

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JUNE 20, 2011 AT 3:00 P.M.**

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

Council Chair Carroll 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 June 13, 2011 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF HOLLENBECK FARMS LLC DBA CRAVE FOR A CLASS C LIQUOR LICENSE AT 2801 PINE LAKE ROAD, SUITE W;

MANAGER APPLICATION OF MARCY HOLLENBECK FOR HOLLENBECK FARMS LLC DBA CRAVE AT 2801 PINE LAKE ROAD, SUITE W - Marcy Hollenbeck, 7030 S. 61st Street, took oath and came forward to answer questions.

Councilman Cook, asked for an explanation of criminal history of Myron's that was not self-reported on the application nor was a civil judgment noted?

Ms. Hollenbeck stated she did not think of the civil judgment as being a criminal violation and she did not have an explanation for the unreported criminal history.

Tonya Peters, Police Legal Advisor, stated it is clear that all violations should be reported on the application along with the outcome. The question on this one was Mr. Hollenbeck's 2008 not appearing in court which led to his suspended drivers license and failure to display proper plates since they were more recent.

Chief Casady commented that if you ask for a criminal history at the Records Department it is not a complete record because there is not a national repository of all that complete information. It is only the public record arrests by the Lincoln Police Department and not everything is a public record. If a charge is not filed or is dismissed it disappears after one year. If you are a candidate for public office it lasts forever. Public criminal history from the LPD would not include minor traffic infractions. It is a complex State law about what's public and what's not.

Ms. Peters stated the State online civil and criminal history is available to the public. They may have to pay for the service. Russ Fosler does ask each applicant if they are involved in any civil litigation.

This matter was taken under advisement.

APPLICATION OF BLACK BEAR ENTERPRISES LLC DBA THE VIPER/DRUNKEN MONKEY TO MOVE THEIR PRESENTLY LICENSED CLASS I LIQUOR PREMISES FROM 640 WEST PROSPECTOR TO 1211 O STREET - Councilman Hornung moved reconsideration of the liquor hearing resolution from last week of the application of Black Bear Enterprises LLC dba The Viper/Drunken Monkey to move their presently located business.

Seconded by Camp.

Rod M. Confer, City Attorney, came forward stated that under Roberts Rules of Order a motion to reconsider does take priority and can be taken at anytime.

Tonya Peter, Police Legal Advisor, stated the Lincoln Police Department had referred their violations to the Liquor Commission those being a violation in March, 2009 for illegal sexual contact in which an employee touched an undercover officer. The applicant fired the employee in violation. The second violation was in May 2009 which was a minor consuming alcohol on the premises. Again this was an employee who was only 20 years old and the manager and employee were fired. The third violation was an open container and smoking inside the establishment which was after hours. The employees were fired.

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Mr. Confer confirmed that today they can vote to reconsider and the rules allow for that to be brought up today, but if the motion to reconsider passes there won't be any action taken on the reconsideration until next week which will be only for discussion not testimony. There will be no affect as far as the action of the Liquor Commission because they have required a long form application due to citizen protests. This vote would really be moot and would only be changing the vote on record.

AYES: Camp, Cook, Eskridge, Hornung; NAYS: Carroll, Emery; ABSENT: Snyder.

This matter was taken under advisement.

APPLICATION OF RED9 LLC DBA CAVO FOR A CLASS I LIQUOR LICENSE AT 7301 SOUTH 27TH STREET, SUITES 150-170;

MANAGER APPLICATION OF AMEETA MARTIN FOR RED9 LLC DBA CAVO AT 7301 SOUTH 27TH STREET - Troy Peterson and Aeloa Delany, 3745 Mohawk Street, took oath and came forward to answer questions. This is under Red9, but is a separate license doing business as Cavo.

This matter was taken under advisement.

APPLICATION OF YO JAVA, INC. DBA MO JAVA CAFÉ & ROASTING CO. FOR A CLASS I LIQUOR LICENSE AT 2649 NORTH 48TH STREET, SUITE D;

MANAGER APPLICATION OF PAUL J. MARSHALL FOR YO JAVA, INC. DBA MO JAVA CAFÉ & ROASTING CO. AT 2649 NORTH 48TH STREET, SUITE D - Paul Marshall, 2284 Sheldon Street, took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF APPLE CREEK VENDING, INC. DBA SUN VALLEY LANES FOR A CLASS C LIQUOR LICENSE AT 321 VICTORY LANE;

MANAGER APPLICATION OF JOHN A. LOSITO FOR APPLE CREEK VENDING, INC. DBA SUN VALLEY LANES AT 321 VICTORY LANE - Michael Rierden, 645 M St., Suite 200, came forward representing Apple Creek Vending, took oath and was available for questions. He stated this is a transfer from Bowling Associates to Apple Creek Vending. The various limited partners are Kerry Holdings, Deb Griffith and John Losito. John Losito took the oath and was available for questions as well.

This matter was taken under advisement.

APPLICATION OF JAMES BALLARD DBA JAMES ARTHUR VINEYARDS FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 299 FEET BY 243 FEET AT THE FALLBROOK FARMER'S MARKET LOCATED AT 570 FALLBROOK BLVD. ON JUNE 23, 30; JULY 7, 14, 21, 28; AUGUST 4, 11, 18, 25; SEPTEMBER 1, 8, 15, 22, 29; AND OCTOBER 6, 13, 2011 - Jim Ballard, 1503 West Raymond Road, took oath and came forward to answer questions.

This matter was taken under advisement.

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED \$713,000.00 FOR THE CITY OF LINCOLN, 17TH AND Q/CREDIT UNION REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN;

APPROVING THE 17TH AND Q/CREDIT UNION REDEVELOPMENT AGREEMENT BETWEEN THE UNIVERSITY OF NEBRASKA FEDERAL CREDIT UNION AND LITTLEMORE PROPERTIES CORPORATION AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 17TH AND Q STREETS AND 17TH AND P STREETS IN DOWNTOWN LINCOLN;

APPROVING AN AMENDMENT TO THE FY 10/11 CIP TO AUTHORIZE AND APPROPRIATE \$713,000.00 IN TIF FUNDS FOR THE 17TH AND Q/CREDIT UNION REDEVELOPMENT PROJECT GENERALLY LOCATED AT 17TH AND Q STREETS AND 17TH AND P STREETS IN DOWNTOWN LINCOLN - David Landis, Director of Urban Development, came forward stating the Federal Credit Union will move its location to the location occupied by Mile High car lot. A new fraternity (Phi Kappa Theta) will be built at the former location of the Credit Union which will cost about \$2,800,000 and the new credit union will be \$2,200,000. The amount of TIF generated in this case will come to approximately \$713,000. Electrical lines on 17th Street will be buried at a cost of \$37,500 and the second thing to happen will be to do streetscape improvements with money generated from the project. There will be improvements done on both P Street & Q Street for about \$235,000. The balance \$439,000 will be spent for the assistance of the development to acquire the land necessary to do the project. Drawings by Clark Enerson of the proposed developments were shown. The Credit Union said they would not protest the property valuation up to \$2,200,000 and the fraternity said they would not protest at any amount of taxation up to \$2,500,000. The reason for doing this project is it is consistent with the Comprehensive Plan, the Downtown Master Plan, with the Design Standards, it makes for a more handsome entryway, it's a significant investment in Downtown Lincoln and secures some significant public benefits. The Newman Center will be torn down and rebuilt at the current location including where the Credit Union is currently. They will temporarily locate to a now empty church on 17th Street

and after the Newman Center is built the empty church will then be renovated to be a sorority house which will be assessed a property tax each year & is currently valued at \$742,000.

Lauren Wismer, Gilmore & Bell, 1248 O St, Ste. 710, came forward to explain the amendments made to the ordinance. The amendments are the addition of the word Substitute on the cover page, on page 2 the definition of Antelope Valley Resolution now says the Antelope Valley Redevelopment Plan rather than the Lincoln Center Redevelopment Plan. There was a correction in Section 3.6, the Anticipated Assessed Valuation, which had been carried over from a previous ordinance and in the bond form on page 20 a reference was added to the Antelope Valley Redevelopment Plan in addition to the Lincoln Center Redevelopment Plan.

Bob Terell, 6020 S. 88th St., President of University of Nebraska Federal Credit Union, stated the Credit Union serves the University faculty, staff and students, about 10,000 members. They currently are in a 60 year old building. Two years ago the Newman Center approached them about purchasing their property to expand the Newman Center and to build a fraternity. They recently pursued the possibility once again with some options to possibly relocate. The only location that would work for them was the 17th and P area. It is important that the Credit Union be close in proximity to the University of Nebraska as there are members who walk to the Credit Union from the University campus so feel it is important to stay in this area to maintain this convenience. This location will provide room for growth, more functional, improve productivity, energy efficient building and improved accessibility for the disabled. This project would not have happened if not for TIF, the cost to relocate the Credit Union and the cost to relocate Miracle Mile. This will be a 14,400 sq. ft. building, two stories high with a basement and 32 parking spaces.

Bill Austin, Erickson & Sederstrom, 301 S. 13th St., Ste. 400, came forward on behalf of the Federal Credit Union, stating this will provide them with an expansion that will give tremendous benefit to themselves and to their members in the future. Littlemore Properties will construct and operate the fraternity. The TIF will be used to bring down the cost of the property, underground electric facilities and to provide landscaping consistent with what the City has desire to include within the project in this area. One clarification is our protest number is \$2,000,000 not \$2,200,000. The numbers that have been developed are consistent with that figure. There is a covenant in the agreement preventing these developments from changing to a property exempt from property tax during the TIF period. There is nothing after 15 years.

Jennifer Strand, Wood & Aitken, LLP, 301 S. 13th St., Ste. 500, came forward on behalf of Littlemore Properties. The western lot will be acquired by the Newman Center and the eastern lot will be acquired by Littlemore Properties who will then lease the building to the Fraternity House Corporation Board, Phi Kappa Theta. The purchase price is being split between the Newman Center and Littlemore Properties. The Newman Center will be paying \$650,000 for the Credit Union and Littlemore Properties will pay \$1,175,000 for the drive-in. The Credit Union will pay \$1,200,000 for Miracle Mile property. Phi Kappa Theta has been on campus for four years and currently has 60 members. The fraternity will be taxed, not Littlemore Properties, and even though it is affiliated with the Catholic Church it will not be used for religious purposes and the membership is not limited to Catholics. There are several members that are not Catholic.

Jude Warner, 320 N. 16th Street, of Littlemore Properties, stated the proposed new construction of Phi Beta Chapter House across the alley will affect both the assessed value of the neighborhood as well as the reasonable market value of this Chapter House being built. The University of Nebraska Regent mandated that all the Chapter Houses and student housing within a certain time period have to be fitted with fire suppression systems. Some of the fraternities and sororities are being renovated which will increase the assessed value. This new fraternity will provide safe housing for 60 students with the fire suppression system and will be fully accessible by ADA code. Livermore is a non-profit mutual benefit corporation that will run the fraternity, separate from the Catholic Church. This property will have five parking stalls and the residents will have access to the parking garage east across the street as well as another parking garage being built down the street. The five parking stalls will be shared jointly by the fraternity and their neighbor to the west providing parking for a cook and a house parent.

Mike Dennis, 1845 S 48th Street, Real Estate Owners and Managers Association, came forward with a concern of always subsidizing construction. He stated they own thousands of units throughout the City of Lincoln, old, new, some small, some large, some commercial, some industrial, but the truth of the matter is we don't run to Urban Development to get the job done. When he has gone to Urban Development they say they have no money. He has asked for about ten years to develop a long range plan to get rid of the overhead lines throughout the community. This would save the City money over time.

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Richard Esquivel, 733 W. Cumings St., came forward to state using TIF is hurting the taxpayer now. He heard there was a billion dollars in TIF projects in Lincoln. If they were developed privately and put on the rolls privately that would be an extra 20 million dollars annually. This could be used to improve the streets, bury power lines and maybe even lower taxes. What is the public benefit for giving a private company \$429,000 to buy land? How many small businesses are subsidized? When the sorority is being built they will be asking for TIF money also. The City won't get this money back through taxation for 15 years. Within two months there will be concerns about not having enough money for the budget, so why give away money?

Richard Halvorsen, 6311 Inverness Rd., came forward in opposition. He stated that TIF was instituted for the purpose of redeveloping blighted areas. It would be better to have the money now rather than 15 years down the road. He feels these businesses would continue with their projects even without TIF.

David Landis for rebuttal stating that going back more than ½ of 15 years we have is \$230,000,000 not a billion the projects that have gone the 15 years the land going into the projects, the first 17 projects, the value of the land was \$15,000,000. Coming out of those 15 years the valuation was \$105,000,000 and the value on those 17 projects today is \$215,000,000. I think there's a benefit to the community having improvements in the downtown area.

This matter was taken under advisement.

CHANGE OF ZONE 11015 - APPLICATION OF ALAN SCHMIDT FOR A CHANGE OF ZONE FROM R-2 1 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT SOUTH 27TH STREET AND TIERRA DRIVE - Alan Schmidt, Hutchinson Architects, 4535 Normal Blvd., came forward representing their client Kabredelo's Property Inc., asking to change the zone from R-1 to R-3 to increase the density a little bit so they can add a 24 unit building to the existing property where currently there is green space. There are some trees that will need to be removed, but most will remain.

This matter was taken under advisement.

CHANGE OF ZONE 11016 - APPLICATION OF MARK HUNZEKER, ON BEHALF OF THE PROPERTY OWNERS, FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT, ON PROPERTY GENERALLY LOCATED EAST OF SOUTH 25TH STREET TO SOUTH 27TH STREET ALONG THE NORTH SIDE OF N STREET - Councilman Cook made the motion to have continued second reading next week.

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

This matter was taken under advisement.

CHANGE OF ZONE 11018 - AMENDING CHAPTER 27.41 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE H-2 HIGHWAY BUSINESS DISTRICT BY AMENDING SECTION 27.41.020 TO DELETE THE SQUARE FOOTAGE RESTRICTION ON STORES OR SHOPS FOR THE SALE OF GOODS AT RETAIL NOT OTHERWISE PERMITTED IN THIS CHAPTER; AND AMENDING SECTION 27.41.030 TO ADD ASSEMBLY FACILITIES, INCLUDING BUT NOT LIMITED TO THE ASSEMBLY OF EQUIPMENT, INSTRUMENTS, AND APPLIANCES SUCH AS COMPUTERS AND MUSICAL INSTRUMENTS, AS A PERMITTED CONDITIONAL USE IN THE H-2 DISTRICT

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT FOR NORTH 45TH STREET AND VINE STREET BETWEEN AG REALTY LIMITED PARTNERSHIP AND THE CITY OF LINCOLN FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO H-2 HIGHWAY BUSINESS DISTRICT FOR A RANGE OF COMMERCIAL AND RETAIL USES, TO RESTRICT USES WHICH WOULD NOT BE COMPATIBLE WITH THE SURROUNDING USES AND DEVELOPMENT, ON PROPERTY GENERALLY LOCATED AT NORTH 45TH STREET AND VINE STREET

CHANGE OF ZONE 11017 - APPLICATION OF AG REALTY LIMITED PARTNERSHIP FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO H-2 HIGHWAY BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 45TH STREET AND VINE STREET - Jennifer Strand, 301 S. 13th St., Ste. 500, came forward on behalf of AG Realty Limited Partnership which is the owner of the former Gordman building as well as the proposed tenant Stanley Health Care Solutions. Present also is Todd Tyler, General Manager of Stanley as well as a representative from Schimmer Architects with some renderings to look at. It is requested to add light assembly to the H-2 zoning district. Pre-manufactured parts are shipped to the site and assembled into a finished product then sold at retail. The second amendment is to delete the 20,000 sq. ft. restriction on retail use. Stanley has outgrown there present site with 150 employees. The Gordman building is approximately 100,000 sq. ft. of which 1/3 of it would be used for the assembly facility and 2/3 would be office and show room space. Improvements will be made to the building as well as some additional landscaping. The parking lot will be refinished and re-stripped.

Todd Tyler, General Manager of Lincoln's Stanley Health Care Solutions, came forward to state Stanley is aggressively pursuing the healthcare sector. They purchased in 2002 Senior Technology which was founded in Lincoln in 1985 by John Braasch. They are global providers and specifically in Lincoln they focus

on electronic solutions. For longterm care they have a system (Wonder Guard) that helps prevent people with dementia from wandering outside. In acute care they provide an infant protection system (HUG) which prevents a baby from being abducted and exiting the hospital. The company expanded from three people to the Distribution Center to 12 or 13. The main building has grown to 15 to 20 people. The growth has been through acquisition of three other companies. The new facility will employ approximately 150 employees. They will operate business to business.

Ms. Strand commented there is an amendment to add where it says, "if there is any outdoor storage facilities they must be screened" now says "completely screened". There were three specific uses the Planning Commission felt were incompatible with the adjacent neighbor. The property owner and Stanley were willing to restrict those uses.

Marvin Krout, Director of Planning, came forward to explain the H-2 is an odd district that has a variety of uses. H-2 is not dissimilar from the uses that are already permitted in this district and could make it work if it was restricted what was meant by assembly and were clear of the definition of that. Also, it required complete screening from any residential use or from public view. The Planning Commission suggested the zoning agreement says it really doesn't mean for it to be anything other than the specialized use and so there are other uses in the B-2 we prefer not to see so the applicant agreed to prohibit those uses by the zoning agreement. This is a specialized use for a specialized district.

This matter was taken under advisement.

STREET NAME CHANGE 11002 - RENAMING THE REMAINING PORTION OF PINE LAKE ROAD BETWEEN WESTSHORE DRIVE AND HIGHWAY 2 AS "EIGER DRIVE" - Marvin Krout, Director of Planning, came forward to state this portion of the road has signage for Eiger Drive, but it was never officially named by ordinance. The Southeast Rural Fire District has a fire station here with an official address of Pine Lake Road which causes confusion so they requested a change to either Pine Lake Road or Eiger Drive. The Street Name committee agreed to name this street Eiger Drive. The only resident affected by this change is the Rural Fire Department.

This matter was taken under advisement.

AMENDING CHAPTER 20.04 OF THE LINCOLN MUNICIPAL CODE, DANGEROUS BUILDING CODE, BY AMENDING SECTION 20.04.010 TO ADD THE CHIEF FIRE INSPECTOR TO THE PHRASE TO BE SUBSTITUTED IN LIEU OF FIRE MARSHAL IN THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; AMENDING SECTION 20.04.020 TO PROVIDE THAT ENTRIES FOR INSPECTIONS SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE LAWS; AMENDING SECTION 20.04.025 TO MAKE THE OWNER OF A DANGEROUS BUILDING RESPONSIBLE FOR REPAIRS, ABATEMENT OR DEMOLITION, REGARDLESS OF THE CAUSE OF THE DAMAGE; ADDING A NEW SECTION NUMBERED 20.04.040 TO AMEND SECTION 301 OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS TO PROVIDE AMENDED DEFINITIONS; AMENDING SECTION 20.04.041 TO ADD PROVISIONS RELATING TO DANGEROUS BUILDINGS THAT INTERFERE WITH CITY OPERATIONS AND PROVISIONS RELATING TO THE DEMOLITION OF DANGEROUS BUILDINGS THAT STOP WITHOUT REASONABLE CAUSE; ADDING A NEW SECTION NUMBERED 20.04.045 TO AMEND SECTION 501 OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS RELATING TO APPEALS; ADDING A NEW SECTION NUMBERED 20.04.052 TO ADD SECTION 701.4 TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS TO PROVIDE FOR ACTION BY THE CITY IN THE EVENT THAT A DANGEROUS BUILDING INTERFERES WITH CITY INFRASTRUCTURE; ADDING A NEW SECTION NUMBERED 20.04.053 TO ADD SECTION 701.5 TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS TO ALLOW THE CITY TO TAKE OVER REPAIRS OR DEMOLITION IN THE EVENT OF A STOPPAGE OF WORK; AND ADDING A NEW SECTION NUMBERED 20.04.054 TO ADD SECTION 701.6 TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS TO ALLOW THE CITY TO REPAIR OR DEMOLISH A DANGEROUS BUILDING WITHOUT NOTICE TO AN OWNER IN AN EMERGENCY Chris Connolly, Assistant City Attorney, stated these changes came about because of the fire at Romantix and the piano building downtown of which two lessons were learned one of which was don't let two demolition contractors work side by side because they won't get along together. The second one was that the dangerous building code we have was initially published in 1994 and needs to be upgraded. The City couldn't move as fast as it wanted to under the current code with the primary concern being the appeal time. The method of setting the appeal time has been changed so it can be quicker. Another change deals with interference with City infrastructure and that gets into the issue of charging fees for blocking streets. The building official has the ability to shorten the appeal time down to as little as two days and then have a hearing within two days. No action will be taken until the appeal is resolved. In the event there is an emergency declared by the Mayor there would not be an appeal process to deal with something that is very dangerous or are unable to get ahold of an out-of-town building owner or something like that. There is a fee structure for any kind of interference. There are some risks in making some of these changes with the main risk being

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when you give discretion of what is being talked about to a building official there is always a concern that the discretion will be abused by a building official or the Mayor which could open the City up to a liability. It can be required that this decision be concurrent of a three party group and not just the building official or the Mayor. This deals with commercial and industrial buildings only.

Mike Dennis, President of Real Estate Owners and Managers Association, stated he received a call asking him to appear at this meeting. He requested this ordinance be set aside for six months for further review by the public.

This matter was taken under advisement.

AMENDING CHAPTER 2.02 OF THE LINCOLN MUNICIPAL CODE RELATING TO GOVERNMENTAL ORGANIZATION BY ADDING A NEW SECTION NUMBERED 2.02.065 ENTITLED "DIRECTOR OF PUBLIC SAFETY" - Tom Casady, Director of Public Safety, came forward to state he has been the Chief of Police for the past 17 years and Mayor Beutler has asked him to take on a new assignment managing the Police, Fire, and 911 as Director of Public Safety.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON MAY 23 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 11023 to Special Permit No. 1999A, Wilderness Hills Community Unit Plan, approved by the Planning Director on June 10, 2011, requested by Engineering Design Consultants, to add a note 28 stating "When a conditional or special permitted use is approved, it need not be shown on this site plan". The property is generally located at South 27th Street and Wilderness Hills Boulevard.

REFERRED TO PLANNING DEPARTMENT:

Change of Zone No. 11021HP - App. of Historic Preservation Commission, from R-2 Residential District to R-2 Residential District Historic Landmark on property located at 3935 Randolph Street.

Change of Zone No. 11022 - App. of Director of Planning, amending Section 27.61.100 of the Lincoln Municipal Code relating to Expansion of Nonstandard single and two-family dwellings into required yards to allow the enlargement, extension, or reconstruction of the main building used for a single or two-family dwelling and accessory buildings considered part of the main building in the R-1 through R-8 Residential Zoning Districts; and repealing Section 27.61.100 of the Lincoln Municipal Code as hitherto existing.

Special Permit No. 1976A - App. of VPN Partners, LLC for an amendment to the View Pointe North Community Unit Plan to add two additional lots for a total of 16 single family acreage lots and the establishment of a conservation easement over Outlot B on property located at N. 70th Street and Waverly Road. The Planning Commission is final action, unless appealed to City Council.

Special Permit No. 11014 - App. of William J. and Myrna L. Wood, for Historic Preservation, to reduce the side yard setback and to reduce the parking requirement on property located at 720 S. 16th Street.

Special Permit No. 11015 - App. of Jennifer Beebe, for Historic Preservation, to allow commercial catering on the lower level of a historic building, including a request to waive the parking requirement, on property located at 3935 Randolph Street. The Planning Commission action is final action, unless appealed to the City Council.

SETTING THE HEARING DATE OF MONDAY, JULY 11, 2011, AT 3:00 P.M. FOR THE APPLICATION OF CORKY CANVAS LLC DBA THE CORKY CANVAS FOR A CLASS I LIQUOR LICENSE LOCATED AT 3700 S. 9TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86374 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., July 11, 2011 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10TH St., Lincoln, NE, for Application of Corky Canvas LLC dba The Corky Canvas for a Class I liquor license located at 3700 S. 9th Street, Suite C.

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

Introduced by Jon Camp

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

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF HOLLENBECK FARMS LLC DBA CRAVE FOR A CLASS C LIQUOR LICENSE AT 2801 PINE LAKE ROAD, SUITE W - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-86375 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, pertinent City ordinances, and the following:

- a. If the applicant is of a class of person to whom no license can be issued.
- b. If the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are adequate to support the proposed license.
- c. If the issuance of the license would be compatible with the nature of the neighborhood or community.
- d. If existing licenses with similar privileges adequately serve the area.
- e. If there are any existing motor vehicle and/or pedestrian traffic flow issues in the area or if this application would cause motor vehicle and/or pedestrian traffic flow issues.
- f. If there is an adequate number of existing law enforcement officers in the area.
- g. If there are zoning and/or distance restrictions that prevent the issuance of a license.
- h. If there are sanitation and/or sanitary conditions on or about the area.
- i. If a citizens' protest has been made.

The City Council recommends to the Nebraska Liquor Control Commission that the application of Hollenbeck Farms LLC dba Crave for a Class "C" liquor license at 2801 Pine Lake Road, Suite W, Lincoln, Nebraska, be denied. The City Council has determined that the application should be denied for one or more of the following reasons:

- a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.
- b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.
- d. The applicant has not demonstrated that the issuance of the license is or will be required by the present or future public convenience and necessity.

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

Introduced by Jon Camp

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

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MANAGER APPLICATION OF MARCY HOLLENBECK FOR HOLLENBECK FARMS LLC DBA CRAVE AT 2801 PINE LAKE ROAD, SUITE W - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-86376 WHEREAS, Hollenbeck Farms, LLC dba Crave located at 2801 Pine Lake Road, Suite W, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Marcy Hollenbeck be named manager;

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends to the Nebraska Liquor Commission that Marcy Hollenbeck be denied as manager of this business for said licensee. The City Council has determined that the application should be denied for one or more of the following reasons:

- a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.
- b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.

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

Introduced by Jon Camp

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

APPLICATION OF RED9 LLC DBA CAVO FOR A CLASS I LIQUOR LICENSE AT 7301 SOUTH 27TH STREET, SUITES 150-170 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86377 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 red9 LLC dba Cavo for a Class "I" liquor license at 7301 South 27th Street, Suite 150-170, Lincoln, Nebraska, for the license period ending April 30, 2012, be approved with the condition that: the premises must comply in every respect with all city and state regulations.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF AMEETA MARTIN FOR RED9 LLC DBA CAVO AT 7301 SOUTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86378 WHEREAS, red9 LLC dba Cavo located at 7301 South 27th Street, Suites 150-170, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Ameeta Martin be named manager;

WHEREAS, Ameeta Martin 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 Ameeta Martin 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 Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Snyder.

APPLICATION OF YO JAVA, INC. DBA MO JAVA CAFÉ & ROASTING CO. FOR A CLASS I LIQUOR LICENSE AT 2649 NORTH 48TH STREET, SUITE D - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86379 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 Yo Java,

Inc. dba Mo Java Café & Roasting Co. for a Class "I" liquor license at 2649 North 48th Street, Suite D, Lincoln, Nebraska, for the license period ending April 30, 2012, 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 premises must comply in every respect with all city and state regulations.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF PAUL J. MARSHALL FOR YO JAVA, INC. DBA MO JAVA CAFÉ & ROASTING CO. AT 2649 NORTH 48TH STREET, SUITE D - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86380 WHEREAS, Yo Java, Inc. dba Mo Java Café & Roasting Co. located at 2649 North 48th Street, Suite D, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Paul J. Marshall be named manager;

WHEREAS, Paul J. Marshall 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 Paul J. Marshall 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 Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Snyder.

APPLICATION OF APPLE CREEK VENDING, INC. DBA SUN VALLEY LANES FOR A CLASS C LIQUOR LICENSE AT 321 VICTORY LANE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86381 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 Apple Creek Vending, Inc. dba Sun Valley Lanes for a Class "C" liquor license at 321 Victory Lane, Lincoln, Nebraska, for the license period ending October 31, 2011, be approved with the condition that the premises must comply in every respect with all city and state regulations.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF JOHN A. LOSITO FOR APPLE CREEK VENDING, INC. DBA SUN VALLEY LANES AT 321 VICTORY LANE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86382 WHEREAS, Apple Creek Vending, Inc. dba Sun Valley Lanes located at 321 Victory Lane, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that John A. Losito be named manager;

WHEREAS, John A. Losito 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 John A. Losito 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 Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Snyder.

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APPLICATION OF JAMES BALLARD DBA JAMES ARTHUR VINEYARDS FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 299 FEET BY 243 FEET AT THE FALLBROOK FARMER'S MARKET LOCATED AT 570 FALLBROOK BLVD. ON JUNE 23, 30; JULY 7, 14, 21, 28; AUGUST 4, 11, 18, 25; SEPTEMBER 1, 8, 15, 22, 29; AND OCTOBER 6, 13, 2011 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86383

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 James Ballard d/b/a James Arthur Vineyards for a Special Designated License to cover an area measuring approximately 299 feet by 243 feet at the Fallbrook Farmer's Market located at 570 Fallbrook Blvd., Lincoln, Nebraska, on June 23, 30; July 7, 14, 21, 28; August 4, 11, 18, 25; September 1, 8, 15, 22, 29; and October 6, 13, 2011 between the hours of 3:30 p.m. and 7:30 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

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

Introduced by Jon Camp

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

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

MISCELLANEOUS 11002 - VACATING THE FINAL PLAT OF STONE BRIDGE CREEK VILLAS GENERALLY LOCATED AT REDSTONE ROAD AND HUMPHREY AVENUE AND RETAINING CERTAIN EASEMENTS THEREIN IN THE NAME OF THE CITY - CLERK read an ordinance, introduced by Adam Hornung, vacating the final plat of Stone Bridge Creek Villas and all right-of-way within and abutting said plat on property generally located at Redstone Road and Humphrey Avenue, and reserving easements therein in the City of Lincoln, Nebraska, the second time.

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED \$713,000.00 FOR THE CITY OF LINCOLN, 17TH AND Q/CREDIT UNION REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN (RELATED ITEMS: 11-81, 11R-135, 11R-136) - CLERK read an ordinance, introduced by Adam Hornung, authorizing and providing for the issuance of City of Lincoln, Nebraska Tax Allocation Bonds, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$712,786 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the City's 17th & Q/Credit Union Redevelopment Project Area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the Bonds; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the Bonds as the same become due; limiting payment of the Bonds to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the finance Director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the Bonds not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

APPROVING THE 17TH AND Q/CREDIT UNION REDEVELOPMENT AGREEMENT BETWEEN THE UNIVERSITY OF NEBRASKA FEDERAL CREDIT UNION AND LITTLEMORE PROPERTIES CORPORATION AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 17TH AND Q STREETS AND 17TH AND P STREETS IN DOWNTOWN LINCOLN. (RELATED ITEMS: 11-81, 11R-135, 11R-136) (ACTION DATE: 6/27/11)

APPROVING AN AMENDMENT TO THE FY 10/11 CIP TO AUTHORIZE AND APPROPRIATE \$713,000.00 IN TIF FUNDS FOR THE 17TH AND Q/CREDIT UNION REDEVELOPMENT PROJECT GENERALLY LOCATED AT 17TH AND Q STREETS AND 17TH AND P STREETS IN DOWNTOWN LINCOLN. (RELATED ITEMS: 11-81, 11R-135, 11R-136) (ACTION DATE: 6/27/11)

CHANGE OF ZONE 11015 - APPLICATION OF ALAN SCHMIDT FOR A CHANGE OF ZONE FROM R-21 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT SOUTH 27TH STREET AND TIERRA DRIVE - CLERK read an ordinance, introduced by Adam Hornung, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 11016 - APPLICATION OF MARK HUNZEKER, ON BEHALF OF THE PROPERTY OWNERS, FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT, ON PROPERTY GENERALLY LOCATED EAST OF SOUTH 25TH STREET TO SOUTH 27TH STREET ALONG THE NORTH SIDE OF N STREET - PRIOR to reading:

HORNUNG Moved to continue second reading to June 27, 2011.

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

CLERK Read an ordinance, introduced by Adam Hornung, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 11018 - AMENDING CHAPTER 27.41 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE H-2 HIGHWAY BUSINESS DISTRICT BY AMENDING SECTION 27.41.020 TO DELETE THE SQUARE FOOTAGE RESTRICTION ON STORES OR SHOPS FOR THE SALE OF GOODS AT RETAIL NOT OTHERWISE PERMITTED IN THIS CHAPTER; AND AMENDING SECTION 27.41.030 TO ADD ASSEMBLY FACILITIES, INCLUDING BUT NOT LIMITED TO THE ASSEMBLY OF EQUIPMENT, INSTRUMENTS, AND APPLIANCES SUCH AS COMPUTERS AND MUSICAL INSTRUMENTS, AS A PERMITTED CONDITIONAL USE IN THE H-2 DISTRICT (RELATED ITEMS: 11-84, 11R-137, 11-85) - CLERK read an ordinance, introduced by Adam Hornung, amending Chapter 27.41 of the Lincoln Municipal Code relating to the H-2 Highway Business District by amending Section 27.41.020 to delete the square footage restriction on stores or shops for the sale of goods at retail not otherwise permitted in this chapter; amending Section 27.41.030 to add assembly facilities, including but not limited to the assembly of equipment, instruments, and appliances such as computers and musical instruments, as a permitted conditional use in the H-2 District, and repealing Sections 27.41.020 and 27.41.030 of the Lincoln Municipal Code as hitherto existing, the second time.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT FOR NORTH 45TH STREET AND VINE STREET BETWEEN AG REALTY LIMITED PARTNERSHIP AND THE CITY OF LINCOLN FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO H-2 HIGHWAY BUSINESS DISTRICT FOR A RANGE OF COMMERCIAL AND RETAIL USES, TO RESTRICT USES WHICH WOULD NOT BE COMPATIBLE WITH THE SURROUNDING USES AND DEVELOPMENT, ON PROPERTY GENERALLY LOCATED AT NORTH 45TH STREET AND VINE STREET. (RELATED ITEMS: 11-84, 11R-137, 11-85) (ACTION DATE: 6/27/11)

CHANGE OF ZONE 11017 - APPLICATION OF AG REALTY LIMITED PARTNERSHIP FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO H-2 HIGHWAY BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 25 45TH STREET AND VINE STREET (RELATED ITEMS: 11-84, 11R-137, 11-85) - CLERK read an ordinance, introduced by Adam Hornung, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

STREET NAME CHANGE 11002 - RENAMING THE REMAINING PORTION OF PINE LAKE ROAD BETWEEN WESTSHORE DRIVE AND HIGHWAY 2 AS "EIGER DRIVE" - CLERK read an ordinance, introduced by Adam Hornung, changing the name of a portion of Pine Lake Road located between Westshore Drive and Highway 2, from Pine Lake Road to Eiger Drive as recommended by the Street Name Committee, the second time.

AMENDING CHAPTER 20.04 OF THE LINCOLN MUNICIPAL CODE, DANGEROUS BUILDING CODE, BY AMENDING SECTION 20.04.010 TO ADD THE CHIEF FIRE INSPECTOR TO THE PHRASE TO BE SUBSTITUTED IN LIEU OF FIRE MARSHAL IN THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; AMENDING SECTION 20.04.020 TO PROVIDE THAT ENTRIES FOR INSPECTIONS SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE LAWS; AMENDING SECTION 20.04.025 TO MAKE THE OWNER OF A DANGEROUS BUILDING RESPONSIBLE FOR REPAIRS, ABATEMENT OR DEMOLITION, REGARDLESS OF THE CAUSE OF THE DAMAGE; ADDING A NEW SECTION NUMBERED 20.04.040 TO AMEND SECTION 301 OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS TO PROVIDE AMENDED DEFINITIONS; AMENDING SECTION 20.04.041 TO ADD PROVISIONS RELATING TO DANGEROUS BUILDINGS THAT INTERFERE WITH CITY OPERATIONS AND PROVISIONS RELATING TO THE DEMOLITION OF DANGEROUS BUILDINGS THAT STOP WITHOUT REASONABLE CAUSE; ADDING A NEW SECTION NUMBERED 20.04.045 TO AMEND SECTION 501 OF THE UNIFORM CODE FOR THE ABATEMENT OF

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DANGEROUS BUILDINGS RELATING TO APPEALS; ADDING A NEW SECTION NUMBERED 20.04.052 TO ADD SECTION 701.4 TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS TO PROVIDE FOR ACTION BY THE CITY IN THE EVENT THAT A DANGEROUS BUILDING INTERFERES WITH CITY INFRASTRUCTURE; ADDING A NEW SECTION NUMBERED 20.04.053 TO ADD SECTION 701.5 TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS TO ALLOW THE CITY TO TAKE OVER REPAIRS OR DEMOLITION IN THE EVENT OF A STOPPAGE OF WORK; AND ADDING A NEW SECTION NUMBERED 20.04.054 TO ADD SECTION 701.6 TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS TO ALLOW THE CITY TO REPAIR OR DEMOLISH A DANGEROUS BUILDING WITHOUT NOTICE TO AN OWNER IN AN EMERGENCY - CLERK read an ordinance, introduced by Adam Hornung, amending Chapter 20.04 of the Lincoln Municipal Code, Dangerous Building Code, by amending Section 20.04.010 to add the Chief Fire Inspector to the phrase to be substituted in lieu of Fire Marshal in the Uniform Code for the Abatement of Dangerous Buildings; amending Section 20.04.020 to provide that entries for inspections shall be done in accordance with all applicable laws; amending Section 20.04.025 to make the owner of a dangerous building responsible for repairs, abatement or demolition, regardless of the cause of the damage; adding a new section numbered 20.04.040 to amend Section 301 of the Uniform Code for the Abatement of Dangerous Buildings to provide amended definitions; amending Section 20.04.041 to add provisions relating to dangerous buildings that interfere with City operations and provisions relating to the demolition of dangerous buildings that stop without reasonable cause; adding a new section numbered 20.04.045 to amend Section 501 of the Uniform Code for the Abatement of Dangerous Buildings relating to appeals; adding a new section numbered 20.04.052 to add Section 701.4 to the Uniform Code for the Abatement of Dangerous Buildings to provide for action by the City in the event that a dangerous building interferes with City infrastructure; adding a new section numbered 20.04.053 to add Section 701.5 to the Uniform Code for the Abatement of Dangerous Buildings to allow the City to take over repairs or demolition in the event of a stoppage of work; and adding a new section numbered 20.04.054 to add Section 701.6 to the Uniform Code for the Abatement of Dangerous Buildings to allow the City to repair or demolish a dangerous building without notice to an owner in an emergency, the second time.

AMENDING CHAPTER 2.02 OF THE LINCOLN MUNICIPAL CODE RELATING TO GOVERNMENTAL ORGANIZATION BY ADDING A NEW SECTION NUMBERED 2.02.065 ENTITLED "DIRECTOR OF PUBLIC SAFETY" - CLERK read an ordinance, introduced by Adam Hornung, amending Chapter 2.02 of the Lincoln Municipal Code relating to Governmental Organization by adding a new section numbered 2.02.065 entitled "Director of Public Safety", the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING A COMMUNICATIONS CENTER INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY TO AMEND AND UPDATE THE EXISTING INTERLOCAL AGREEMENT FOR THE ESTABLISHMENT AND ADMINISTRATION OF THE 911/COMMUNICATIONS CENTER - PRIOR to reading:

CAMP Moved to amend Bill No. 11R-138 to accept the attached substitute Communications Center (Amended) Agreement to replace the Agreement currently attached to Bill No. 11R-138.

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

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

A-86384 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln, Nebraska and Lancaster County, Nebraska to amend and update the existing Interlocal Agreement for the establishment and administration of the 911/Communications Center, 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 and executed copy of the Agreement to Don Herz, Finance Director, Tom Casady, Public Safety Director, and to the Lancaster County Clerk for execution by the Board of Commissioners.

Introduced by Adam Hornung

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

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required) - NONE

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

AMENDING CHAPTER 23.10 OF THE LINCOLN MUNICIPAL CODE (LMC), THE LINCOLN ELECTRICAL CODE, TO ADOPT THE 2011 NATIONAL ELECTRICAL CODE (NEC), AS SPECIFICALLY AMENDED BY CHAPTER 23.10 OF THE LMC, BY AMENDING SECTION 23.10.010 TO ADOPT THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE; AMENDING SECTION 23.10.070 RELATING TO BYPASSING ELECTRIC REVENUE METERS; AMENDING SECTION 23.10.120 TO INCREASE THE FEE FOR REVIEW OF A DECISION OF THE BUILDING OFFICIAL; AMENDING SECTION 23.10.140 RELATING TO PERMITS TO CHANGE REFERENCES FROM "HOMEOWNERS" TO "NON-LICENSED APPLICANTS" AND TO DELETE REFERENCES TO SPECIFIC NEC ARTICLES; AMENDING SECTION 23.10.150 RELATING TO PERMIT REQUIREMENTS TO CHANGE A REFERENCE FROM "PERMITTEE" TO "PERMIT HOLDER"; AMENDING SECTION 23.10.160 RELATING TO INSTALLATIONS BY NON-LICENSED APPLICANTS; AMENDING SECTION 23.10.190 RELATING TO REQUESTS FOR INSPECTIONS; AMENDING SECTION 23.10.195 TO CLARIFY THAT AN ELECTRIC REVENUE METER INSTALLED IN THE REGULAR METER SOCKET AND LEFT UNSEALED SHALL BE CONSIDERED A TEMPORARY USE OF ELECTRICAL ENERGY UNDER THIS SECTION; AMENDING SECTION 23.10.200 TO DELETE THE REQUIREMENT THAT THE EXPIRATION DATE OF THE CITY REGISTRATION OF A STATE LICENSE BE RECORDED ON THE STATE LICENSE; AMENDING SECTION 23.10.220 TO INCREASE EXAMINATION AND REGISTRATION FEES; REPEALING SECTION 23.10.280 RELATING TO WIRING OF TEMPORARY CONSTRUCTION WALKWAYS; AMENDING SECTION 23.10.290 RELATING TO INSTALLATION STANDARDS AND APPROVED WIRING METHODS; AMENDING SECTION 23.10.300 RELATING TO SERVICES, DISCONNECTS, SUB-FEEDERS AND METERING REQUIREMENTS; AND AMENDING SECTION 23.10.520 TO PROVIDE PERMITS SHALL BE VALID FOR A PERIOD OF 90 DAYS AND TO INCREASE PERMIT FEES - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 23.10 of the Lincoln Municipal Code (LMC), the Lincoln Electrical Code, to adopt the 2011 National Electrical Code (NEC), as specifically amended by Chapter 23.10 of the LMC by amending Sections 23.10.010, 23.10.070, 23.10.120, 23.10.140, 23.10.150, 23.10.160, 23.10.190, 23.10.195, 23.10.200, 23.10.220, 23.10.290, 23.10.300, 23.10.520; repealing Sections, 23.10.010, 23.10.070, 23.10.120, 23.10.140, 23.10.150, 23.10.160, 23.10.190, 23.10.195, 23.10.200, 23.10.220, 23.10.280, 23.10.290, 23.10.300 and 23.10.520 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Snyder.
The ordinance, being numbered #19557, is recorded in Ordinance Book #27, Page .

AMENDING CHAPTER 19.03 OF THE LINCOLN MUNICIPAL CODE ("LMC"), THE FIRE CODE OF THE CITY OF LINCOLN, NEBRASKA, BY AMENDING SECTION 19.03.010 TO ADOPT THE INTERNATIONAL FIRE CODE, 2009 EDITION ("IFC"), AS SPECIFICALLY AMENDED BY CHAPTER 19.03 OF THE LMC; AMENDING LMC SECTION 19.03.090 TO INCREASE THE REVIEW AND INSPECTION FEE FOR NEW CONSTRUCTION AND ALTERATIONS; AMENDING LMC SECTION 19.03.100 TO ADD AND INCREASE SPECIFIED PERMIT FEES; AMENDING LMC SECTION 19.03.120 TO INCREASE THE FILING FEE FOR APPEALS TO THE CODE OFFICIAL; AMENDING LMC SECTION 19.03.130 TO RELOCATE REQUIREMENTS RELATING TO MOBILE HOME SKIRTING WITHIN THE IFC; ADDING A NEW LMC SECTION NUMBERED 19.03.133 TO DELETE EXCEPTION 4 FROM IFC SECTION 903.2.7 RELATING TO GROUP M SPRINKLER REQUIREMENTS; AMENDING LMC SECTION 19.03.135 TO REFLECT AN IFC SECTION NUMBER CHANGE; AMENDING LMC SECTION 19.03.140 RELATING TO MONITORING SPRINKLER SYSTEMS; REPEALING LMC SECTION 19.03.143 WHICH DELETED EXCEPTION 2 FROM IFC SECTION 907.3.1.7 RELATING TO FIRE ALARM SYSTEMS GROUP R-2 OCCUPANCIES; ADDING A NEW LMC SECTION NUMBERED 19.03.144 TO AMENDED IFC SECTION 907.2.2 RELATING TO GROUP R-2 OCCUPANCIES; AMENDING LMC SECTION 19.03.160 TO REFLECT AN IFC SECTION NUMBER CHANGE; REPEALING LMC SECTION 19.03.180 RELATING TO PERMITS FOR FLAMMABLE AND COMBUSTIBLE LIQUIDS; AND REPEALING LMC SECTION 19.03.190 RELATING TO PROHIBITION ON ABOVE-GROUND TANKS - PRIOR to reading:

ESKRIDGE Moved to amend Bill No. 11-74 in the following manner:

- (a) Delete proposed Section 11 (Page 11, Line 15 through Page 12, Line 11) in its entirety;
- (b) Delete incomplete Section 12 (Page 12, Lines 12-14) in its entirety; and
- (c) Renumber the remaining subsequent sections accordingly.
- (d) On Page 13, Line 23 insert the word "and " between 19.03.135 and 19.03.140, and delete the phrase ",and 19.03.160".

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

CLERK Read an ordinance, introduced by Carl Eskridge, amending Chapter 19.03 of the Lincoln Municipal Code ("LMC"), the Fire Code of the City of Lincoln, Nebraska, by amending Section 19.03.010 to adopt the International Fire Code, 2009 Edition ("IFC"), as specifically amended by Chapter 19.03 of the LMC;

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amending Sections 19.03.090, 19.03.100, 19.03.120, 19.03.130; adding a new LMC section numbered 19.03.133; amending Sections 19.03.135, 19.03.140; repealing LMC Section 19.03.143; adding a new LMC section numbered 19.03.144; amending Section 19.03.160; repealing Section 19.03.180, 19.03.190, 19.03.010, 19.03.090, 19.03.100, 19.03.120, 19.03.130, 19.03.135, 19.03.140 and 19.03.160 of the Lincoln Municipal Code as hitherto existing, the third time

ESKRIDGE Moved to pass the ordinance as amended.

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Snyder.
The ordinance, being numbered **#19558**, is recorded in Ordinance Book #27, Page .

AMENDING CHAPTER 20.08 OF THE LINCOLN MUNICIPAL CODE (LMC), THE LINCOLN BUILDING CODE, TO ADOPT THE 2009 INTERNATIONAL BUILDING CODE (IBC), AS SPECIFICALLY AMENDED BY CHAPTER 20.08 OF THE LMC, AND TO REVISE SECTIONS WITHIN CHAPTER 20.08 TO INCORPORATE SECTION NUMBER CHANGES BETWEEN THE 2006 AND 2009 EDITIONS OF THE IBC AND TO INCREASE FEES FOR CERTAIN DESIGNATED SERVICES; ADDING A NEW SECTION NUMBERED 20.08.065 TO AMEND IBC SECTION 105.3.2 RELATING TO TIME LIMITATIONS; ADDING A NEW SECTION NUMBERED 20.08.067 TO AMEND IBC SECTION 105.5 RELATING TO EXPIRATION AND REINSTATEMENT OF PERMITS; ADDING A NEW SECTION NUMBERED 20.08.178 TO ADD A NEW IBC SECTION 423.3 RELATING TO THE CONSTRUCTION OF STORM SHELTERS; ADDING A NEW SECTION NUMBERED 20.08.223 TO DELETE NO. 4 FROM IBC SECTION 903.2.7 RELATING TO GROUP M SPRINKLER REQUIREMENTS; ADDING A NEW SECTION NUMBERED 20.08.265 TO ADD AN EXCEPTION 8 TO IBC SECTION 1009.4.2 RELATING TO STAIRWAYS; ADDING A NEW SECTION NUMBERED 20.08.318 TO ADD A NEW IBC SECTION 1509.6 RELATING TO OUTDOOR DECK FRAMING FOR ROOF TOP SEATING AND ASSEMBLY AREAS; ADDING A NEW SECTION NUMBERED 20.08.353 TO AMEND IBC SECTION 1704.1 RELATING TO SPECIAL INSPECTIONS; AND REPEALING LINCOLN MUNICIPAL CODE SECTIONS 20.08.235, 20.08.290, 20.08.325, AND 29.08.340 IN THEIR ENTIRETY - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 20.08 of the Lincoln Municipal Code (LMC), the Lincoln Building Code, to adopt the 2009 International Building Code (IBC), as specifically amended by Chapter 20.08 of the LMC, and to revise sections within Chapter 20.08 to incorporate section number changes between the 2006 and 2009 editions of the IBC and to increase fees for certain designated services; adding new section numbered 20.08.065, 20.08.067, 20.08.178, 20.08.223, 20.08.265, 20.08.318, 20.08.353; repealing Sections 20.08.235, 20.08.290, 20.08.325, 29.08.340, 20.08.010, 20.08.040, 20.08.080, 20.08.090, 20.08.100, 20.08.110, 20.08.115, 20.08.120, 20.08.130, 20.08.140, 20.08.145, 20.08.150, 20.08.160, 20.08.165, 20.08.225, 20.08.357 and 20.08.410 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Snyder.
The ordinance, being numbered **#19559**, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE NO. 08057A - AMENDING THE UNIVERSITY PLACE PLANNED UNIT DEVELOPMENT TO ALLOW THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES AS A CONDITIONAL USE PROVIDED IT MEETS ALL THE REQUIREMENTS FOR A SPECIAL PERMIT PURSUANT TO § 27.63.680 OF THE LINCOLN MUNICIPAL CODE, EXCEPT FOR PARKING - CLERK read an ordinance, introduced by Carl Eskridge, amending the University Place Planned Unit Development Plan to allow the sale of alcohol for consumption on the premises as a conditional use in the University Place Planned Unit Development District provided such use meets all the requirements for a special permit pursuant to Lincoln Municipal Code § 27.63.680, except the parking requirement, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Snyder.
The ordinance, being numbered **#19560**, is recorded in Ordinance Book #27, Page .

APPROVING AN AMENDED SUBLEASE AGREEMENT BETWEEN THE CITY AND EXPERIENCE WORKS FOR THE SUBLEASE OF OFFICE SPACE AT GOLD'S BUILDING, 1010 N STREET, TO AMEND THE TERM, AREA LEASED AND RENTAL AMOUNT - CLERK read an ordinance, introduced by Carl Eskridge, approving a Sublease Agreement between the City of Lincoln and Experience Works from July 1, 2011 to June 30, 2012, whereby the City of Lincoln is subleasing office space to Experience Works at the One Stop Career Center, 1010 N Street, Lincoln, Nebraska, for providing job training and employment services under the Workforce Investment Act, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Snyder.
The ordinance, being numbered **#19561**, is recorded in Ordinance Book #27, Page .

AMENDING CHAPTER 14.80 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIDEWALK CONSTRUCTION BY AMENDING SECTION 14.80.010 TO ADD MAILBOXES AND SUPPORTING STRUCTURES AS ITEMS THAT MAY BE LOCATED IN THE SPACE BETWEEN CURB AND LOT LINES, AND TO DELETE DECORATIVE STONES FROM SUCH LIST AS THEY ARE INCLUDED WITHIN THE TERM ORGANIC MULCH; AMENDING SECTION 14.80.020 TO ADD MAILBOXES AND SUPPORTING STRUCTURES REQUIRED BY THE UNITED STATES POSTAL SERVICE AS ITEMS WHICH MAY BE PLACED IN THE SPACE BETWEEN CURB AND LOT LINES WITHOUT A PERMIT, TO REVISE THE ORGANIZATION OF SUBPARAGRAPHS SO THAT PROVISIONS RELATED TO THE SAME SUBJECT APPEAR TOGETHER IN THE ORDINANCE, AND TO CLARIFY THAT THE CITY OF LINCOLN IS RELEASED FROM LIABILITY FOR DAMAGE TO ALL PERSONAL PROPERTY OF ABUTTING LANDOWNERS LOCATED BETWEEN THE CURB AND THE LOT LINE REGARDLESS OF WHETHER THE USE OF SUCH PERSONAL PROPERTY IN THAT AREA IS PERMITTED OR UNAUTHORIZED - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 14.80 of the Lincoln Municipal Code relating to Sidewalk Construction by amending Section 14.80.010 to add mailboxes and supporting structures as items that may be located in the space between curb and lot lines, and to delete decorative stones from such list as they are included within the term organic mulch; amending Section 14.80.020 to add mailboxes and supporting structures required by the United States Postal Service as items which may be placed in the space between curb and lot lines without a permit, to revise the organization of subparagraphs so that provisions related to the same subject appear together in the ordinance, and to clarify that the City of Lincoln is released from liability for damage to all personal property of abutting landowners located between the curb and the lot line regardless of whether the use of such personal property in that area is permitted or unauthorized; and repealing Sections 14.80.010 and 14.80.020 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.

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

The ordinance, being numbered #19562, is recorded in Ordinance Book #27, Page .

RECONSIDERATION

APPLICATION OF BLACK BEAR ENTERPRISES LLC DBA THE VIPER/DRUNKEN MONKEY TO MOVE THEIR PRESENTLY LICENSED CLASS I LIQUOR PREMISES FROM 640 WEST PROSPECTOR TO 1211 O STREET:

HORNUNG Moved to reconsider on 6/27/11.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eskridge, Hornung; NAYS: Carroll, Emery; ABSENT: Snyder.

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -

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.

EMERY Moved to remove Bill No. 11-47 from Pending for Public Hearing on July 25, 2011 and Action on August 1, 2011.

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

CAMP Moved to extend the Pending List to June 27, 2011.

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

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on June 27, 2011.

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

REGULAR MEETING

June 20, 2011

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ADJOURNMENT 5:26 P.M.

CAMP Moved to adjourn the City Council meeting of June 20, 2011.
 Seconded by Cook & carried by the following vote: AYES: Camp,
 Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Snyder.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant