF BETTY LOU BLVD. AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AT AUGUSTA DRIVE.
- 10-21 TO PROVIDE AUTHORITY TO CREATE AND ORDER CONSTRUCTED A SPECIAL ASSESSMENT DISTRICT FOR 8" AND 6" WATER MAINS LOCATED FROM THE INTERSECTION OF BETTY LOU BLVD. AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AT AUGUSTA DRIVE.
- 10-22 TO PROVIDE AUTHORITY TO CREATE AND ORDER CONSTRUCTED A SPECIAL ASSESSMENT DISTRICT FOR 8" AND 6" SANITARY SEWER MAINS LOCATED FROM THE INTERSECTION OF BETTY LOU BLVD AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AT AUGUSTA DRIVE.

APPROVED BY ACCLAMATION.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION GROUP I, SEWER DISTRICT NO. 1183 AND SIDEWALK DISTRICT NO. 95 TO BE HELD MONDAY, MARCH 1, 2010 AT 3:00 P.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

ACCEPTING THE ASSESSMENT RESOLUTIONS FOR BOARD OF EQUALIZATION GROUP I, SEWER DISTRICT NO 1183 AND SIDEWALK DISTRICT NO. 95 TO BE HELD MONDAY, MARCH 1, 2010, AT 3:00 P.M. - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85733 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the cost of the improvements in Sanitary Sewer District No. 1183 including the following streets and alleys and real estate to wit: L Street at S. 37th Street, from existing manhole east approximately 170 feet and costs incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of Sanitary Sewer District No. 1183", and made a part hereof; that the cost of said improvements is the sum of \$ 50,195.55; that the property set forth in the proposed Distribution of Assessment is specially benefitted more than the cost of said improvements; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said improvements: that the cost of said improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of Sanitary Sewer District No. 1183

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, at \_\_\_\_\_ M.,

\_\_\_\_\_ with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Jayne Snyder

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

CLERK Read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85734 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of the improvements in Sidewalk District No. 95 including the following streets and alleys and real estate to wit:

Various Locations Throughout Lincoln and costs incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of Sidewalk District No. 95", and made a part hereof; that the cost of said improvements is the sum of \$ 69,384.73; that the property set forth in the proposed Distribution of Assessment is specially benefitted more than the cost of said improvements; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said improvements: that the cost of said improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of Sidewalk District No. 95

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, at \_\_\_\_\_ M.,

\_\_\_\_\_ with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Jayne Snyder

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED DECEMBER 31, 2009 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85735 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended December 31, 2009, \$426,441.85 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jayne Snyder

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON FEBRUARY 1, 2010 - 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 8, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF JANUARY, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, MARCH 8, 2010 AT 3:00 P.M. FOR THE APPLICATION OF OSF NEBRASKA, INC. DBA OUTBACK STEAKHOUSE FOR A CLASS I LIQUOR LICENSE LOCATED AT 633 N. 48TH STREET - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85736 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 8, 2010, 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 OSF Nebraska, Inc. dba Outback Steakhouse for a Class I liquor license located at 633 N. 48th Street.

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

Introduced by Jayne Snyder

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 09022A - Req. by the Director of Planning to amend the special sign district on property generally located at N. 48th Street and O Street.

Special Permit No. 1816B - Req. by Noel Chadd an amendment for an extension of time for soil extraction on property generally located at SW 40th Street and West Vine Street.

THE FOLLOWING HAVE BEEN PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 10008 to Special Permit No. 991 approved by the Planning Director on February 5, 2010, requested by Gilbert Eley to rescind Special Permit No. 991 originally approved for a mobile home park on property located at 3720 Adams.

Administrative Amendment No. 10007 to Use Permit No. 04005A approved by the Planning Director on February 8, 2010, requested by Dan Klein of Regal Building Systems, Inc. to reduce the rear yard setback from 40 feet to 35 feet on a portion of Lot 14 for the office building and add Note 21 to allow eaves, overhangs, etc., to encroach over setback lines or building envelopes, but not lot lines, on property generally located at N. 1st Street and Barons Road.

Administrative Amendment No. 10004 to Special Permit No. 1851 and Special Permit No. 1851A approved by the Planning Director on February 9, 2010, requested by Tabitha Health Care Services to rescind Special Permit No. 1851 and Special Permit No. 1851A originally approved to allow an early childhood care facility on property generally located northeast of the intersection of S. 47th Street and J Street. The area of Special Permit No. 1851 and Special Permit No. 1851A are now part of Special Permit No. 384G which covers the larger Tabitha campus and separate Special Permit No. 1851 and Special Permit No. 1851A are not necessary.

Administrative Amendment No. 10005 to Special Permit No. 04037 approved by the Planning Director on February 9, 2010, requested by Tabitha Health Care Services to rescind Special Permit No. 04037 originally approving a health care facility to allow a Green House on property generally located northeast of the intersection of S. 47th Street and J Street. The area of Special Permit No. 04037 is now part of Special Permit No. 384G which covers the larger Tabitha campus and a separate Special Permit No. 04037 is not necessary.

LIQUOR RESOLUTIONS - NONE

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

CHANGE OF ZONE 09030 - APPLICATION OF CONTINENTAL PROPERTIES FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 91ST STREET AND HERITAGE LAKES DRIVE - CLERK read an ordinance, introduced by Adam Hornung, for a Change of Zone from R-3 Residential District to R-5 Residential District on property generally located northeast of the intersection of South 91<sup>st</sup> Street and Heritage Lakes Drive, the second time.

SPECIAL PERMIT 09029 - APPLICATION OF CONTINENTAL PROPERTIES TO DEVELOP THE HERITAGE LAKES DRIVE MULTI-FAMILY COMMUNITY UNIT PLAN FOR UP TO 270 DWELLING UNITS, WITH ADJUSTMENTS TO THE PARKING REQUIREMENT AND TO ALLOW ENTRANCE SIGNS TO BE LOCATED AT ALTERNATE LOCATIONS, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 91ST STREET AND HERITAGE LAKES DRIVE.

AMENDING SECTION 9.16.250 OF THE LINCOLN MUNICIPAL CODE RELATING TO RESIDENCY RESTRICTIONS FOR SEXUAL PREDATORS TO AMEND REFERENCED DATES WITHIN THE SECTION TO CONFORM WITH STATE STATUTE - CLERK read an ordinance, introduced by Adam Hornung, amending Section 9.16.250 of the Lincoln Municipal Code relating to Residency Restrictions for Sexual Predators to amend referenced dates within the section to conform with state statute, and repealing Section 9.16.250 of the Lincoln Municipal Code as hitherto existing, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND LINCOLN MEDICAL EDUCATIONAL PARTNERSHIP FOR A LEASE OF SPACE FOR A THREE-YEAR TERM FOR USE BY THE LINCOLN POLICE DEPARTMENT - CLERK read an ordinance, introduced by Adam Hornung, accepting and approving a Lease Agreement between Lincoln Medical Educational Partnership and the City of Lincoln for a lease of space for a term of February 1, 2010 through January 31, 2013, for use by the Lincoln Police Department, the second time.

AMENDING TITLE 21 OF THE LINCOLN MUNICIPAL CODE BY CREATING A NEW CHAPTER 21.05 TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH AMENDMENTS, ADDITIONS AND DELETIONS THERETO, TO REGULATE AND GOVERN THE CONDITIONS AND MAINTENANCE OF RESIDENTIAL PROPERTY, BUILDINGS, AND STRUCTURES; TO PROVIDE THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE, AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES WITHIN THE CITY OF LINCOLN AND WITHIN THREE MILES THEREOF AND OUTSIDE THE LIMITS OF ANY OTHER INCORPORATED CITY OR VILLAGE; AND TO PROVIDE FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR AND REPEALING CHAPTER 21.01 OF THE LINCOLN MUNICIPAL CODE (THE LINCOLN HOUSING CODE); AND ESTABLISHING THE OPERATIVE DATE FOR THIS ORDINANCE AS 30 DAYS AFTER PASSAGE - CLERK read an ordinance, introduced by Adam Hornung, amending Title 21 of the Lincoln Municipal Code by creating a new Chapter 21.05 to adopt the 2009 edition of the International Property Maintenance Code, with amendments, additions and deletions thereto, to regulate and govern the conditions and maintenance of residential property, buildings, and structures; to provide the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures within the City of Lincoln and within three miles thereof and outside the limits of any other incorporated city or village; and to provide for the issuance of permits and collection of fees therefor and repealing Chapter 21.01 of the Lincoln Municipal Code (the Lincoln Housing Code); and establishing the operative date for this ordinance as 30 days after passage, 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, 2010 - PRIOR to reading:

CAMP Moved to amend Bill No. 10R-49 in the following manner:  
On line 12, the claim of LLO BAR, Inc. should be removed from the list of Denied Claims and added to the list of Allowed/Settled Claims in the amount of \$200.00.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

CLERK Read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85737 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 1, 2010, 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:

<u>DENIED CLAIMS</u>	
Blue Cross BlueShield of Nebraska (ID No. YET1183321NW)	NAS*
<del>LLO BAR, Inc.</del>	<del>\$397.49</del>
Roy Brown/Aletha Jean Shockey	21.27
Joshua Treptow	NAS*
Martha Christen	80.00
Stanley B. Richardson	81.68
Ron Hile	NAS*
Susantha Weerasinghe	498.61
Lincoln Federal Savings Bank	801.96
Beverly Hendrix	NAS*
Tri Van Nguyen	238.02
Ernestine Dixon	351.00

<u>ALLOWED/SETTLED CLAIMS</u>	
Jodi Reiser	\$ 463.50
Dalene Wiess	8,400.00
Ryan Stover	100.00
<u>LLO BAR, Inc.</u>	<u>200.00</u>

\* 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 Adam Hornung

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ORDERING ALLEY RE-PAVING DISTRICT NO. 49 CONSTRUCTED IN THE EAST/WEST ALLEY, 10TH TO 11TH STREETS, G TO H STREETS - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85738 WHEREAS a majority petition has been submitted by the owners of record title, representing a majority of the front footage of the property directly abutting upon the alley in Alley Re-Paving District No. 49, being the East/West Alley, 10th to 11th Streets, "G" to "H" Streets, and have been filed with the City Clerk, petitioning for the construction of said alley re-paving.

THEREFORE BE IT RESOLVED that the Department of Public Works is hereby authorized and directed to proceed with the preparation of detailed plans and specifications and to obtain bids for the said alley re-paving work in accordance with this resolution.

BE IT STILL FURTHER RESOLVED that, in the event that the actual bid price exceeds 25 percent over the preliminary cost estimate for the improvements, then such bid shall not be awarded until the Council has approved such bid by resolution.

Introduced by Adam Hornung

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

IDENTIFYING AND DECLARING THE AREA GENERALLY LOCATED ALONG SOUTH 48TH STREET BETWEEN CALVERT STREET AND PIONEERS BLVD AS THE COLLEGE VIEW BUSINESS IMPROVEMENT AREA; APPROVING THE APPOINTMENT OF GARY BOLLINGER, RON DETWEILER, KEN BOUGGER, TERRY BOCK AND LYNN FISHER AS MEMBERS OF THE BUSINESS IMPROVEMENT BOARD TO BE KNOWN AS THE "COLLEGE VIEW IMPROVEMENT BOARD"; AND DIRECTING THE BOARD TO MAKE RECOMMENDATIONS TO THE CITY COUNCIL FOR THE ESTABLISHMENT OF A PLAN FOR IMPROVEMENTS IN THE COLLEGE VIEW BUSINESS IMPROVEMENT AREA - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85739 WHEREAS, the City is authorized by the Business Improvement District Act (Neb. Rev. Stat. §§ 19-4015-19-4038) (the Act) to create Business Improvement Districts within an established business area of the City zoned for Business, Public or Commercial purposes to provide means to raise the necessary funds for the purpose of providing and maintaining the improvements authorized by the Act; and

WHEREAS, the City wishes to identify a Business Area to be improved as provided in the Act and appoint a Business Area Improvement Board to study and make recommendations to the City Council for the establishment of a plan or plans for improvements in the Business Area consistent with the Act; and

WHEREAS, the area generally located along South 48th Street between Calvert Street and Pioneers Boulevard, as more particularly set forth in Attachment "A" attached hereto and incorporated herein by this reference, consists of land zoned for Business, Public or Commercial purposes under the City of Lincoln Zoning Code.

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

1. The Area described in Attachment "A" is eligible to be and is hereby declared to be an established Business Area of the City of Lincoln to be known as the "College View Business Area".

2. The Mayor has appointed, and the City Council hereby approves, the following persons consisting of property owners, residents, business operators or users of space within the South 48th Street Business Area as members of a Business Improvement Board to be known as the "College View Improvement Board":

Gary Bollinger  
Ron Detweiler  
Ken Bougger  
Terry Bock  
Lynn Fisher

3. The above-named members of the College View Business Improvement Board have agreed to and shall serve without compensation for a three year term or until their successors are appointed and qualified as provided under the Act.

4. The College View Business Improvement Board shall make recommendations to the City Council for the establishment of a plan or plans for improvements in the College View Business Area.

5. The College View Business Improvement Board may make recommendations to the City Council on the proposed boundaries for any Business Improvement Districts to be established in the College View Business Area. The Board may also make recommendations as to the use of funds collected in any type of assessments, if any, related to the College View Business Area.

6. The College View Business Improvement Board shall comply with the Act and meet according to law and such rules and by-laws as the Board shall adopt.

Introduced by Adam Hornung

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE 2009 AND DECEMBER 2009 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Jayne Snyder, adopting the supplements to the Lincoln Municipal Code dated June 2009 and December 2009 as part of the official Lincoln Municipal Code, the first time.

AMENDING CHAPTER 16.04 OF THE LINCOLN MUNICIPAL CODE RELATING TO TERMINATION OF DOMESTIC UTILITY SERVICES BY AMENDING SECTION 16.04.050, NOTICE OF TERMINATION, TO PROVIDE THAT SUCH NOTICE NEED ONLY BE CONSPICUOUSLY POSTED AT THE FRONT ENTRANCE TO THE PREMISES, AND, IN THE CASE OF A MASTER-METERED APARTMENT BUILDING, TO PROVIDE THAT SUCH NOTICE NEED ONLY BE POSTED ON OR NEAR THE MAIN ENTRANCE TO EACH UNIT - CLERK read an ordinance, introduced by Jayne Snyder, amending Chapter 16.04 of the Lincoln Municipal Code relating to Termination of Domestic Utility Services by amending Section 16.04.050, Notice of Termination, to provide that such notice need only be conspicuously posted at the front entrance to the premises, and, in the case of a master-metered apartment building, to provide that such notice need only be posted on or near the main entrance to each unit; and repealing Section 16.04.050 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND DAS/STATE BUILDING DIVISION ON BEHALF OF NEBRASKA DEPARTMENT OF EDUCATION, VOCATIONAL REHABILITATION SERVICES, AT THE ONE STOP CENTER AT 1010 N STREET FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TWO-YEAR TERM FROM JANUARY 1, 2010 THROUGH DECEMBER 31, 2011 - CLERK read an ordinance, introduced by Jayne Snyder, accepting and approving a Sublease Agreement between the City of Lincoln and DAS/State Building division on behalf of Nebraska Department of Education, Vocational Rehabilitation Services, for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2010 through December 31, 2011 whereby the City of Lincoln is subleasing a portion of its 13,718 sq. ft. of space to the Nebraska Department of Education, vocational Rehabilitation Services at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the first time.

CHANGE OF ZONE 10001 HP - APPLICATION OF KAROLYN HOWARD TO DESIGNATE THE TUTTLE SCHAUPP HOUSE LOCATED AT 3008 O STREET AS A HISTORIC LANDMARK. (RELATED ITEMS: 10-17, 10R-63) - CLERK read an ordinance, introduced by Jayne Snyder, 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.

SPECIAL PERMIT 10001 - HISTORIC PRESERVATION APPLICATION OF KAROLYN HOWARD TO ADJUST THE PARKING AND YARD REQUIREMENTS FOR THE TUTTLE-SCHAUPP HOUSE GENERALLY LOCATED AT 3008 O STREET. (RELATED ITEMS: 10-17, 10R-63) (ACTION DATE: 3/8/2010)

CHANGE OF ZONE 10002 - AMENDING SECTION 27.63.110 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS FOR GARDEN CENTERS TO CLARIFY THAT GARDEN CENTERS ARE A PERMITTED SPECIAL USE IN THE R-2 ZONING DISTRICT, TO INCLUDE THE B-2, H-1, H-4, I-2 AND I-3 DISTRICTS TO THE LIST OF DISTRICTS THE LAND FOR THE GARDEN CENTER MUST BE ADJACENT TO; TO CLARIFY THAT THE 100-FOOT SETBACK FOR BUILDINGS AND PARKING LOTS FROM ALL EXTERIOR LOT LINES IS LIMITED TO THE AG AND AGR DISTRICTS; AND TO CORRECT THE DISTRICTS LISTED IN SUBSECTION (E) TO CORRECTLY REFLECT THE TITLE OF SECTION 7.5 IN CHAPTER 3.50 OF THE CITY'S DESIGN STANDARDS FOR ZONING REGULATIONS - CLERK read an ordinance, introduced by Jayne Snyder, amending Section 27.63.110 of the Lincoln Municipal Code relating to Special Permits for Garden Centers to clarify that garden centers are a permitted special use in the R-2 zoning district, to include the B-2, H-1, H-4, I-2 and I-3 districts to the list of districts the land for the garden center must be adjacent to; to clarify that the 100-foot setback for buildings and parking lots from all exterior lot lines is limited to the AG and AGR districts; to correct the districts listed in subsection (e) to correctly reflect the title of Section 7.5 in Chapter 3.50 of the City's Design Standards for Zoning Regulations; and repealing Section 27.63.110 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF LINCOLN, THE LINCOLN PARKS FOUNDATION AND THE UNF CHARITABLE GIFT FUND TO ACCEPT A \$1.5 MILLION DONATION FOR THE CONSTRUCTION AND ENDOWMENT OF UNION PLAZA, TO NAME THE PARK AS "UNION PLAZA", AND TO NAME THE FOUNTAIN AS THE "DEAN AND PAT MUHLEISEN MEMORIAL FOUNTAIN", ON PROPERTY GENERALLY LOCATED AT NORTH 21ST STREET AND P STREET - CLERK read an ordinance, introduced by Jayne Snyder, that the attached Grant Agreement between the UNF Charitable Gift Fund, the Lincoln Parks Foundation, and the City of Lincoln on behalf of the Parks and Recreation Department for the Distribution of \$1,500,000.00 for construction and endowment of a public park located on the east side of the University of Nebraska-Lincoln City Campus, upon the terms and conditions as set forth in said Agreement on behalf of the City, the first time.

**ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)**

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND SLICK GRAPHIX FOR THE LEASE OF OFFICE SPACE BY THE AGING PARTNERS (FORMERLY THE LINCOLN AREA AGENCY ON AGING/LIFE) FOR ITS AGING PARTNERS PERSONAL & FAMILY SERVICES PROGRAM AT 370 FIFTH STREET, DAVID CITY, NE 68632 FOR A TERM OF MARCH 1, 2010 THROUGH FEBRUARY 28, 2011 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Slick Graphix for the lease of office space by the Aging Partners for its Aging Partners Personal & Family Services program located at 370 Fifth Street, David City, NE 68632, for a term of March 1, 2010 through February 28, 2011, the third time.

COOK Moved to pass the ordinance as read.  
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.  
The ordinance, being numbered #19345, is recorded in Ordinance Book #26, Page

ADOPTING AN AMENDED AND RESTATED CITY OF LINCOLN EMPLOYEES' RETIREMENT PLAN AND TRUST FOR CIVILIAN (NON-UNIFORMED SERVICE) EMPLOYEES PROVIDING FOR A CHANGE IN EMPLOYER CONTRIBUTIONS FOR EMPLOYEES HIRED AFTER A DATE CERTAIN AND ADOPTING IRS INTERIM AMENDMENTS NOS. 1 AND NO. 2. (10/5/09 - ACTION DELAYED WEEKLY TO 2/8/2010) - PRIOR to reading:

SNYDER Moved to delay action of Bill No. 09-132 one week to 3/01/2010.  
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

CLERK Read an ordinance, introduced by Jane Snyder, adopting an amended and restated version of the City of Lincoln Employees' Retirement Plan and Trust to provide that the employer contribution for employees hired on or after November 4, 2010 will be an amount equal to 3% of an employee's compensation up to and including \$4,800.00 plus 6% of his or compensation in excess of \$4,800.00 plus 6% of his or compensation in excess of \$4,800.00; to adopt Interim Amendment No. 1 relating to final IRS regulations under Internal Revenue Code Section 415 and

Section 411(d)(6); and to adopt Interim Amendment No. 2 relating to the plan qualification requirements under the Pension Protection Act of 2006 (PPA) and other I.R.S. guidance; and to repeal Ordinance No. 17685 as hitherto existing, the third time.

**OPEN MICROPHONE**

Mike Morosin, 1500 N. 15<sup>th</sup> St., came forward to report that without a home phone, City departments may have a difficult time reaching him to re-schedule a meeting in response to his questions at the January 11 Council Meeting regarding City Wheel Tax. Council Chair Emery clarified that attempts were made to contact him with answers and it was suggested that Mr. Morosin set up a date and time to do so following today's Council meeting.

This matter was taken under advisement.

Ernestine Charleen Dixon, 6413 N. 107<sup>th</sup> Ct., Omaha, came forward to speak on behalf of her claim against the City that involved costs and damages related to her impounded vehicle.

Rick Peo, Asst. City Attorney, came forward to advise Council that Ms. Dixon had missed her opportunity to speak on an item which already had Council action this day.

Council Chair Emery asked Ms. Dixon to address a letter of her plight to the City Council so the issue can be given opportunity for reconsideration next week.

This matter was taken under advisement.

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP            Moved to extend the Pending List to March 1, 2010.  
                    Seconded by Cook & carried by the following vote: AYES: Camp, Carroll,  
Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

**UPCOMING RESOLUTIONS**

CAMP            Moved to approve the resolutions to have Public Hearing on March 1,  
2010.  
                    Seconded by Cook & carried by the following vote: AYES: Camp, Carroll,  
Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

**ADJOURNMENT    6:31 P.M.**

CAMP            Moved to adjourn the City Council meeting of February 22, 2010.  
                    Seconded by Cook & carried by the following vote: AYES: Camp, Carroll,  
Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant