

AGENDA

MONDAY, MARCH 1, 2010, 3:00 P.M.
BOARD OF EQUALIZATION HEARING

- 1) ELECTION OF CHAIR
- 2) READING OF OPENING STATEMENT BY CHAIR PERSON
CITY CLERK READS ITEMS 3 AND 4 INTO THE RECORD
- 3) SIDEWALK DISTRICT 95 - Various locations throughout the City
- 4) SEWER DISTRICT 1183 along the south side of L Street from Christensen Court to the east approximately 170 feet.
- 5) PRESENTATION BY PUBLIC WORKS
- 6) PUBLIC TESTIMONY
- 7) VOTING SESSION
- 8) ADJOURNMENT (Sine die or must set another date and time.)

THE MINUTES OF THE BOARD OF EQUALIZATION HELD
MONDAY, MARCH 1, 2010 AT 3:00 P.M.

The Board of Equalization met at 3:00 p.m. in the City Council Chambers of the County-City Building in Lincoln, Nebraska as required by law.

Members Present: Jon Camp, Eugene Carroll, Jonathan Cook, Doug Emery, Adam Hornung, Jane Snyder, John Spatz.

EMERY Our first order of business is to select a chair.
CAMP I nominate Doug Emery.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

EMERY Took the Chair and proceeded with the reading of the procedures to be followed for public hearing on matters presented to the Board, with a brief explanation of the procedures. Council Chair Emery announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door.

PUBLIC HEARING

SIDEWALK DISTRICT 95 - various locations throughout the City.

Harry Kroos, Public Works & Utilities, came forward to state this was created by Ordinance 19047 in March 3, 2008. The project received notice to proceed November 11, 2008. It actually didn't get started until Spring of 2009. Contract work was completed October 7, 2009. It impacted 25 individual property owners. There was also some City property impacted, 6400 Normal Boulevard along Holmes Park Dam by the Park Shop the sidewalks were completed. The cost was \$21,400 for that portion to be subsidized by General Fund. There was additional City cost of \$45,038 for the completion of several segments across City Rights-of-way, relocation of water hydrants, relocation of several LES street light poles and some other associated reconstruction work. He was available for questions.

SEWER DISTRICT 1183 along the south side of L Street from Christensen Court to the east approximately 170 feet.

Holly Lionberger, Public Works & Utilities, came forward to talk about Sewer District 1183 along L Street at about 37th Street. This district was created on May 5, 2008 at the request of Dave Bridger one of the adjacent property owners. The sanitary sewer district has a maximum assessment of \$34.00 per front foot with the rest of the cost being subsidized by the City. This was constructed by K-2 Construction. The work was accepted by the City on May 19, 2009. The total cost of this project was just over \$50,000 and the total assessed amount to the three property owners is just short of \$12,000.

VOTING SESSION

SIDEWALK DISTRICT 95 - various locations throughout the City;
SEWER DISTRICT 1183 - along the south side of L Street from Christensen Court to the east approximately 170 feet.

CAMP Moved approval of both districts.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

3:06 P.M.

CAMP Moved to adjourn Sine Die the Board of Equalization meeting.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MARCH 1, 2010 AT 3:00 P.M.

The Meeting was called to order at 3:06 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

SPATZ Having been appointed to read the minutes of the City Council proceedings of February 22, 2010 reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Beutler came forward to present the January 2010 Mayor's Award of Excellence to Jim Chiles, Superintendent of Fleet Services for Public Works & Utilities Department, in the category of Loss Prevention for his efforts to save the City money in the area of street sweeping equipment. The City currently has six street sweepers. Because of the \$250,000 replacement cost for one sweeper one of the six is now leased which costs \$60,000 per year for three years. Jim learned the Elgin Sweeper Company was offering a guaranteed reconditioning program for \$60,000 per vehicle which would extend the life of each of the five remaining vehicles for three years. This program saves the City \$120,000 per vehicle over a three year period. The total savings would be \$600,000 over the next six years and 15 more years of use for the current sweeper fleet. These savings are a result of Jim's commitment to the community and the City.

Scott Opfer, Street and Traffic Operations Manager, stated that as public servants we have a tremendous responsibility to provide the best possible service and do it in the manner that will make the best use of every tax dollar we have. So a \$600,000 savings over the course of five years is huge. Thank you to Jim. It is well deserved.

Chair Person Emery thanked Scott and his crew for the good work they have done during this long winter of discontent.

PUBLIC HEARING

APPLICATION OF SHANGHAI KING LLC DBA SHANGHAI KING FOR A CLASS I LIQUOR LICENSE AT 3940 VILLAGE DRIVE;

MANAGER APPLICATION OF HONG T. DO FOR SHANGHAI KING LLC DBA SHANGHAI KING AT 3940 VILLAGE DRIVE - Hong T. Do, 3940 Village Drive, took the oath and was available to answer questions.

This matter was taken under advisement.

APPLICATION OF BIN 105 INC. DBA BIN 105 FOR A CLASS C LIQUOR LICENSE AT 105 NORTH 8TH STREET, SUITE 101;

MANAGER APPLICATION OF STEVEN L. BLAZEK FOR BIN 105 INC. DBA BIN 105 AT 105 NORTH 8TH STREET, SUITE 101 - Steve Blazek, 3636 S. 37th Street, took the oath and was available to answer questions.

John Spatz, Council Member, stated in our sheet it says investigations were made under the application of BIU 105.

Mr. Blazek, stated the State Patrol made the mistake due to his handwriting, but it is BIN 105.

This matter was taken under advisement.

APPLICATION OF BWZ, LLC DBA PLAYMAKERS FOR A CLASS C LIQUOR LICENSE AT 640 WEST PROSPECTOR COURT;

MANAGER APPLICATION OF ROGER E. WESTERHOLD FOR BWZ, LLC DBA PLAYMAKERS AT 640 WEST PROSPECTOR COURT - Michael Rierden, 645 "M" Street, Suite 200, and Roger Westerhold, came forward to take the oath and to answer questions.

Michael Rierden stated Russ Fosler brought it to his attention an incident in 2004 or 2005 when Roger was cited for an open container possession which was an oversight not listing it on the application. He is to take the Responsible Hospitality course in March. This is merely a change in ownership. The previous owners have had some problems at this location, but the new owners are hoping to rectify these problems.

Jonathan Cook stated criminal history for Roger's wife was listed, but she is not going to be a part of this business.

Mr. Rierden stated she did sign the espousal affidavit saying she is not participating in the business at all.

Russ Fosler, Police Department, came forward to state he is comfortable with this application.

This matter was taken under advisement.

APPLICATION OF BARBARA JORDAN DBA OUTPOST TAVERN FOR A CLASS C LIQUOR LICENSE AT 2834 FOLSOM STREET - Barbara Jordan, 2834 Folsom Street, came forward to take the oath and to answer questions.

Jon Camp, Council Member, stated the reason Ms. Jordan is before the Council is that she has been annexed into the City and has an existing license.

Ms. Jordan stated she has been in business for 18 years.

This matter was taken under advisement.

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 - Todd Hall, Vice President of Consumer Services for LES, came forward to request a change to the code requiring the notice of termination of services for non-payment to be posted to the front entrance only. Communication to the consumer will not be changed which they are contacted at least four times and up to six notices. It is estimated that it will add 600 to 1200 man hours back into the labor pool to do other work by eliminating the posting of a notice to the back entrance. It is also a safety issue. The notices were a fluorescent color several years ago, but the public took offense that people in the neighborhood would know they had been disconnected so LES went to a white notice to be more community sensitive. For master meter apartments the owner is given a three day notice they will be disconnected for non-payment and each tenant is notified that the building owner is delinquent on their payment and will be disconnected.

Larry Byrnes, Operations Manager for Black Hill Energy, stated this code change will not change the communication process currently used with the customers. Accessibility issues and staff safety in attempting to gain access to a rear location are reasons for the request of change to the code. The final notices are yellow, but in the winter when they cannot shut off the customer from November 1st to March 1st the notice posted is white. Four notices are sent and a phone call is made before the gas is shut off.

This matter was taken under advisement.

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 - Dan Cain, Urban Development, Workforce Investment Manager, stated this is a renewal by Vocational Rehabilitation Services for their space at the One Stop. They have been there since 2000. They are a good partner, a good organization to have, and they are happy to have them back.

This matter was taken under advisement.

CHANGE OF ZONE 10001 HP - APPLICATION OF KAROLYN HOWARD TO DESIGNATE THE TUTTLE SCHAUPP HOUSE LOCATED AT 3008 O STREET AS A HISTORIC LANDMARK;
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 - Ed Zimmer, Planning Department, stated this is often referred to as the American Four Square or Prairie Box type home from the 1900's on a very prominent corner of 30th & O Street. This is a request to adjust the parking requirement from 11 to 8 and to continue to use an existing building already on the property, a garage. This garage is properly located for a residential garage, but not properly located if they were to build a new commercial storage unit so will continue to use as part of their overall operation.

Karolyn Howard, came forward to request approval of these applications.

This matter was taken under advisement.

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 - Mike Eckert, Civil Design Group, the official applicant for these changes. Planning Department felt there were several things in this text needed to be cleaned up. They felt this was an appropriate change so the project will be able to go forward.

Steve Henrichsen, Planning Department, explained that B-1 and B-3 are found primarily in older neighborhoods. B-2 is found in the newer neighborhoods that is a little bit different in terms of uses allowed. H-1 is a district only allowed along the Interstate and has just four or five uses allowed. H-2 & H-3 are found generally in highway areas and includes O Street which has a more heavy commercial use allowed. H-4 is also a heavier commercial district and one found in newer neighborhoods as well. I-1 is the heaviest commercial district, I-2 is a light industrial district, I-3 is the newest zoning district called the employment center district purposely meant to have a mix of office, retail, and light industrial all in one setting. This is where Nebraska Nursery was originally.

Mr. Eckert placed a map on the ELMO to show the area previously platted for townhomes which the garden center will front to the B-2 area and access the parking. These areas must have access to an arterial street. The B-2 was added and a lot of screening will be done in this area of which the neighbors are fine with these changes.

This matter was taken under advisement.

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 - Lynn Johnson, Director of Parks & Recreation, came forward to show drawings of the area the \$1,500,000 gift from Angie Muhleisen will be used and to answer questions.

Jane Snyder, Council Member, stated the Parks and Recreation Board and the Parks and Recreation Foundation have done a wonderful job of fund raising for this area.

This matter was taken under advisement.

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$32,879.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES (ROUND 31) - Doug Emery, Council Chair, stated that by law twice a year the Keno Board is to set aside money to be given to agencies in Lincoln.

This matter was taken under advisement.

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND THE THREE SELECTED VENDORS, MURPHY TRACTOR, NCS EQUIPMENT RENTAL, AND HAMILTON EQUIPMENT FOR EQUIPMENT AND ACCESSARY RENTAL ON AN AS-NEEDED BASIS - Bob Walla, Assistant Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY, LANCASTER COUNTY, AND THE VILLAGE OF BENNET FOR THE OPERATION OF A KENO LOTTERY IN BENNET - Bill Harvey, General Counsel for Big Red Keno, came forward to state this is an interlocal agreement for the operation of a Keno location in the Village of Bennet. There would be a 2% override paid by Lincoln/ Lancaster County to the Village of Bennet and the remaining proceeds would be split with Lancaster County. The City of Lincoln is the administrator. 14% of all the Keno wagers would be paid to the City of Lincoln for dispersal among the various bodies; 2% goes to the State, 2% goes to the Village of Bennet just from this one location, 1% will come directly to the City for their expenses and the remaining will be split 70/30 with the County.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE JOINT CITY-COUNTY THREE-YEAR AGREEMENT WITH THOMSON WEST FOR ELECTRONIC LEGAL RESEARCH FOR THE PERIOD OF JULY 1, 2008 THROUGH JUNE 30, 2011, TO INCREASE THE NUMBER OF AUTHORIZED ATTORNEYS FROM 65 TO 70 - Rod Confer, City Attorney, stated the City cooperates with the County Attorney's office in the contract for computerized legal research with West Publishing Company. This contract is necessary because the County Attorney's office has added five attorneys which puts them in another category for the license with the publishing company. The additional cost will be paid by the County.

This matter was taken under advisement.

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$51,000.00 WITHIN THE PARKS AND RECREATION CIP FUND TO THE MAHONEY GOLF COURSE CLUBHOUSE TO MAKE RESTROOMS AND EXTERIOR WALKWAYS ACCESSIBLE - Lynn Johnson, Director of Parks & Recreation, stated they are working on two projects. One of them is to make the restrooms and some walkway improvements around the building at Mahoney Golf Course to be more accessible for a cost of \$40,000. The remaining \$11,000 will be used at Holmes Golf Course to repair a leaky roof and some interior damage from the leak.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING MARY REECE, TAKAKO OLSON AND ANITRA WARRIOR TO THE LINCOLN COMMISSION ON HUMAN RIGHTS FOR THREE-YEAR TERMS EXPIRING ON DECEMBER 31, 2012 - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption:

A-85740 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Mary Reece, Takako Olson and Anitra Warrior to the Lincoln Commission on Human Rights for a three-year term expiring December 31, 2012, is hereby approved.

Introduced by Jane Snyder

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

APPOINTING MITCHELL PAINE TO THE STARTRAN ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING OCTOBER 20, 2012 - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption:

A-85741 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Mitchell Paine to the StarTran Advisory Board for a three-year term expiring October 20, 2012, is hereby approved.

Introduced by Jane Snyder

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

APPOINTING MICHAEL THOMPSON TO THE CITIZEN POLICE ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING NOVEMBER 17, 2012 - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption:

A-85742 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Michael Thompson to the Citizen Police Advisory Board for a three-year term expiring November 17, 2012, is hereby approved.

Introduced by Jane Snyder

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

RESOLUTION APPROVING THE INVESTMENT ACTIVITY REPORT FOR THE QUARTER ENDING, NOVEMBER 30, 2009 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85743 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 John Spatz

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

2009 ANNUAL REPORT AND RECOMMENDATIONS FOR COMBINED WEED PROGRAM - CLERK presented said report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone 10003 - Request of Mark Hunzeker, from R-5 to B-3 on property legally described as Lot 6, Block 3, Electric Park Addition; from R-5 to O-2 on property legally described as Lots 7 & 8, Block 3, Electric Park Addition; from R-2 to B-3 on property legally described as Lots 14 & 15, Maxwells Addition; and from R-2 to O-2 on property legally described as Lot 13, Maxwells Addition located at northwest corner of S. 16th Street and South Street.

Special Permit 10005 - Requested by Camp Sonshine for a recreational facility on property located at S. 25th Street and Bennet Road.

Special Permit 10006 - Requested by Chris Thompson, for expansion of a nonconforming use, on property at 322 N. 29th Street.

Special Permit 10007 - Requested by Hamann Meadows Townhomes, LLC, Hamann Meadows Community Unit Plan, for 44 attached single-family dwelling units with an adjustment to setbacks on property generally located at Pioneers Boulevard and Lucile Drive.

Special Permit 10008 - Requested by B&J Partnership for the authority to sell alcoholic beverages for consumption off the premises on property located at S. 16th Street and South Street.

Special Permit 10009 - Requested by Walgreen Company for the authority to sell alcoholic beverages for consumption off the premises on property located at N. 48th Street and Huntington Avenue.

Special Permit 10010 - Requested by Walgreen Company for the authority to sell alcoholic beverages for consumption off the premises on property located at N. 84th Street and Northern Lights Drive.

Special Permit 10011 - Requested by Walgreen Company for the authority to sell alcoholic beverages for the consumption off the premises on property located at S. 70th Street and O Street.

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

Administrative Amendment No. 09077 to Combined Use Permit/Special Permit No. 18, approved by the Planning Director on February 16, 2010, requested by Hampton Enterprises, Inc., to adjust the lot line between Lots 2 and 3 in Lincolnshire Square 2nd Addition and to amend the floor area and parking table accordingly, on property generally located southeast of the intersection of S. 70th St. and "A" St.

SETTING THE HEARING DATE OF MONDAY, MARCH 8, 2010 AT 3:00 P.M. FOR THE APPLICATION OF D.L. COLE, INC. DBA THE ISLES PUB & PIZZA FOR A CLASS D LIQUOR LICENSE LOCATED AT 6242 HAVELOCK AVENUE - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85744 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 Street, Lincoln, NE, for Application of D.L. Cole, Inc. dba The Isles Pub & Pizza for a Class D liquor license located at 6242 Havelock Avenue.

Introduced by John Spatz

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

SETTING THE HEARING DATE OF MONDAY, MARCH 8, 2010 AT 3:00 P.M. FOR THE APPLICATION OF A.S. HOSPITALITY, INC. DBA CAPITAL CITY GRILL FOR ADDING A CLASS K CATERING TO A CLASS C LIQUOR LICENSE LOCATED AT 301 N. 8TH STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85745 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 Street, Lincoln, NE, for Application of A.S. Hospitality, Inc. dba Capital City Grill for adding a Class K catering to a Class C liquor license located at 301 N. 8th Street.

Introduced by John Spatz

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

LIQUOR RESOLUTIONS

APPLICATION OF SHANGHAI KING LLC DBA SHANGHAI KING FOR A CLASS I LIQUOR LICENSE AT 3940 VILLAGE DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85746 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 Shanghai King LLC dba Shanghai King for a Class "I" liquor license at 3940 Village Drive, Lincoln, Nebraska, for the license period ending April 30, 2010, 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. The premise 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 Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

MANAGER APPLICATION OF HONG T. DO FOR SHANGHAI KING LLC DBA SHANGHAI KING AT 3940 VILLAGE DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85747 WHEREAS, Shanghai King LLC dba Shanghai King located at 3940 Village Drive, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Hong T. Do be named manager;

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

APPLICATION OF BIN 105 INC. DBA BIN 105 FOR A CLASS C LIQUOR LICENSE AT 105 NORTH 8TH STREET, SUITE 101 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85748 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 Bin 105 Inc. dba Bin 105 for a Class "C" liquor license at 105 North 8th Street, Suite 101, Lincoln, Nebraska, for the license period ending October 31, 2010, 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. The premise 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 Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

MANAGER APPLICATION OF STEVEN L. BLAZEK FOR BIN 105 INC. DBA BIN 105 AT 105 NORTH 8TH STREET, SUITE 101 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85749 WHEREAS, Bin 105 Inc. dba Bin 105 located at 105 North 8th Street, Suite 101, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Steven L. Blazek be named manager;

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

APPLICATION OF BWZ, LLC DBA PLAYMAKERS FOR A CLASS C LIQUOR LICENSE AT 640 WEST PROSPECTOR COURT - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85750 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 BWZ, LLC, dba

Playmakers for a Class "C" liquor license at 640 West Prospector Court, Lincoln, Nebraska, for the license period ending October 31, 2010, 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. The premise 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 Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

MANAGER APPLICATION OF ROGER E. WESTERHOLD FOR BWZ, LLC DBA PLAYMAKERS AT 640 WEST PROSPECTOR COURT - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85751 WHEREAS, BWZ, LLC, dba Playmakers located at 640 West Prospector Court, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Roger E. Westerhold be named manager;

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

APPLICATION OF BARBARA JORDAN DBA OUTPOST TAVERN FOR A CLASS C LIQUOR LICENSE AT 2834 FOLSOM STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85752 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 Barbara Jordan dba Outpost Tavern for a Class "C" liquor license at 2834 Folsom Street, Lincoln, Nebraska, for the license period ending October 31, 2010, 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. The premise 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 Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ORDINANCES - 2ND 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 second 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 second 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 second 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 second 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 second 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 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 FEBRUARY 1 - 15, 2010 - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption:
- A-85753 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 16, 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> | | <u>ALLOWED/SETTLED CLAIMS</u> | |
|----------------------|----------|------------------------------------|------------|
| Walter C. Osmon Jr. | NAS* | Nationwide Insurance | |
| Casey Pfeiffer | \$ 74.85 | (Anthony and April Sanna, Insured) | \$3,585.00 |
| Leigh Stepanek | 299.07 | Lamar Outdoor Advertising | 2,400.00 |
| Ron Gustafson | 269.99 | Jon Jeter | 260.94 |
| | | Drew Clausen & Michelle McCarthy | 750.00 |
| | | Tyler J. Sweeney | 4,524.57 |
| | | Rick Nider | 3,585.93 |
| | | Lenae R. Kearns | 555.19 |
| | | Clarence Ethridge | 3,682.74 |
| | | Black Hills Energy | 791.46 |
| | | Roy Kaohn | 430.00 |
| | | James Lefler | 2,069.69 |

* 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 Jane Snyder

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

- APPROVING APPROPRIATIONS IN THE AMOUNT OF \$32,879.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES (ROUND 31) - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption:
- A-85754 WHEREAS, Resolution No. A-75378 provides that five percent of the gross proceeds realized by the City of Lincoln from the operation of a keno lottery shall be designated for such human services as may be recommended and approved by the Joint Budget Committee, City Council and Lancaster Board of Commissioners; and
- WHEREAS, the Joint Budget Committee has recommended that the City Council and Lancaster County Board of Commissioners approve the designation of \$32,879.00 from said gross funds for the human services listed in Attachment "A" (Keno Prevention Fund Round 31) attached hereto and incorporated herein by reference.
- NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

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The designation of the \$32,879.00 from gross funds from the operation of keno lottery for the human services listed in Attachment "A" is hereby approved and the Mayor is authorized to enter into grant contracts with the respective agencies providing said human services.

Introduced by Jane Snyder

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

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND THE THREE SELECTED VENDORS, MURPHY TRACTOR, NCS EQUIPMENT RENTAL, AND HAMILTON EQUIPMENT FOR EQUIPMENT AND ACCESSARY RENTAL ON AN AS-NEEDED BASIS - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption:

A-85755

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

That the three attached contracts between the City of Lincoln, Lancaster County, the Lincoln Lancaster County Public Building Commission and Murphy Tractor & Equipment Co., Inc., NCS Equipment, Inc., and Hamilton Equipment Co., for equipment and accessory rental for all City of Lincoln Departments as needed, pursuant to Bid No. 09-279, for a two-year term with the option to renew for one additional two-year term, upon the terms as set forth in said contracts, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jane Snyder

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY, LANCASTER COUNTY, AND THE VILLAGE OF BENNET FOR THE OPERATION OF A KENO LOTTERY IN BENNET - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption:

A-85756

WHEREAS, the parties hereto are governmental subdivisions of the State of Nebraska and are public agencies for the purposes of the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801 et seq. (Cum. Supp. 2002); and

WHEREAS, the Interlocal Cooperation Act permits any two or more public agencies to enter into agreements with one another for joint or cooperative action; and

WHEREAS, the City of Lincoln, Lancaster County, and the Village of Bennet are agreeable to allow the establishment and operation of Keno satellite facilities in the Village of Bennet under the Lincoln Keno lottery; and

WHEREAS, the City of Lincoln, Lancaster County, and Village of Bennet have set out their agreement in what is marked as Attachment "A" and made a part hereof as if set out fully.

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

That the attached Interlocal Agreement between the City of Lincoln, Lancaster County, and the Village of Bennet to provide for the establishment and operation of Keno satellite locations in the Village of Bennet, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return one fully executed copy of the Agreement to the Mark Leikam in the Finance Department for transmittal to the Village of Bennet.

Introduced by Jane Snyder

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

APPROVING AN AMENDMENT TO THE JOINT CITY-COUNTY THREE-YEAR AGREEMENT WITH THOMSON WEST FOR ELECTRONIC LEGAL RESEARCH FOR THE PERIOD OF JULY 1, 2008 THROUGH JUNE 30, 2011, TO INCREASE THE NUMBER OF AUTHORIZED ATTORNEYS FROM 65 TO 70 - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption:

A-85757

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

That the amendment to the three-year Agreement between Thomson West and the City of Lincoln, Nebraska for computerized legal research, previously adopted by Resolution No. A-84915, in accordance with the terms and conditions contained in said amendment, is hereby approved and the Mayor is authorized to execute the same and any related amendments on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to Steve Huggenberger, Assistant City Attorney, for transmittal to Thomson West.

Introduced by Jane Snyder

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

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$51,000.00 WITHIN THE PARKS AND RECREATION CIP FUND TO THE MAHONEY GOLF COURSE CLUBHOUSE TO MAKE RESTROOMS AND EXTERIOR WALKWAYS ACCESSIBLE - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption:

A-85758

A RESOLUTION authorizing the transfer of appropriations within the Parks and Recreation Department CIP fund to provide funding for work at the Mahoney Golf Course Clubhouse to make restrooms and exterior walkways accessible and for the repair of the roof and associated interior water damage at Holmes Golf Course Clubhouse in the amount of \$51,000.00.

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

That the transfer of appropriations in the amount of \$51,000.00 for reallocation to various accounts in the Parks and Recreation Department budget as set out below is approved and the Finance Director is authorized to make such transfers on passage of this resolution:

FROM

409316.6138	Hard Surface Repairs	\$10,700.00
409439.6138	Irrigation System	10,700.00
409320.6137	Parks Landscape	3,600.00

409390.5621	Oak Lake Park Master Plan	16,000.00
409371.6138	Backflow Compliance	10,000.00
Total		\$51,000.00

TO

409126.6131	Clubhouse Maintenance	\$40,000.00
409126.6132	Clubhouse Maintenance	11,000.00
Total		\$51,000.00

Introduced by Jane Snyder

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

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

CREATING IMPROVEMENT DISTRICT NO. 188 FOR THE PURPOSE OF ACQUIRING EASEMENTS AND ADDITIONAL RIGHT-OF-WAY NECESSARY, BY NEGOTIATION AND PURCHASE OR BY CONDEMNATION IF NECESSARY, FOR THE CONSTRUCTION AND FUTURE MAINTENANCE OF PUBLIC WATER MAINS, SANITARY SEWER AND PAVING FROM THE INTERSECTION OF BETTY LOU BLVD. AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AND AUGUSTA DRIVE, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by John Spatz, creating Improvement District No. 188, defining the limits thereof, designating the improvements to be made therein, designating the property to be benefitted, providing for the payment of the cost thereof, providing for the acquisition of title, by purchase or by condemnation proceedings, to the lands and lots necessary for the completion of the improvements therein, and repealing all ordinances and parts of the ordinances in conflict herewith, the first time.

CREATING PAVING DISTRICT NO. 2630 FOR THE PURPOSE OF PAVING GLYNOAKS DRIVE FROM THE INTERSECTION OF BETTY LOU BLVD. AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AT AUGUSTA DRIVE AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by John Spatz, creating Paving District No. 2630, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and laying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING WATER DISTRICT NO. 1202 FOR THE PURPOSE OF CONSTRUCTING WATER MAINS FROM THE INTERSECTION OF BETTY LOU BLVD. AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AT AUGUSTA DRIVE AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by John Spatz, creating Water District No. 1202, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, 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.

CREATING SEWER DISTRICT NO. 1186 FOR THE PURPOSE OF CONSTRUCTING SANITARY SEWER MAINS FROM THE INTERSECTION OF BETTY LOU BLVD. AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AT AUGUSTA DRIVE AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by John Spatz, creating Sewer District No. 1186, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, 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.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CHANGING THE TITLE AND PAY RANGE OF PUBLIC WORKS SPECIAL PROJECT ADMINISTRATOR TO PUBLIC WORKS LIAISON AND COMPLIANCE ADMINISTRATOR - CLERK read an ordinance, introduced by John Spatz, amending Section 1 of Ordinance No. 18971 passed August 6, 2007, 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 title and pay range of the job classification "Public Works Special Project Administrator" within the M03 pay range to "Public Works Liaison and Compliance Administrator" within the M02 pay range, the first time.

AMENDING CHAPTER 5.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO DANCES BY AMENDING SECTION 5.20.010 TO LOWER THE AGE IN THE DEFINITION OF "MINOR" FROM NINETEEN YEARS OF AGE TO EIGHTEEN YEARS OF AGE; AMENDING SECTION 5.20.100 TO REQUIRE THE PARENT OR LEGAL GUARDIAN ACCOMPANYING A MINOR TO A PUBLIC DANCE TO REMAIN ON THE PREMISES DESIGNATED IN THE PUBLIC DANCE PERMIT AT ALL TIMES SAID MINOR IS PRESENT AND STRIKING SUBSECTION (B) OF SAID SECTION 5.20.100 TO MAINTAIN CONSISTENCY WITH CHAPTER 5.20 AS AMENDED; AND ADDING A NEW SECTION NUMBERED 5.20.140 TO ESTABLISH A SEVERABILITY SECTION FOR CHAPTER 5.20 - CLERK read an ordinance, introduced by John Spatz, amending Chapter 5.20 of the Lincoln Municipal Code relating to Dances by amending Section 5.20.010 to lower the age in the definition of "minor" from nineteen years of age to eighteen years of age; amending Section 5.20.100 to require the parent or legal guardian accompanying a minor to a public dance to remain on the premises designated in the public dance permit at all times said minor is present and striking subsection (b) of said Section 5.20.100 to maintain consistency with Chapter 5.20 as amended; adding a new section numbered 5.20.140 to establish a severability section for Chapter 5.20; and repealing Sections 5.20.010, 5.20.040, and 5.20.100 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD 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 91st Street and Heritage Lakes Drive, the third time.

HORNUNG 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 #19346, is recorded in Ordinance Book #26, Page

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

A-85759 WHEREAS, Andermatt, LLC has submitted an application designated as Special Permit No. 09029 for authority to develop Heritage Lakes Drive Multi-Family Community Unit Plan consisting of 270 dwelling units, together with requests to reduce the parking requirement from 2 to 1.75 parking spaces per dwelling unit and adjust sign regulations to allow entrance signs to be located at alternate locations, on property generally located at South 91st Street and Heritage Lakes Drive, and legally described as:

The remaining portion of Outlot A, Heritage Lakes Early Childhood Development Center, an addition to the City of Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Beginning at the northeast corner of said Outlot A; thence south 00 degrees 54 minutes 48 seconds east (assumed bearing), a distance of 878.11 feet; thence south 19 degrees 17 minutes 46 seconds east, a distance of 73.13 feet to a point on the north right-of-way line of Heritage Lake Drive and the point of curvature of a 426.77 foot radius curve, concave to the south; thence westerly, along said curve and said north line, through a central angle of 02 degrees 04 minutes 18 seconds, an arc distance of 15.43 feet, the chord of said curve bears north 73 degrees 57 minutes 39 seconds west, a distance of 15.43 feet to the point of compound curvature of a 431.35 foot radius curve, concave to the south; thence westerly, along said curve and said north line, through a central angle of 08 degrees 33 minutes 09 seconds, an arc distance of 64.39 feet, the chord of said curve bears north 77 degrees 45 minutes 18 seconds west, a distance of 64.33 feet to the southeast corner of Lot 1, Heritage Lakes Early Childhood Development Center; thence north 17 degrees 50 minutes 40 seconds west, a distance of 53.78 feet to a corner of said Lot 1; thence north 06 degrees 23 minutes 12 seconds east, a distance of 168.58 feet to a corner of said Lot 1; thence north 83 degrees 55 minutes 34 seconds west, a distance of 155.82 feet to a corner of said Lot 1; thence south 76 degrees 04 minutes 26 seconds west, a distance of 163.31 feet to a corner of said Lot 1; thence south 13 degrees 55 minutes 34 seconds east, a distance of 249.50 feet to a corner of said Lot 1; thence south 63 degrees 04 minutes 54 seconds west, along said north line of Heritage Lake Drive, a distance of 408.86 feet; thence north 64 degrees 45 minutes 06 seconds west, a distance of 30.19 feet to a point on the east right-of-way line of South 91st Street and the point of curvature of a 935.00 foot radius curve, concave to the southeast; thence northerly, along said curve and said east line, through a central angle of 40 degrees 51 minutes 23 seconds, an arc distance of 666.73 feet, the chord of said curve bears north 05 degrees 36 minutes 25 seconds east, a distance of 652.69 feet to the point of compound curvature of a 282.00 foot radius curve, concave to the southeast; thence northeasterly, along said curve and said east line, through a central angle of 10 degrees 14 minutes 56 seconds, an arc distance of 50.44 feet, the chord of said curve bears north 31 degrees 09 minutes 37 seconds east, a distance of 50.38 feet to the point of reverse curvature of a 318.00 foot radius curve, concave to the northwest; thence northeasterly, along said curve and said east line, through a central angle of 05 degrees 20 minutes 30 seconds, an arc distance of 29.65 feet, the chord of said curve bears north 33 degrees 36 minutes 50 seconds east, a distance of 29.64 feet to the point of reverse curvature of a 930.00 foot radius curve, concave to the southeast; thence northeasterly, along said curve and said east line, through a central angle of 09 degrees 07 minutes 43 seconds, an arc distance of 148.17 feet, the chord of said curve bears north 35 degrees 30 minutes 26 seconds east, a distance of 148.02 feet; thence north 47 degrees 39 minutes 24 seconds east, along said east line of South 91st Street, a distance of 46.63 feet; thence north 46 degrees 39 minutes 36 seconds east, along said east line, a distance of 120.16 feet; thence north 36 degrees 29 minutes 04 seconds east, along said

east line, a distance of 38.52 feet to the point of curvature of a 935.00 foot radius curve, concave to the southeast; thence northeasterly, along said curve and said east line, through a central angle of 23 degrees 37 minutes 51 seconds, an arc distance of 385.63 feet, the chord of said curve bears north 64 degrees 29 minutes 24 seconds east, a distance of 382.90 feet to the point of beginning, containing an area of 499,737.59 square feet, 11.47 acres, more or less; and

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Andermatt, LLC, hereinafter referred to as "Permittee", to develop Heritage Lakes Drive Multi-Family Community Unit Plan consisting of 270 dwelling units, together with requests to reduce the parking requirement from 2 to 1.75 parking spaces per dwelling unit and to allow entrance signs to be located at alternate locations, on the property legally described above, be and the same are hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the LMC upon condition that construction and operation of said community unit plan be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 270 dwelling units, reduces the parking requirement in Lincoln Municipal Code § 27.67.065 from 2 to 1.75 spaces per dwelling unit, and adjusts Lincoln Municipal Code § 27.69.220 to allow entrance signs to be located at alternate locations
2. The City Council must approve the associated request for Change of Zone 09030.
3. Before receiving building permits or before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions and documents as listed below:
 - a. Consolidate all general notes from Sheets 1, 4 and 5 onto one sheet.
 - b. Label all setbacks on Sheet 4 as front, side or rear as appropriate.
 - c. Delete the labels on Sheet 4 identifying 'Proposed Heritage Lakes Drive Signage', and revise General Note #11 on Sheet 1 to state "SIGNS NEED NOT BE SHOWN ON THIS PLAN AND TO BE REVIEWED AT THE TIME OF SIGN PERMIT IN COMPLIANCE WITH LMC AND DESIGN STANDARDS EXCEPT AS ADJUSTED BY THIS SPECIAL PERMIT. IF LOT 2 IS DEVELOPED AS AN EXPANSION OF LOT 1, ONLY ONE SIGN SHALL BE ALLOWED AT THE DRIVE ENTRANCE AT THE INTERSECTION OF SOUTH 91ST STREET AND PINE LAKE ROAD."
 - d. Delete Sheet 3 of 5.
 - e. Revise the 'Waivers' statement on Sheet 1 to include: A-Waiver to required parking from 2 to 1.75 spaces per unit and the required space for the leasing office; B-Waiver to sign requirements to allow signs in alternate locations; C-Waiver to paving thickness as approved by Public Works.
 - f. Eliminate references to 'Use Permit' on Sheet 1, and substitute the name of the development for the applicant's name on all sheets.
 - g. Identify and show the approximate location of the common access easement across Lot 2 on both sheets 1 and 4, and add a label noting that a common access easement is granted across Lots 1 and 2.
 - h. Show the paving for the common access drive to Lot 2 extended to the north lot line of Lot 1.
 - i. Delete the parking summary and site design tables on Sheet 4 and add a general note that states 'PARKING SHALL BE PROVIDED IN COMPLIANCE WITH LMC AND DESIGN STANDARDS AT THE TIME OF BUILDING PERMIT EXCEPT AS ADJUSTED BY THIS SPECIAL PERMIT.'
 - j. Eliminate the building footprints and individual parking space detail, and show building envelopes instead. Add a general note that states "BUILDING ENVELOPES ARE CONCEPTUAL AND MAY BE ADJUSTED AT THE TIME OF BUILDING PERMIT."
 - k. Revise the recreation plan to the satisfaction of the Parks and Recreation Department.
1. Add a general note that states "ALL SCREENING, LANDSCAPING AND STREET TREES TO BE PROVIDED IN COMPLIANCE WITH LMC AND DESIGN STANDARDS AT THE TIME OF BUILDING PERMIT OR FINAL PLAT AS APPROPRIATE."
 - m. Delete General Notes 3 and 10 on Sheet 1.
 - n. Provide a revised grading and drainage plan to the satisfaction of Public Works.
 - o. Show a right-of-way stub dedication at the intersection of South 91st Street and Pine Lake Road to the satisfaction of Public Works.
 - p. Provide a paving study to justify alternate pavement thickness prepared by a licensed engineer to the satisfaction of Public Works.
 - q. Show a 10'-wide utility easement along South 91st Street.
 - r. Eliminate the curb and gutter plan from Sheet 4.
 - s. Provide a sidewalk layout to the satisfaction of the Planning Department.
 - t. Relocate the dog park to between Building 2 and Building 3.
4. Prior to the issuance of a building permit the construction plans

must substantially comply with the approved plans.

5. Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.

6. All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee.

7. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

8. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

9. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

10. The site plan as approved with this resolution voids and supersedes all portions of previously approved site plans covered by this special permit.

Introduced by Adam Hornung

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

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 third time.

HORNUNG 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 #19347, is recorded in Ordinance Book #26, Page

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 third time.

HORNUNG 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 #19348, is recorded in Ordinance Book #26, Page

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 third time.

HORNUNG 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 #19349, 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 3/08/2010.

Seconded by Spatz & 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%

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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 - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to March 8, 2010.
 Seconded by Spatz & 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 8,
2010.
 Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT 4:19 P.M.

CAMP Moved to adjourn the City Council meeting of March 1, 2010.
 Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

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