

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, MAY 9, 2011 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Spatz; Council Members: Camp, Carroll, Cook, Emery, Hornung, Snyder; City Clerk, Joan E. Ross.

Council Chair Spatz 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**

EMERY Having been appointed to read the minutes of the City Council proceedings of May 2, 2011 reported having done so, found same correct.

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

**OATH OF OFFICE**

CLERK Administered the Oath of Office to re-elected Mayor, Chris Beutler.

Mayor Beutler thanked all those that were in attendance to witness his Oath of Office. The Mayor then presented the Mayor's Medallion, a symbolic award given to people who do a great service to our community, to Councilman Spatz who is moving on to work with a higher level of the School Association and the State Legislature. He stated he has enjoyed working with Councilman Spatz the past four years who has been open to new ideas and new ways of doing things especially with the work on the Experian building. He extended best wishes for his success in the future.

**MAYOR'S AWARD OF EXCELLENCE**

Bethany Merchant provided the signing for the hearing impaired.

Mayor Chris Beutler presented the Mayor's Award of Excellence for April to Captain Jeffrey Hatcher employee of Lincoln Fire and Rescue Department since 1986 in the categories of Customer Relations, Loss Prevention, Productivity, and Safety for his organization of the Smoke Alarm Rally and for his work to provide smoke alarms for deaf and hard of hearing residents of Lincoln. Nominations were received from the President of the Nebraska Association of the Deaf, Nebraska Commission of Deaf & Hard of Hearing, and the Firefighters by Amber Wade. Jeff coordinated the effort to place 3,000 smoke alarms in the community which were purchased by grant funds. At rallies in August and October of last year Jeff and his volunteers placed 600 alarms in homes in the targeted areas of town. For the third rally he reached out to college students, 400 volunteers from Nebraska Wesleyan, UNL, and Southeast Community College, to install an additional 1500 alarms. Jeff determined that the deaf and hard of hearing community would not benefit from the standard smoke alarm so with Federal grant funds 200 homes received specialized fire protection and alert systems. One alarm emits a strobe light and another emits a low frequency tone and a vibration. Jeff is currently researching updated equipment for the hard of hearing. He is constantly working on the safety of human beings with passion.

Interim Chief John Huff, Lincoln Fire & Rescue, came forward to state how proud he is of what Jeff has done. He is not only an outstanding Fire & Rescue employee he is a great person as well.

Norm Weverka, Nebraska Association of the Deaf, stated it was an honor to be here to honor Captain Hatcher in helping with the deaf and hard of hearing community. Jeff discovered that many in the deaf community did not have smoke alarms, but now about 95% of them have smoke alarms in their homes and everyone is able to go to bed and rest easy knowing they will be safe.

Ben Sparks, Public Information Officer for the Commission of the Deaf and Hard of Hearing, stated that as a child of deaf adults I felt a great sense of relief and with hearing loss being an invisible disability Captain Hatcher's ability to pick up on that to identify that population and seek the right assistance to increase the safety of those homes was outstanding.

Jonathan Scherling, President of the Association for the Deaf stated that Captain Hatcher is a blessing in our lives. My family is deaf so to see what he has done and achieve is a relief that my family is now in safer hands. Other family and friends in the community are blessed to have you here.

**REGULAR MEETING**

**May 9, 2011**

**Page 250**

Jeff Hatcher came forward to say thank you for taking the time to recognize his efforts when there are many other City employees and firefighters that could be up here. He stated a couple high risk groups for fire and burn injury were targeted which was the deaf and hard of hearing, but also targeted was an area of the city where most fire activity is found which is around the State Capitol between the Capitol and Lincoln High School which is 90% rentals. Safe Kids donated \$5,000 and Walmart donated 500 smoke alarms. The federal grant supplied another 3,000 smoke alarms. Most of the work was done by many volunteers. There has been a lot of support from businesses and the general public to make this all happen. All of us together are making Lincoln a safer, greater place to live.

**PRESENTATION OF AWARD**

PRESENTATION OF AWARD TO DAVID LANDIS, DIRECTOR OF URBAN DEVELOPMENT DEPARTMENT BY NPZA & NE CHAPTER APA - Chad Nabity, President of Nebraska Planning & Zoning Assn., came forward to award to David Landis on behalf of the Nebraska Planning and Zoning Association and the Nebraska Chapter of American Planning Association for his past work as a Senator for all of the things he did to further planning and zoning issues around the State of Nebraska and for his work here in the City of Lincoln as Community Development Director. He worked with zoning ordinances for Planned Unit Developments, for emergency planning, for the Affordable Housing Trust Fund, and for rural development. Over 25 different bills involving planning and zoning were introduced by Senator Landis over the years of his career. He is a graduate of the Planning Program at the University of Nebraska.

Dave Potter, Metro representative on American Planning Association Board, was in attendance.

David Landis came forward to say thank you and to state it has been a pleasure to serve the City of Lincoln.

**PUBLIC HEARING**

Joan Ross, City Clerk, recognized and thanked Ms. Bethany Merchant who shared her talent of signing for the hearing impaired and hard of hearing today. She did an excellent job.

AMENDING SECTION 2.76.395 OF THE LINCOLN MUNICIPAL CODE RELATING TO VACATION LEAVE WITH PAY TO PROVIDE THAT PART-TIME AND UNREPRESENTED EMPLOYEES COINCIDE WITH THE CIR ORDER FOR "N" AND "X" PAY RANGE EMPLOYEES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AUGUST 19, 2010;

AMENDING SECTION 2.76.385 OF THE LINCOLN MUNICIPAL CODE RELATING TO FUNERAL LEAVE TO PROVIDE THAT PART-TIME AND UNREPRESENTED EMPLOYEES COINCIDE WITH THE CIR ORDER FOR "N" AND "X" PAY RANGE EMPLOYEES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AUGUST 19, 2010;

AMENDING SECTION 2.76.380 OF THE LINCOLN MUNICIPAL CODE RELATING TO SICK LEAVE WITH PAY TO PROVIDE THAT PART-TIME AND UNREPRESENTED EMPLOYEES COINCIDE WITH THE CIR ORDER FOR "N" AND "X" PAY RANGE EMPLOYEES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AUGUST 19, 2010;

AMENDING SECTION 2.76.370 OF THE LINCOLN MUNICIPAL CODE RELATING TO AUTHORIZED HOLIDAYS TO PROVIDE THAT PART-TIME AND UNREPRESENTED EMPLOYEES COINCIDE WITH THE CIR ORDER FOR "N" AND "X" PAY RANGE EMPLOYEES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AUGUST 19, 2010;

AMENDING SECTION 2.76.155 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMPENSATION PLAN; LONGEVITY PAY TO PROVIDE THAT PART-TIME AND UNREPRESENTED EMPLOYEES COINCIDE WITH THE CIR ORDER FOR "N" AND "X" PAY RANGE EMPLOYEES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AUGUST 19, 2010;

AMENDING SECTION 2.76.153 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMPENSATION PLAN; SHIFT DIFFERENTIAL TO PROVIDE THAT PART-TIME EMPLOYEES COINCIDE WITH THE CIR ORDER FOR "N" AND "X" PAY RANGE EMPLOYEES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AUGUST 19, 2010 - Mark Koller, Director of Personnel Dept, stated these ordinances are amending the Lincoln Municipal Code of "N" and "X" employees that was ordered by the CIR. These are mostly employees in the Law Department and the Personnel Department. There are about 19 full time employees that are affected by these changes.

This matter was taken under advisement.

AMENDING SECTION 2.54.040 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE DECLARATIONS OF INTEREST IN CITY CONTRACTS TO REARRANGE THE PROVISIONS FOR PURPOSES OF ORGANIZATION AND CLARITY, AND TO EXEMPT CONTRACTS OF \$100 OR LESS FROM THE APPLICATION OF SECTION 2.54.040 AND NEB. REV. STATE. 49-14,103.01 TO 49-14,103.03 - Rod M. Confer, City Attorney, came forward to state this is an amendment to the conflict of interest provisions of the Lincoln Municipal Code. The Political and Accountability Act of the Nebraska Statute and also the Nebraska code paying provisions concerning whether a City employee or officer may have contracts with the City. What this provision does is to make it so that the State and the City requirements are consistent by taking advantage of a provision in Nebraska Law that allows the City Council to make an amendment that will provide that contracts under \$100 are excluded from provisions of the Political and Accountability Disclosure Act and also from our local City code. What this does is to not require that the City Council recuse yourself from votes if you are on a non-profit board.

This matter was taken under advisement.

AMENDING CHAPTER 5.56 OF THE LINCOLN MUNICIPAL CODE ENTITLED "EMERGENCY ALARM SYSTEMS" BY AMENDING SECTION 5.56.010, DEFINITIONS, TO REVISE, ADD AND DELETE DEFINITIONS AS THEY RELATE TO THE INTERPRETATION AND ENFORCEMENT OF THIS CHAPTER; AMENDING SECTION 5.56.025 RELATING TO ALARM BUSINESS PERMITS TO CLARIFY WHICH ALARM BUSINESSES ARE EXEMPT FROM HAVING TO OBTAIN A PERMIT, TO ELIMINATE THE 60-DAY GRACE PERIOD FOR OBTAINING A BUSINESS PERMIT, TO REDUCE THE RENEWAL FEE TO \$50.00, AND TO DELETE A GRACE PERIOD FOR RENEWAL AFTER THE LICENSE EXPIRES; AMENDING SECTION 5.56.030 RELATING TO ALARM USER PERMITS TO REDUCE FEES FOR COMMERCIAL USERS TO \$40.00 AND FOR RESIDENTIAL USERS TO \$25.00, TO DELETE A TWO-TIERED PERMIT FEE STRUCTURE, TO REMOVE THE GRACE PERIOD FOR RENEWAL AND TO DELETE THE 60-DAY GRACE PERIOD BEFORE ALARM USERS NEED TO OBTAIN PERMITS; AMENDING SECTION 5.56.040, ALARM USER RESPONSE, TO ADD THE REQUIREMENT OF ENHANCED VERIFICATION AND TO ALLOW ALARM BUSINESSES TO CALL IN ALARMS FROM UNPERMITTED USERS PROVIDED THE USER'S ALARM SYSTEM HAS BEEN INSTALLED WITHIN 60 DAYS OF THE CALL; AMENDING SECTION 5.56.050 RELATING TO FEES TO PROVIDE A \$100.00 FALSE ALARM FEE IS CHARGED FOR THE FOURTH THROUGH EIGHT FALSE ALARMS AND THAT A \$250.00 FALSE ALARM FEE IS CHARGED FOR FALSE ALARMS BEYOND THE EIGHTH; REPEALING SECTIONS 5.56.060 (AUTOMATIC DIALING DEVICES) AND 5.56.070 (EXCEPTION FOR SEVERELY HANDICAPPED) IN THEIR ENTIRETY; AND AMENDING SECTION 5.56.080 TO CHANGE THE CRIMINAL PENALTIES FOR HAVING AN UNREGISTERED ALARM SYSTEM OR BUSINESS TO A CIVIL PENALTY - Tom Casady, Chief of Police, came forward stating we've had about a years worth of experience with the change in the alarm ordinance. Based on this experience we have come up with this package of amendments to the ordinance that we feel will streamline the process and make it easier for us to administer and the contractor to administer and also smooth some things out for the alarm user. The two biggest changes are to move from a two year registration to a one year registration period and the period starts when the alarm is registered. We are the only two year registration period the company contracted with has so this will simplify things for them. The Appeals Board meets once a month and is projected there will be an appeal on the agenda each month. The ordinance has been effective in reducing repeat false alarms. The number of false alarms in 2002 were 4,848 and in 2010 they were 2,796.

R J Lippert, General Fire & Safety and General Security Systems, came forward stating he sits on the board of Nebraska Association of Alarm Companies, and are in support of changing and adopting this ordinance.

Coby Mach, LIBA, stated it was their suggestion to go to a two year permitting system, but recognize there may be potential issues with this two year permit. They approve of the change to the one year permit. It is suggested the permit be made transferrable in the case of moving to a different location and to allow the notice period to be moved back to 45 days instead of the suggested 30 days.

Jeff Kirkpatrick, Assistant City Attorney, stated there is a penalty for not registering and a penalty for a false alarm over three. The two tier price structure has been eliminated because the association of businesses feels the registration can be handled by the customer. Persons who own multiple properties need to have a separate permit for each property. The number of false alarms will be per property.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND BKD, LLP FOR AUDITING SERVICES TO THE CITY OF LINCOLN FOR THE FISCAL YEARS ENDING AUGUST 31, 2011, 2012, 2013, AND 2014 - Don Herz, Director of Finance, came forward to request approval of extending the audit service contract currently held with BKD for an additional four years. We have been pleased with the services received.

This matter was taken under advisement.

**REGULAR MEETING**

**May 9, 2011**

**Page 252**

APPROVING AMENDMENT NO. 1 TO THE GRANT AGREEMENT BETWEEN THE CITY OF LINCOLN, NEBRASKA AND DOWNTOWN CIVIC VENTURES, INC. TO REDUCE THE GRANT FUNDS FROM \$100,000.00 TO \$50,000.00 AND TO REDUCE THE MATCHING FUNDS FROM \$250,000.00 TO \$170,000.00 - David Landis, Director of Urban Development, came forward to request the City's contribution be reduced from \$100,000 to \$50,000 and make that available upon arriving at the \$170,000 from private funds match reducing the program. The \$100,000 came from the Fast Forward Fund so the additional \$50,000 could go back to the source or wherever is decided. Access to this resource will allow us to work on the gift card program, research consumer and market trends of the downtown area, allow us to do retail and visit welcome initiatives, look into signage and street presence for downtown that will allow us to do retail workshops and work on the creation of a retail council. This will downsize the program, but continue to make it available.

Tom Smith, Chairman of Downtown Civic Venture, came forward to state the Downtown Civic Venture was created to implement the retail support program for Downtown Lincoln Association and are in support of this amendment. There has been a severe economic downturn so the money raising proposition did not go quite as well as hoped, but ended up with \$175,000 for which there are some uses for this money so want to move forward. He also represents the 2015 Vision Group which identified a strong downtown retail program as one of the projects to support. The P & Q Street market concept continues to evolve and has experienced great growth in the last 12 months having three prospects for open space in the key market areas. They still want to achieve the goals set three or four years ago.

Ed Swotek, Chairman for the Board of Directors of DLA, came before the City Council on behalf of the DLA to support this amendment. Strategically we set out to enhance retail and retail growth downtown. We have already started to embark on this and have been very successful. We see this as a tremendous opportunity to leverage private equity funds to help build retail in downtown Lincoln to match the vision of the Downtown Master Plan in going forward.

This matter was taken under advisement.

APPROVING A FIBER AND CONDUIT SHARING AGREEMENT BETWEEN THE CITY AND THE UNIVERSITY OF NEBRASKA TO PROVIDE A FIBER OPTICS DATA LINK IN THE PUBLIC RIGHT OF WAY FOR THE UNL MID AMERICA/TRANSPORTATION CENTER AT THE WHITTIER BUILDING - Tim Pratt, Public Works & Utilities Dept., came forward to state currently the City has 75 miles of their own fiber, about 20 miles of twisted copper that is 25 to 30 years old and about 100 wireless point radio systems used to manage traffic systems. This agreement will allow them to tap into the City's system to do some additional studies at a great savings to facilitate traffic movement.

Dr. Laurence Rilett, Director of the Mid-America Transportation Center at the University of Nebraska Lincoln, came forward to state this center is responsible for all the transportation related research at the University of Nebraska and currently has \$18,000,000 of ongoing research. Much of that research is done in cooperation with various private and public partners including the City of Lincoln. This agreement will allow various projects in the City to continue.

This matter was taken under advisement.

SPECIAL PERMIT NO. 11005 - APPEAL OF JUDY AND JIM LERDAHL FROM THE CONDITIONAL APPROVAL ALLOWING A DOMICILIARY CARE FACILITY FOR UP TO 32 RESIDENTS ON PROPERTY GENERALLY LOCATED AT SOUTH 27TH STREET AND WILDERNESS HILLS BOULEVARD - Dan Klein, Sr., owner of Regal Building Systems and The Waterford Assisted Living Center at 40<sup>th</sup> & Pine Lake, came forward for approval of this project stating there will be 16 units running on an east west access. The Alzheimer-Dementia Unit would be licensed under assisted living. There is a need for Alzheimer-Dementia facilities to serve the needs of our local growing population. This is in a zone, R-3, R-4, area which is permitted process as a transition into residential area. This is more for the families coming to visit their loved one occasionally and be involved with the staff who would know them on a personal basis. It is planned to have this opened in late fall or early winter of this year. After this first building has been filled and cash flowing a second building would be built that would back up to 27<sup>th</sup> Street which would also be a 16 unit residential facility.

Bryan J. Van Deun, 8940 S. 28<sup>th</sup> St., came forward in opposition to this facility. He read the covenants for this area that says therefore owner declares and establishes the following covenants upon the properties: 1. No lot within the property shall be used for any use other than for residential purposes which for the purposes of these restricted covenants shall mean a use as a single family dwelling occupied by the persons of one immediate family residing therein in accordance with the provisions of the respect of the R-3 and R-5 zoning. No lot within the properties shall be used for any commercial use such as childcare, daycare, pre-school, or similar use regardless of whether such commercial use has employees upon the premises. They didn't expect

anything other than single family housing to be built in this area when they built their \$350,000 home.

Dr. Brad Williams, 9311 Whispering Wind Rd., came forward in opposition. He expressed concern with the traffic from employees, food/beverage delivery trucks, medical vehicles, garbage trucks, postal vehicles and fears the property values will go down. Another concern is safety for the children because of the unpredictable behavior of the residents if they should wander away from the facility. It could jeopardize the neighborhood growth as nobody will want to build on the lots across from this facility. He wondered why it couldn't be placed in a nice commercial zone?

Rod M. Confer, City Attorney, came forward to explain that the restricted covenants are private contracts between the individual who sells a property and the buyer. It is not the Planning Department or the City's business to try to enforce those. If a person feels they have a contract that is being violated then the remedy is to sue the other party of the contract to enforce that covenant.

Marvin Krout, Director of Planning Dept., stated the Planning Department advises the Planning Commission not to consider the private covenants when making a zoning decision. They are private agreements between two parties. Wilderness Hills Blvd. is a collector street which is going to be carrying quite a bit of commercial traffic as well as residential traffic. It is projected that it will need a traffic signal at 27<sup>th</sup> Street at some point in the future so if it was a driveway it would have to be a right in and right out only which would limit its utility. These lots are platted as townhouse lots so as an assisted living center would generate about the same amount of traffic as eight townhouses. This facility may even generate less because of the special nature of it. This is next to an unbuildable area that has a water drainage area directly south along 27<sup>th</sup> Street.

Dan Klein, Sr., came forward for rebuttal. He stated they have not asked for a change of zoning. There would be five to a maximum of seven employees to include full-time and part-time. I don't know what the City's landscape requirements are, but the berm along with the trees on the east will give part of a screen from the neighborhood.

This matter was taken under advisement.

APPROVING MODIFICATIONS TO THE STRUCTURE AND OPERATION OF EMERGENCY MEDICAL SERVICES, INC. BY ADOPTING RESTATED ARTICLES OF INCORPORATION OF THE LINCOLN/LANCASTER COUNTY EMS OVERSIGHT AUTHORITY, INC. AND BY-LAWS OF THE LINCOLN/LANCASTER COUNTY EMS OVERSIGHT AUTHORITY, INC. TO RENAME THE ORGANIZATION AND REORGANIZE THE AGENCY WHICH WILL CONTINUE TO PROVIDE MEDICAL DIRECTION FOR SERVICES, TO PREPARE WRITTEN STANDARDS OF TREATMENT AND EMERGENCY MEDICAL CARE, TO RECOMMEND DISPATCH AND TREATMENT PROTOCOLS, TO PROVIDE QUALITY ASSESSMENT PROGRAMS AND REVIEW, AND TO MAKE RECOMMENDATIONS FOR IMPROVEMENTS TO THE EMERGENCY MEDICAL CARE SYSTEM - Rick Hoppe, Mayor's Chief of Staff, came forward to explain when the contract with EMS, Inc. expired Mayor Beutler appointed a citizen committee to review the oversight system and make recommendations. There were 20 voting members and staff including private sector providers, Lincoln Fire and Rescue, Adam Hornung, Deb Schorr, a number of people who are users of the system and several representatives of the medical community who were on the committee. They were to look at the strengths and weaknesses of the current system, the relationship between the providers and the oversight authority then make recommendations for structure criteria and operating principles moving forward. One of the strengths of the current system is the independent medical oversight where doctors and medical personnel decide the medicine and the pre-hospital care which will continue. The Medical Director, in cooperation with the governing board will decide those issues. The providers will not make those decisions to avoid any conflict between needs of the providers and the people they serve. There is a need to make sure there is some institutional permanency. The providers now have an official forum to work out operational issues with decision makers. LFR and Midwest Medical would meet with users like Madonna, Nebraska Heart Hospital and others to work out any dispute resolution to discuss operational issues of that nature. Hopefully, this will all be in place before the beginning of the new budget year.

Jeff Kirkpatrick, Asst. City Attorney, commented that everyone seemed to be comfortable with the structure already in place and felt it would not be necessary to go through the procedures and expense of setting up a new non-profit corporation. Instead, it was decided to rename the non-profit corporation that had been in place for a number of years. The restructured board felt strongly there would be a board and an advisory committee to give all the stake holders a place at the table. If the Board or the articles of incorporation need to be changed in the future it would have to come back before the City Council.

**REGULAR MEETING**

**May 9, 2011**

**Page 254**

Joan Anderson, Executive Director of Lancaster County Medical Society and Co-Manager of EMS, Inc. management team, came forward to state that EMS was formed to be it's own independent organization, but after going through three EMS Executive Directors, the EMS Board asked the Lancaster County Medical Society if they would be willing to manage this also which they agreed to do with the understanding that when Joan leaves the LCMS Executive Director position not be required to have EMS experience. As a management team they were trying to decrease the budget to the degree they can to find a permanent avenue for sustainability for this independent oversight model of which the physicians of LCMS are very, very supportive. This model does that because the personalities of the department managers will always be that they have to have a background in emergency medical medicine so therefore personalities are really taken out of that. LCMS has agreed to help in the transition in anyway possible.

Libby Raetz, Vice President at St. Elizabeth Hospital, came forward to state that St. Elizabeth is fully supportive of the transition to the new model. They think it will enhance collaboration and quality patient care in the City of Lincoln.

Ruth Radenslaben, Clinical Director at BryanLGH, came forward to state she is responsible for the Emergency Department. She stated she has worked with a lot of EMS people because of her responsibility at the hospital. BryanLGH is very supportive of the new EMS system that is being proposed.

This matter was taken under advisement.

AMENDING ORDINANCE NO. 17366 PASSED JUNE 29, 1998, AND ORDINANCE NO. 18214 PASSED AUGUST 4, 2003, FOR THE WIDENING AND RECONSTRUCTION OF OLD CHENEY ROAD FROM NEBRASKA HIGHWAY 2 TO APPROXIMATELY 1,450 FEET EAST OF SOUTH 84TH STREET TO REMOVE DESIGN REQUIREMENTS FOR RAISED MEDIANS AND RIGHT TURN LANES - Greg MacLean, Director of Public Works & Utilities Dept., Greg MacLean, Director of Public Works & Utilities, came forward to inform the Council they have included some data from other sources on a national level and came up with eight different reports that has specific data related to safety and crash data directly related to the installation of right turn lanes and raised medians in four lane divided thoroughfares. A couple of local examples were included as well. Adding lanes will make this road more safe and no question that adding raised median, left turn lanes and right turn lanes also add a significant amount of safety.

Tom Shafer, Public Works & Utilities Dept., came forward to state that study after study has shown with the addition of right turn lanes and medians all types of crashes are reduced. One of the examples shows a 67% reduction in crashes. Sidewalks are required in front of the houses so there will be sidewalks that come down the side streets of Cross Creek and 77<sup>th</sup> and 80<sup>th</sup> that would come up to the intersection at Cross Creek. There will be a bike lane and sidewalk on the north side of the street which is 10 feet wide. It has been considered not having a sidewalk on the south side, but was determined that eliminating the sidewalk in the areas of the right turn lanes is not going to help on distance. The medians are proposed to be 20 feet wide and at the intersection the median would be four feet with a twelve foot turn lane and a four foot offset to get the site distance.

Bob Brunsman, 7911 Red Oak Rd., came forward to say they are in favor of the widening. There is some concern that the proposed road can handle traffic volumes both now and in the future which is a really important issue to the residents. Pioneers Street from 56<sup>th</sup> to 70<sup>th</sup> that has a volume of 23,600 was chosen in comparison to Old Cheney in this area at 24,000. In this area of Pioneers there are two lanes of traffic going both ways and does not have a center turn lane, but seems to manage the traffic. It is felt that adding the center turn lane on Old Cheney will do a better job of maintaining that traffic as well as take care of the vast majority of accidents so we feel that adding the right turn lanes will have very little impact on safety for this road. Trees in this area have a very significant impact on the air quality. Arbor Day Foundation states that for every 100 trees 14 tons of carbon dioxide are removed every year and removes 235 pounds of pollutants. The informal estimate of the number of trees that will be impacted by this widening will be somewhere from 300 to 500 so a shorter, more narrow right-of-way is going to offset any impact from vehicles moving faster or slower in that area. There does not seem to be any fundamental clash between the sidewalk/bike path proposed. It isn't of primary importance as to how much ground has been lost or what the convenience of the matter is, but are more interested in having a more integrated common sense approach to the entire project. They want to balance safety of the road, be able to maintain the traffic volume, do it consistent with current roads, maintain air quality and quality of life and do it in a way that it is cost effective. There would be a maintenance cost of striping of the offset turn lanes, maintaining the raised medians, and maintaining the grassy medians.

Bethany Brunsman, 7911 Red Oak Rd., came forward to state she has compared additional data collected by Public Works. Referring to the comparison of Pine Lake she noted that the right turn lanes on Pine Lake are at commercial areas not residential streets. This is a contrast from the Highway 2 to 70<sup>th</sup> Street section where there aren't any residential turn lanes, but there aren't any commercial ones either. On the section from 70<sup>th</sup> to 84<sup>th</sup> Street on Old Cheney there weren't any accidents from rear-end crashes from people slowing to turn right. The Public Works data showed that two way left turn lanes showed 28% or 30% accidents reduced, but for the center turn lane it was 34%. The traffic data and research report suggests that it would be very safe to put a center turn lane with no right turn lane in this section of Old Cheney.

Scot Blehm, 7835 Red Oak Rd., came forward in support of this amendment as it makes the most sense. The common sense approach supports the widening of Old Cheney which meets the needs of the City. The majority of accidents happen at major intersections and are not asking for any modifications in these areas. They have approached this from the angle primarily of environment, cost and safety. The City's perspective has primarily been driven by safety. The cost of this project could cost at least \$7,500,000 for 12 blocks of road at an extrapolated per mile cost of \$9,200,000 not considering cost overruns, inflations, or ongoing maintenance. Is this the best use of taxpayers money? Those in the audience who support this legislation were invited to raise their hands.

Joe Hampton, no address given, commented that the City of Lincoln needs a good road system and Old Cheney is one of the primary ones. Other than O Street there is not a street south of O Street where you can traverse entirely across the community other than Old Cheney. He stated that one of the difficulties of being on the City Council is to always weigh the needs of the abutting property owners, but also weigh that the well being of the entire community to have an efficient road system. He presented an example of back in the 60's and 70's on 48<sup>th</sup> Street when the Council listened to the neighbors and did not cut down the trees, but has since cost the City a lot of money. The West by-pass was another example of just putting in two lanes so not to remove trees because it would impact Wilderness Park consequently later on four lanes were built. The cost of those additional two lanes exceeded the cost of the total project of the first revision. The Council needs to consider not just the abutting property owners, but the needs of the total community.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

REAPPOINTING MARTHA F. BROWN, SHERYL JORDON AND CORINE SIMON TO THE AGING PARTNERS AREAWIDE ADVISORY COUNCIL FOR TERMS EXPIRING JULY 1, 2014 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86320 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of Martha F. Brown, Sheryl Jordon, and Corine Simon to the Aging Partners Areawide Advisory Council for terms expiring July 1, 2014 is hereby approved.

Introduced by Doug Emery

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

REAPPOINTING JIM JOHNSON TO THE HISTORIC PRESERVATION COMMISSION FOR A TERM EXPIRING APRIL 15, 2014 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86321 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of Jim Johnson to the Historic Preservation Commission for a term expiring April 15, 2014 is hereby approved.

Introduced by Doug Emery

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

APPOINTING LIZ KUHLMAN TO THE HISTORIC PRESERVATION COMMISSION FOR A TERM EXPIRING APRIL 15, 2014 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86322 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointment of Liz Kuhlman to the Historic Preservation Commission for a term expiring April 15, 2014 is hereby approved.

Introduced by Doug Emery

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

**REGULAR MEETING**

**May 9, 2011**

**Page 256**

RESOLUTION INSTRUCTING THE CITY CLERK TO GIVE FIVE DAYS' NOTICE BY PUBLICATION ACCORDING TO LAW THAT THE CITY COUNCIL WILL, AT A REGULAR MEETING TO BE HELD ON THE 23<sup>RD</sup> DAY OF MAY, 2010, ASSESS AGAINST THE BENEFITTED PROPERTIES THE COST OF SNOW AND ICE REMOVAL INCURRED BY THE CITY OF LINCOLN FOR THE 2010-2011 WINTER SEASON - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86323 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

The City Clerk be and she is hereby instructed to give five days' notice by publication according to law that the City Council will, at a regular meeting to be held on the 23<sup>rd</sup> day of May, 2011 at 5:30 p.m. assess against the benefitted properties the cost of snow removal incurred by the City of Lincoln for the 2010-2011 winter season.

Introduction by Adam Hornung.

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON APRIL 25, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS MARCH 31, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

**PETITIONS & COMMUNICATIONS**

**PLACED ON FILE IN THE CITY CLERK'S OFFICE:**

Administrative Amendment No. 11013 to Special Permit No. 1722, Pioneer Greens Community Unit Plan, approved by the Planning Director on April 26, 2011, requested by Louie Buller, to adjust the rear setback for Lots 71-81, Block 2 to 18 feet as indicated by the addition of General Note #26 to the site plan, on property generally located at S. 84<sup>th</sup> St. and Mandarin Dr.

Waiver No. 10027 to Final Plat No. 04002, approved by the Planning Director on April 27, 2011, requested by Olsson Associates, to extend the time for two years to install sidewalks, landscape screen and street trees for Pinecrest Addition. The improvements shall be completed by April 27, 2013. Property is generally located at N. 14<sup>th</sup> St. and Morton St.

Waiver No. 10028 to Final Plat No. 05039, approved by the Planning Director on April 27, 2011, requested by Olsson Associates, to extend the time for two years to install sidewalks, street trees, storm water detention and pedestrian sidewalk for Pinecrest 1<sup>st</sup> Addition. The improvements shall be completed by April 27, 2013. Property is generally located at N. 14<sup>th</sup> St. and Morton St.

Administrative Amendment No. 11011 to Special Permit No. 241, approved by the Planning Director on May 2, 2011, requested by ESP Inc., to revise the boundary of the mobile home court on property generally located north of the 3800 block of Cornhusker Hwy.

Administrative Amendment No. 11014 to Special Permit No. 605, Tierra West Community Unit Plan, approved by the Planning Director on May 2, 2011, requested by Travis Laird, to encroach into the rear yard two feet, creating an 18 foot rear yard setback instead of the required 20 foot rear yard setback. This setback adjustment is to allow for an addition to an existing residence. This lot backs on to open space which is owned by the City and is in the floodplain. Property is generally located in the 3100 block of Stephanos Dr., east of S. 27<sup>th</sup> St. and Tierra Dr.

**REFERRED TO PLANNING DEPARTMENT:**

Change of Zone No. 08057A, requested by Paul Marshall for an amendment to the University Place Planned Unit Development to allow for the consumption of alcohol on the premises generally located at N. 48<sup>th</sup> Street and St. Paul Avenue and for approval of a modification of the development plan which modifies the standards of the underlying zoning district, subdivision ordinance and design standards.

Special Permit No. 11008, requested by John Rutledge, for the expansion of a nonstandard use to allow an existing single story addition in the front yard setback to be replaced by a two story addition in the same general footprint on property generally located at the northwest corner of S. 36<sup>th</sup> Street and Laura Avene (635 S. 36<sup>th</sup> Street). The Planning Commission action is final action, unless appealed to the City Council.

Special Permit No. 11009, requested by New Cingular Wireless PCS, LLC, for an approximately 145' tall personal wireless facility with a waiver to the fall zone on property generally located at Rosa Parks Way and Homestead Expressway. The Planning Commission action is final action, unless appealed to the City Council.

SETTING HEARING DATE OF MONDAY, JUNE 6, 2011 AT 3:00 P.M. FOR APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #18 FOR A CLASS D LIQUOR LICENSE LOCATED AT 110 W. O STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86324 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., June 6, 2011 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Whitehead Oil Company dba U-Stop #18 for a Class D liquor license located at 110 W. O Street.

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

Introduced by Adam Hornung

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

SETTING HEARING DATE OF MONDAY, JUNE 6, 2011 AT 3:00 P.M. FOR APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #3 FOR A CLASS B LIQUOR LICENSE LOCATED AT 610 S. 10<sup>th</sup> STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86235 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., June 6, 2011 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Whitehead Oil Company dba U-Stop #3 for a Class B liquor license located at 610 S. 10<sup>th</sup> Street.

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

Introduced by Adam Hornung

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

SETTING HEARING DATE OF MONDAY, JUNE 6, 2011 AT 3:00 P.M. FOR APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #4 FOR A CLASS D LIQUOR LICENSE LOCATED AT 6600 N. 84<sup>th</sup> STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86326 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., June 6, 2011 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Whitehead Oil Company dba U-Stop #4 for a Class D liquor license located at 6600 N. 84<sup>th</sup> Street.

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

Introduced by Adam Hornung

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

**MISCELLANEOUS - NONE**

**LIQUOR RESOLUTIONS - NONE**

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

AMENDING SECTION 2.76.395 OF THE LINCOLN MUNICIPAL CODE RELATING TO VACATION LEAVE WITH PAY TO PROVIDE THAT PART-TIME AND UNREPRESENTED EMPLOYEES COINCIDE WITH THE CIR ORDER FOR "N" AND "X" PAY RANGE EMPLOYEES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AUGUST 19, 2010 - CLERK read an ordinance, introduced by Doug Emery, amending Section 2.76.395 of the Lincoln Municipal code relating to Vacation Leave with Pay to provide that part-time and unrepresented employees coincide with the CIR order for "N" and "X" pay range employees and making the changes retroactively effective as of August 19, 2010; and repealing Section 2.76.395 of the Lincoln Municipal Code as hitherto existing, the second time.

**REGULAR MEETING**

**May 9, 2011**

**Page 258**

AMENDING SECTION 2.76.385 OF THE LINCOLN MUNICIPAL CODE RELATING TO FUNERAL LEAVE TO PROVIDE THAT PART-TIME AND UNREPRESENTED EMPLOYEES COINCIDE WITH THE CIR ORDER FOR "N" AND "X" PAY RANGE EMPLOYEES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AUGUST 19, 2010 - CLERK read an ordinance, introduced by Doug Emery, amending Section 2.76.385 of the Lincoln Municipal Code relating to Funeral Leave to provide that part-time and unrepresented employees coincide with the CIR order for "N" and "X" pay range employees and making the changes retroactively effective as of August 19, 2010; and repealing Section 2.76.385 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 2.76.380 OF THE LINCOLN MUNICIPAL CODE RELATING TO SICK LEAVE WITH PAY TO PROVIDE THAT PART-TIME AND UNREPRESENTED EMPLOYEES COINCIDE WITH THE CIR ORDER FOR "N" AND "X" PAY RANGE EMPLOYEES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AUGUST 19, 2010 - CLERK read an ordinance, introduced by Doug Emery, amending Section 2.76.380 of the Lincoln Municipal Code relating to Sick Leave with Pay to provide that part-time and unrepresented employees coincide with the CIR order for "N" and "X" pay range employees and making the changes retroactively effective as of August 19, 2010; and repealing Section 2.76.380 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 2.76.370 OF THE LINCOLN MUNICIPAL CODE RELATING TO AUTHORIZED HOLIDAYS TO PROVIDE THAT PART-TIME AND UNREPRESENTED EMPLOYEES COINCIDE WITH THE CIR ORDER FOR "N" AND "X" PAY RANGE EMPLOYEES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AUGUST 19, 2010 - CLERK read an ordinance, introduced by Doug Emery, amending Section 2.76.370 of the Lincoln Municipal Code relating to Authorized Holidays to provide that part-time and unrepresented employees coincide with the CIR order for "N" and "X" pay range employees and making the changes retroactively effective as of August 19, 2010; and repealing Section 2.76.370 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 2.76.155 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMPENSATION PLAN; LONGEVITY PAY TO PROVIDE THAT PART-TIME AND UNREPRESENTED EMPLOYEES COINCIDE WITH THE CIR ORDER FOR "N" AND "X" PAY RANGE EMPLOYEES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AUGUST 19, 2010 - CLERK read an ordinance, introduced by Doug Emery, amending Section 2.76.155 of the Lincoln Municipal Code relating to Longevity Pay to provide that part-time and unrepresented employees coincide with the CIR order for "N" and "X" pay range employees and making the changes retroactively effective as of August 19, 2010; and repealing Section 2.76.155 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 2.76.153 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMPENSATION PLAN; SHIFT DIFFERENTIAL TO PROVIDE THAT PART-TIME EMPLOYEES COINCIDE WITH THE CIR ORDER FOR "N" AND "X" PAY RANGE EMPLOYEES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AUGUST 19, 2010 - CLERK read an ordinance, introduced by Doug Emery, amending Section 2.76.153 of the Lincoln Municipal Code relating to Shift Differential to provide that part-time employees coincide with the CIR order for "N" or "X" pay range employees and making the changes retroactively effective as of August 19, 2010; and repealing Section 2.76.153 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 2.54.040 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE DECLARATIONS OF INTEREST IN CITY CONTRACTS TO REARRANGE THE PROVISIONS FOR PURPOSES OF ORGANIZATION AND CLARITY, AND TO EXEMPT CONTRACTS OF \$100 OR LESS FROM THE APPLICATION OF SECTION 2.54.040 AND NEB. REV. STATE. 49-14,103.01 TO 49-14,103.03 - CLERK read an ordinance, introduced by Doug Emery, amending Section 2.54.040 of the Lincoln Municipal Code relating to the Declarations of Interest in City Contracts to rearrange the provisions set forth therein for purposes of organization and clarity, and to exempt contracts of \$100 or less from the application of said Section 2.54.040 and Nebraska Revised Statutes Sections 49-14,103.01 to 49-14,103.03; and repealing Section 2.54.040 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 5.56 OF THE LINCOLN MUNICIPAL CODE ENTITLED "EMERGENCY ALARM SYSTEMS" BY AMENDING SECTION 5.56.010, DEFINITIONS, TO REVISE, ADD AND DELETE DEFINITIONS AS THEY RELATE TO THE INTERPRETATION AND ENFORCEMENT OF THIS CHAPTER; AMENDING SECTION 5.56.025 RELATING TO ALARM BUSINESS PERMITS TO CLARIFY WHICH ALARM BUSINESSES ARE EXEMPT FROM HAVING TO OBTAIN A PERMIT, TO ELIMINATE THE 60-DAY GRACE PERIOD FOR OBTAINING A BUSINESS PERMIT, TO REDUCE THE RENEWAL FEE TO \$50.00, AND TO DELETE A GRACE PERIOD FOR RENEWAL AFTER THE LICENSE EXPIRES; AMENDING SECTION 5.56.030 RELATING TO ALARM USER PERMITS TO REDUCE FEES FOR COMMERCIAL USERS TO \$40.00 AND FOR RESIDENTIAL USERS TO \$25.00, TO DELETE A TWO-TIERED PERMIT FEE STRUCTURE, TO REMOVE THE GRACE PERIOD FOR RENEWAL AND TO DELETE THE 60-DAY GRACE PERIOD BEFORE ALARM USERS NEED TO OBTAIN PERMITS; AMENDING SECTION 5.56.040, ALARM USER RESPONSE, TO ADD THE REQUIREMENT OF

ENHANCED VERIFICATION AND TO ALLOW ALARM BUSINESSES TO CALL IN ALARMS FROM UNPERMITTED USERS PROVIDED THE USER'S ALARM SYSTEM HAS BEEN INSTALLED WITHIN 60 DAYS OF THE CALL; AMENDING SECTION 5.56.050 RELATING TO FEES TO PROVIDE A \$100.00 FALSE ALARM FEE IS CHARGED FOR THE FOURTH THROUGH EIGHT FALSE ALARMS AND THAT A \$250.00 FALSE ALARM FEE IS CHARGED FOR FALSE ALARMS BEYOND THE EIGHTH; REPEALING SECTIONS 5.56.060 (AUTOMATIC DIALING DEVICES) AND 5.56.070 (EXCEPTION FOR SEVERELY HANDICAPPED) IN THEIR ENTIRETY; AND AMENDING SECTION 5.56.080 TO CHANGE THE CRIMINAL PENALTIES FOR HAVING AN UNREGISTERED ALARM SYSTEM OR BUSINESS TO A CIVIL PENALTY - CLERK read an ordinance, introduced by Doug Emery, amending Chapter 5.56 of the Lincoln Municipal Code entitled "Emergency Alarm Systems" by amending Section 5.56.010, Definitions, to revise, add and delete definitions as they relate to the interpretation and enforcement of this chapter; amending Section 5.56.025 relating to Alarm Business Permits to clarify which alarm businesses are exempt from having to obtain a permit, to eliminate the 60-day grace period for obtaining a business permit, to reduce the renewal fee to \$50.00, and to delete a grace period for renewal after the license expires; amending Section 5.56.030 relating to Alarm User Permits to reduce fees for commercial users to \$40.00 and for residential users to \$25.00, to delete a two-tiered permit fee structure, to remove the grace period for renewal and to delete the 60-day grace period before alarm users need to obtain permits; amending Section 5.56.040, Alarm User Response, to add the requirement of enhanced verification and to allow alarm businesses to call in alarms from unpermitted users provided the user's alarm system has been installed within 60 days of the call; amending Section 5.56.050 relating to fees to provide a \$100.00 false alarm fee is charged for the fourth through eight false alarms and that a \$250.00 false alarm fee is charged for false alarms beyond the eighth; repealing Sections 5.56.060 (Automatic Dialing Devices) and 5.56.070 (Exception for Severely Handicapped) in their entirety; and amending Section 5.56.080 to change the criminal penalties for having an unregistered alarm system or business to a civil penalty; and repealing Sections 5.56.010, 5.56.025, 5.56.030, 5.56.040, 5.56.050, and 5.56.080 as hitherto existing the second time.

#### PUBLIC HEARING - RESOLUTIONS

APPROVING AN AGREEMENT BETWEEN THE CITY AND BKD, LLP FOR AUDITING SERVICES TO THE CITY OF LINCOLN FOR THE FISCAL YEARS ENDING AUGUST 31, 2011, 2012, 2013, AND 2014 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86327 WHEREAS, the City Council is required by Article IV, Section 8 of the Charter of the City of Lincoln to contract with certified public accountants to make independent audits of all City funds and accounts in accordance with accepted auditing practices as of the end of the fiscal year; and

WHEREAS, BKD, L.L.P., Certified Public Accountants, are willing to provide such an audit of all City of Lincoln funds except Lincoln Electric System for fiscal years ending August 31, 2011, 2012, 2013, and 2014.

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

That the attached Letter of Agreement, marked as Exhibit "A" and made a part hereof as though fully set forth verbatim between BKD, L.L.P., and the City of Lincoln, Nebraska, which provides for an audit of City of Lincoln funds except Lincoln Electric System for the fiscal years ending August 31, 2011, 2012, 2013, and 2014, upon the terms and conditions contained therein is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign said Letter of Agreement on behalf of the City.

Introduced by Doug Emery

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

APPROVING AMENDMENT NO. 1 TO THE GRANT AGREEMENT BETWEEN THE CITY OF LINCOLN, NEBRASKA AND DOWNTOWN CIVIC VENTURES, INC. TO REDUCE THE GRANT FUNDS FROM \$100,000.00 TO \$50,000.00 AND TO REDUCE THE MATCHING FUNDS FROM \$250,000.00 TO \$170,000.00 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86328 WHEREAS, the City of Lincoln and Downtown Civic Ventures, Inc. desire to amend the Grant Agreement entered into between the parties approved by Resolution No. A-85299 to reduce the amount of grant funds from \$100,000.00 to \$50,000.00 and to reduce the required matching funds from \$250,000.00 to \$170,000.00.

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

That the attached Amendment No. 1 to the Grant Agreement between the City of Lincoln, Nebraska and Downtown Civic Ventures, Inc. to utilize \$50,000.00

**REGULAR MEETING**

**May 9, 2011**

**Page 260**

from the Downtown Retail Implementation Project to provide for expenditures in implementing and maintaining a retail recruitment and retention program in downtown Lincoln is hereby approved and the Mayor is authorized to execute said Amendment No. 1 on behalf of the City of Lincoln.

The City Clerk is directed to transmit an executed original of Amendment No. 1 to Dallas McGee, Urban Development Department, for transmittal to Downtown Civic Ventures, Inc.

Introduced by Doug Emery

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

APPROVING A FIBER AND CONDUIT SHARING AGREEMENT BETWEEN THE CITY AND THE UNIVERSITY OF NEBRASKA TO PROVIDE A FIBER OPTICS DATA LINK IN THE PUBLIC RIGHT OF WAY FOR THE UNL MID AMERICA/TRANSPORTATION CENTER AT THE WHITTIER BUILDING - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86329

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

That the attached Fiber and Conduit Sharing Agreement between the City of Lincoln and the University of Nebraska Board of Regents, relating to the installation, operation and maintenance of a private network within certain streets and public rights of way within jointly owned facilities of the parties, for a 20 year term, upon the terms as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute the same and any necessary amendments on behalf of the City of Lincoln.

Introduced by Doug Emery

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

SPECIAL PERMIT NO. 11005 - APPEAL OF JUDY AND JIM LERDAHL FROM THE CONDITIONAL APPROVAL ALLOWING A DOMICILIARY CARE FACILITY FOR UP TO 32 RESIDENTS ON PROPERTY GENERALLY LOCATED AT SOUTH 27TH STREET AND WILDERNESS HILLS BOULEVARD - PRIOR to reading:

CAMP Moved to delay action on Bill No. 11R-104 for one week to 5/16/11.

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

APPROVING MODIFICATIONS TO THE STRUCTURE AND OPERATION OF EMERGENCY MEDICAL SERVICES, INC. BY ADOPTING RESTATED ARTICLES OF INCORPORATION OF THE LINCOLN/LANCASTER COUNTY EMS OVERSIGHT AUTHORITY, INC. AND BY-LAWS OF THE LINCOLN/LANCASTER COUNTY EMS OVERSIGHT AUTHORITY, INC. TO RENAME THE ORGANIZATION AND REORGANIZE THE AGENCY WHICH WILL CONTINUE TO PROVIDE MEDICAL DIRECTION FOR SERVICES, TO PREPARE WRITTEN STANDARDS OF TREATMENT AND EMERGENCY MEDICAL CARE, TO RECOMMEND DISPATCH AND TREATMENT PROTOCOLS, TO PROVIDE QUALITY ASSESSMENT PROGRAMS AND REVIEW, AND TO MAKE RECOMMENDATIONS FOR IMPROVEMENTS TO THE EMERGENCY MEDICAL CARE SYSTEM - PRIOR to reading.

HORNUNG Moved to delay action on Bill No. 11R-106 for one week to 5/16/11.

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

**PUBLIC HEARING ORDINANCES - 3<sup>RD</sup> READING**

AMENDING ORDINANCE NO. 17366 PASSED JUNE 29, 1998, AND ORDINANCE NO. 18214 PASSED AUGUST 4, 2003, FOR THE WIDENING AND RECONSTRUCTION OF OLD CHENEY ROAD FROM NEBRASKA HIGHWAY 2 TO APPROXIMATELY 1,450 FEET EAST OF SOUTH 84TH STREET TO REMOVE DESIGN REQUIREMENTS FOR RAISED MEDIANS AND RIGHT TURN LANES - PRIOR to reading:

HORNUNG Moved to delay action on Bill No. 11-47 for one week to 5/16/11.

Seconded by Emery.

HORNUNG Withdrew the motion to delay.

HORNUNG Moved to place Bill No. 11-47 on Indefinite Pending.

Seconded by Emery & 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) - NONE**

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

AMENDING CHAPTER 26.11 OF THE LINCOLN MUNICIPAL CODE RELATING TO PROCEDURES FOR PROCESSING SUBDIVISIONS BY AMENDING SECTION 26.11.039 TO PROVIDE THAT A CASH CONTRIBUTION MAY BE FURNISHED FOR STREET TREES IN LIEU OF A BOND, ESCROW OR SECURITY AGREEMENT ON ALL FINAL PLATS, TO PROVIDE THAT NO SURETY IS REQUIRED FOR SIDEWALKS ALONG NON-MAJOR STREETS ABUTTING RESIDENTIAL LOTS, AND TO ADD CLARITY BY DIVIDING SUBPARAGRAPH (G) INTO TWO SUBPARAGRAPHS (G) AND (H); AND AMENDING SECTION 26.11.040 TO PROVIDE THAT SIDEWALKS ALONG NON-MAJOR STREETS ABUTTING NON-RESIDENTIAL LOTS SHALL BE INSTALLED PRIOR TO THE CITY ISSUING AN OCCUPANCY PERMIT OR WITHIN FOUR YEARS FOLLOWING PLAT APPROVAL WHICHEVER OCCURS FIRST AND SIDEWALKS ALONG NON-MAJOR STREETS ABUTTING RESIDENTIAL LOTS SHALL BE INSTALLED PRIOR TO THE CITY ISSUING AN OCCUPANCY PERMIT, EXCEPT UNDER SPECIFIED CONDITIONS, THAT STREET TREES ALONG NON-MAJOR STREETS SHALL BE INSTALLED WITHIN ONE YEAR AFTER THE ISSUANCE OF AN OCCUPANCY PERMIT OR WITHIN SIX YEARS OF FINAL PLAT APPROVAL, WHICHEVER OCCURS FIRST, AND TO PROVIDE THAT STORMWATER DETENTION/RETENTION FACILITIES SHALL BE GRADED AT THE SAME TIME AS THE OVERALL SITE GRADING AND THAT SUCH GRADING SHALL BE COMPLETED PRIOR TO INSTALLATION OF REQUIRED WATER DISTRIBUTION, WASTEWATER COLLECTION, AND STREET IMPROVEMENTS AND TO PROVIDE CONDITIONS WHICH MUST BE MET FOR THE RELEASE OF ANY SURETY TO GUARANTEE CONSTRUCTION OF THE STORMWATER DETENTION/RETENTION FACILITIES - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 26.11 of the Lincoln Municipal Code relating to Procedures for Processing Subdivisions by amending Section 26.11.039 to provide that a cash contribution may be furnished for street trees in lieu of a bond, escrow or security agreement on all final plats, to provide that no surety is required for sidewalks along non-major streets abutting residential lots, and to add clarity by dividing subparagraph (g) into two subparagraphs (g) and (h); and amending Section 26.11.040 to provide that sidewalks along non-major streets abutting non-residential lots shall be installed prior to the City issuing an occupancy permit or within four years following plat approval whichever occurs first and sidewalks along non-major streets abutting residential lots shall be installed prior to the City issuing an occupancy permit, except under specified conditions, that street trees along non-major streets shall be installed within one year after the issuance of an occupancy permit or within six years of final plat approval, whichever occurs first, and to provide that stormwater detention/retention facilities shall be graded at the same time as the overall site grading and that such grading shall be completed prior to installation of required water distribution, wastewater collection, and street improvements and to provide conditions which must be met for the release of any surety to guarantee construction of the stormwater detention/retention facilities, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19532**, is recorded in Ordinance Book #27, Page .

AMENDING TITLE 17 OF THE LINCOLN MUNICIPAL CODE RELATING TO WATER BY ADDING A NEW SECTION NUMBERED 17.02.185 TO PROVIDE A DEFINITION FOR "LOT"; AMENDING SECTION 17.02.210 TO REVISE THE DEFINITION OF "MASTER METERED WATER SERVICE"; REPEALING SECTIONS 17.02.230, 17.02.240, AND 17.02.260 TO DELETE DEFINITIONS OF "MOBILE HOME," "MOBILE HOME COURT," AND "OFFICE PARK," RESPECTIVELY; AMENDING SECTION 17.02.180 TO REVISE THE DEFINITION OF "PREMISES"; REPEALING SECTION 17.02.320 TO DELETE THE DEFINITION OF "SHOPPING CENTER"; AMENDING SECTION 17.10.070 TO CHANGE THE PROVISIONS REQUIRING WHEN PERMANENT WATER METERS ARE TO BE INSTALLED; AMENDING SECTION 17.10.080 TO CHANGE THE REQUIREMENTS OF HOW WATER SERVICE TO SPECIFIC LOTS IS PROVIDED; AMENDING SECTION 17.10.100 TO REQUIRE SURVEYS WHEN A PREMISES IS SUPPLIED BY TWO OR MORE SOURCES OF WATER; AMENDING SECTION 17.18.006 TO CHANGE HOW THE WATER SERVICE MANUAL MAY BE APPROVED; AMENDING SECTION 17.18.010 TO REMOVE THE NOTICE REQUIREMENT FOR MAKING A TAP; AMENDING SECTION 17.18.030 TO CHANGE THE PROVISIONS RELATED TO THE PROVISION OF WATER SERVICES FOR NEWLY CONSTRUCTED AND RECONSTRUCTED PREMISES; AMENDING SECTION 17.18.080 TO CHANGE PROVISIONS WHEN SURVEYS ARE REQUIRED; AMENDING SECTION 17.18.090 TO CHANGE REQUIREMENTS RELATED TO BACKFLOW PREVENTION INSTALLATIONS; AMENDING SECTION 17.18.130 TO ALLOW MULTIPLE SUPPLY AND SERVICE PIPES TO A PREMISES UNDER CERTAIN EXCEPTIONS; AND AMENDING SECTION 17.18.160 TO CHANGE REPAIR AND COST PROVISIONS INVOLVING LEAKS FROM CUSTOMER SERVICE PIPES - CLERK read an ordinance, introduced by Jonathan Cook, Amending Title 17 of the Lincoln Municipal Code relating to Water by adding a new Section numbered 17.02.185 to provide a definition for "lot"; amending Section 17.02.210 to revise the definition of "master metered water service"; repealing Sections 17.02.230, 17.02.240, and 17.02.260 to delete definitions of "mobile home," "mobile home court," and "office park," respectively; amending Section 17.02.180 to revise the definition of "premises"; repealing Section 17.02.320 to delete the definition of "shopping center"; amending Section 17.10.070 to change the

**REGULAR MEETING**

**May 9, 2011**

**Page 262**

provisions requiring when permanent water meters are to be installed; amending Section 17.10.080 to change the requirements of how water service to specific lots is provided; amending Section 17.10.100 to require surveys when a premises is supplied by two or more sources of water; amending Section 17.18.006 to change how the Water Service Manual may be approved; amending Section 17.18.010 to remove the notice requirement for making a tap; amending Section 17.18.030 to change the provisions related to the provision of water services for newly constructed and reconstructed premises; amending Section 17.18.080 to change provisions when surveys are required; amending Section 17.18.090 to change requirements related to backflow prevention installations; amending Section 17.18.130 to allow multiple supply and service pipes to a premises under certain exceptions; and amending Section 17.18.160 to change repair and cost provisions involving leaks from customer service pipes, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#1953**, is recorded in Ordinance Book #27, Page .

ANNEXATION NO. 11002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 18.36 ACRES OF LAND GENERALLY LOCATED AT SOUTH 88TH STREET AND PIONEERS BOULEVARD. (RELATED ITEMS 11-50, 11-51) - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19534**, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE NO. 11002 - APPLICATION OF HIMARK PROPERTY, LLC, FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 88TH STREET AND PIONEERS BOULEVARD. (RELATED ITEMS 11-50, 11-51) - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19535**, is recorded in Ordinance Book #27, Page .

**OPEN MICROPHONE**

Jane Svoboda, no address given, came forward to invite everyone to a paradise on earth. She expressed the opinions relating to hospital administrators, Al Quida, Muslim terrorists, President Obama and the Journal Star.

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to May 16, 2011.

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

**UPCOMING RESOLUTIONS**

CAMP Moved to approve the resolutions to have Public Hearing on May 16, 2011 except for Bill No. 11R-112.

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

**ADJOURNMENT 6:15 P.M.**

CAMP            Moved to adjourn the City Council meeting of May 9, 2011.  
                  Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll,  
                  Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

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Joan E. Ross, City Clerk

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Judy Roscoe, Senior Office Assistant

REGULAR MEETING

May 9, 2011

Page 264