

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JULY 11, 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, Snyder; City Clerk, Joan E. Ross.

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

HORNUNG Having been appointed to read the minutes of the City Council proceedings of June 27, 2011 reported having done so, found same correct.

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

RECOGNITION

Council Chair Carroll recognized Boy Scout Troop 12 celebrating its 100 year anniversary. Current members were in attendance working on their Communication Badges.

PUBLIC HEARING

APPLICATION OF CORKY CANVAS LLC DBA THE CORKY CANVAS FOR A CLASS I LIQUOR LICENSE AT 3700 SOUTH 9TH STREET;

MANAGER APPLICATION OF ANGELA BERGREN FOR CORKY CANVAS LLC DBA THE CORKY CANVAS AT 700 SOUTH 9TH STREET - Angela Bergren, 3700 S. 9th St., Suite C, came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF CORY FLETCHER DBA MAHONEY GOLF COURSE FOR A CLASS I LIQUOR LICENSE AT 7900 ADAMS STREET - Cory Fletcher, 7900 Adams St., came forward to take oath and answer questions.

He said beer has been allowed on the golf course since 2004. He reported that after seven great, problem-free years, the business is evolving to a new level.

This matter was taken under advisement.

APPLICATION OF GJR LLC DBA RANDY'S GRILL & CHILL FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 58 FEET BY 85 FEET IN THE PARKING LOT ADJACENT TO THE PREMISES LOCATED AT 4947 HOLDREGE STREET ON JULY 15, 2011 FROM 11:00 A.M. TO 2:00 A.M. - Randy Wilson, 4947 Holdrege St., came forward to take oath and answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 11020 - AMENDING SECTION 27.31.040 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERMITTED CONDITIONAL USES IN THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO MODIFY CONDITIONAL USE REQUIREMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON AND OFF THE PREMISES BY DELETING REQUIRED YARDS AND PARKING PROHIBITIONS IN A REQUIRED YARD WHEN THE BUILDING CONTAINING THE LICENSED PREMISES ABUTS A RESIDENTIAL DISTRICT AND ADDING NEW LANGUAGE REQUIRING ALL EXTERIOR DOOR OPENINGS OF THE LICENSED PREMISES TO BE LOCATED MORE THAN 100 FEET AWAY FROM ANY PARKING SPACES LOCATED IN A SIDE OR REAR YARD ADJACENT TO A RESIDENTIAL DISTRICT - Jeff Coffey, 6891 A St., owner/applicant came forward stating that a prospective tenant has expressed interest in operating an event center/reception hall at Clock Tower Shopping Center but is concerned about the loss of parking. Mr. Coffey said Planning Dept. sent letters to all residential neighbors and he & Mrs. Coffey have spoken to them personally as well.

Susan Coffey, 6891 A St., came forward to answer questions. As co-owner, she stated their development has a nice mix of operating businesses and a good relationship with a neighboring church.

REGULAR MEETING

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Marvin Krout, Director of Planning, came forward to answer Council questions. While Clock Tower does not meet set-back rules expected in the newer B-2 District, the proposed amendment provides better protection for adjacent residents.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE AND SCHEDULE OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO A PAY RANGE PREFIXED BY THE LETTER "A" BY CREATING THE CLASSIFICATION OF BUSINESS DEVELOPMENT SPECIALIST - June Pederson, Director of Aging Partners, came forward to clarify that due to a loss of \$885,000 in budget cuts over the last four years, her department is looking at an opportunity to provide services in a fee-for-service manner. The Veterans Administration has presented an opportunity to Aging Agencies in Omaha, Hastings & Lincoln to pilot a program in Nebraska called the Veterans Directed Home and Community Based Service. Ms. Pederson said Aging Partners will work with VA employees to assess individual needs & find resources for returning veterans of all ages who have injuries. She said the position requires contracting with a company that does financial management services, providing a W-2 to the worker from the veteran. The prospective employee will serve on the Aging Partners management team and will look for resources and ideas to raise money. Ms. Pederson reminded Council that Nebraska's population of people who are age 60 or over is at 18%. She said this age group may want and be willing to pay for services.

This matter was taken under advisement.

AMENDING SECTION 2.76.135 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMPENSATION PLAN; MERIT PAY PLAN 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 2.76.200 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMPENSATION PLAN; TEMPORARY ASSIGNMENT IN A HIGHER CLASSIFICATION TO PROVIDE THAT PART-TIME AND UNREPRESENTED EMPLOYEES AT THE MAXIMUM OF THEIR "N" OR "X" PAY RANGES RECEIVE A THREE AND ONE-HALF PERCENT INCREASE, AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AUGUST 19, 2010 - Don Taute, City Law Department, came forward to clarify that these code changes would apply to employees who are not otherwise represented by the PAGE bargaining group and to coincide with changes that were made as a result of the CIR decision in that case. He said the 3.5% increase between steps creates uniformity and application.

This matter was taken under advisement.

A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH CONSTRUCTING, EQUIPPING AND FURNISHING A NEW CLUBHOUSE AND RELATED FACILITIES AND EQUIPMENT FOR THE CITY'S HOLMES GOLF COURSE FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA'S CERTIFICATES OF PARTICIPATION - Don Herz, Director of Finance, came forward to answer questions. He said this resolution allows the City to reimburse itself from bond proceeds, should any expenses be incurred prior to the issuance of that debt.

Lynn Johnson, Director of Parks & Recreation, came forward to present history on the Holmes Lake Golf Course from its inception as a City-run golf course since 1964. He said replacement of this clubhouse has been on a list for 15 years. Because it was built in 1967, it is not currently handicap accessible, nor suitable for a handicap-accessible addition. The intent of this resolution is to secure an architectural engineering team to compile a cost estimate, begin schematic plans and to have a new clubhouse out for bid in early 2012. He estimated the 7,000 sq. ft. building project to cost about \$1.5 million. In response to Council questions about selling off the property, Mr. Johnson said if outdoor recreation is discontinued on that site, the land must be replaced on a value-for-value basis with approval from the Nebraska Game & Parks Commission and the National Parks Service. To clarify the \$7 million deferred capital improvement costs, Mr. Johnson said the bigger portion will be used for repair & replacement of municipal golf course irrigation facilities. He expects to see an increase in revenue per round of golf by having a facility to host additional tournaments and events. He said the City has been in the golf course business for 80 years striving to make it an accessible & affordable activity in the community and encourage people to play the game as well as to serve the aging baby-boomers.

Council Member Camp expressed concern as it related to tax advantages experienced by municipal golf courses. He feels there should be some distinctions to provide a fair playing field with the private golf courses who pay taxes.

Council Member Snyder reminded Council that the City of Lincoln was in the business of providing leisure golf to the average citizen long before the private industry was. She explained that municipal golf course fees have supported the program in contrast to private courses which may require a membership fee.

Richard Esquivel, 733 W. Cuming St., came forward to suggest a way to increase golf course revenue by allowing private company advertisements.

Mike McPherson, 7256 Parkridge Circle, came forward to report he has been a City golfer since 1971 and stated he is in support of the resolution. He said currently the Holmes Clubhouse can only seat 36 people which is inadequate for scheduled golf scrambles and furthermore, the roof leaks.

This matter was taken under advisement.

APPROVING THE 2011-12 WORK PLAN FOR THE INTERLOCAL AGREEMENT ON STORMWATER MANAGEMENT BETWEEN THE CITY AND LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO ADDRESS STORMWATER QUALITY AND QUANTITY ISSUES - Ben Higgins, Public Works & Utilities Dept., came forward to present the annual work plan that provides guidelines on cost-sharing and program management for flood plain and stormwater related projects & programs.

This matter was taken under advisement.

APPROVING A SUBGRANT AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT AND THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH TOBACCO FREE NEBRASKA PROGRAM, TO ACCEPT A SUBGRANT IN THE AMOUNT OF \$650,396.00 TO DEVELOP AND IMPLEMENT STRATEGIES FOR REDUCING TOBACCO USE AND EXPOSURE TO TOBACCO SMOKE IN SCHOOLS AND COMMUNITIES AND ELIMINATE DISPARITIES RELATED TO TOBACCO USE AND ITS EFFECTS AMONG POPULATION GROUPS, FOR A TERM OF JULY 1, 2011 THROUGH JUNE 30, 2013 - Judy Halstead, Director of Lincoln-Lancaster County Health Dept., to explain that these funds originally come from the Tobacco Master Settlement Agreement to the Nebraska Health and Human Services.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT WITH LANCASTER COUNTY FOR EQUAL OPPORTUNITY OFFICER SERVICES - Rod M. Confer, City Attorney, came forward to clarify that approval of this resolution will allow the City to get paid for services that the Equal Opportunity Officer supplied to Lancaster County.

This matter was taken under advisement.

SPECIAL PERMIT NO. 11013 - APPEAL OF ROGER A. SCHWISOW FROM THE CONDITIONAL APPROVAL FOR SOIL EXCAVATION (IN PARTICULAR THE COMMENCEMENT DATE AND HOURS OF OPERATION) ON PROPERTY LOCATED NORTHWEST OF N.W. 56TH STREET AND WEST O STREET - Dan Marvin, Secretary of the West Haymarket Joint Public Agency (JPA), came forward to state that roughly 5,000 cubic yards of dirt are being hauled each day to the arena site to complete a goal of 100,000 cu. yards by August 1. This action will allow opportunities to work around potential rain days. In response to Council questions, Mr. Marvin said that trucks avoid driving through the Haymarket area. He briefly described the time line goals by stating the following: September 1st, the site will be scraped to the 500-year floodplain level elevation; September 15th, the footings and Arena foundation will be laid; and by September 2013, the Arena will be open.

Council Member Snyder, as JPA Chair, clarified the importance of hauling dirt within a specific time line so settling can occur. She said as construction & truck traffic goes on in the area, citizen safety is foremost.

Rod M. Confer, City Attorney, came forward to answer questions. He said sunset of this appeal occurs October 9, 2011.

Rick Peo, Asst. City Attorney, came forward to answer questions. He said the applicant has an existing contract that expires in October. For governmental work he was able to haul dirt 24/7, Monday through Saturday. Because the need for the surge of dirt came up, a way was manufactured to blend the existing permit with the new permit approved by the Planning Commission, into one.

Eunice Cernohlavek, 6205 W. O St., came forward to comment on the applicant's soil mining project. While truck traffic is busy, she said the dust is minimal and Mr. Schwisow is very cooperative with her specific concerns.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING PATRICK FINNEGAN TO THE CITIZEN POLICE ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 17, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86395 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Patrick Finnegan to the Citizen Police Advisory Board for a term expiring November 17, 2013 is hereby approved.

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

APPOINTING SHANDI PETTINE PETERSON TO THE CABLE ADVISORY BOARD FOR A TERM EXPIRING JULY 1, 2014 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86396 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Shandi Pettine Peterson to the Cable Advisory Board for a term expiring July 1, 2014 is hereby approved.

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

REAPPOINTING JONATHAN REHM TO THE CABLE ADVISORY BOARD FOR A TERM EXPIRING JULY 1, 2014 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86397 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Jonathan Rehm to the Cable Advisory Board for a term expiring July 1, 2014 is hereby approved.

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

REAPPOINTING RUSS F. NEIL AND THOMAS WRIGHT TO THE ALARM REVIEW BOARD FOR TERMS EXPIRING JULY 1, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86398 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Russ F. Neil and Thomas Wright to the Alarm Review Board for terms expiring July 1, 2013 is hereby approved.

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

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED MAY 31, 2011 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-86399 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended May 31, 2011, \$78,723.08 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

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

LINCOLN AIRPORT AUTHORITY RESOLUTION NO. 537 STATING THAT NO TAX LEVY SHOULD BE MADE FOR AIRPORT PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2011. THIS BEING THE 25TH CONSECUTIVE YEAR NO LEVY IS REQUIRED FOR THE COMING YEAR - CLERK presented said report which was placed on file in the Office of the City Clerk. (54-2)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JUNE 28, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF MAY, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JUNE 20, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JUNE 27, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JULY 18, 2011 AT 3:00 P.M. FOR THE APPLICATION OF GNS CORPORATION DBA DISCOUNT CITY FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS D LIQUOR LICENSE LOCATED AT 5560 S. 48TH STREET - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-86400 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 18, 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 the Application of GNS Corporation dba Discount City for the addition of a catering license to its existing Class D liquor license located at 5560 S. 48th Street.

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

Introduced by Jayne Snyder

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 11026 to Special Permit No. 1995, Hub Hall Heights Community Unit Plan, approved by the Planning Director on June 21, 2011 requested by Rentfro Properties, LLC to revise the grading plan and street profiles on property generally located at NW 48th St. and W. Holdrege St.

Administrative Amendment No. 11021 to Use Permit No. 132B, Willowbrook Shopping Center, approved by the Planning Director on June 22, 2011 to clarify the notes regarding the required setbacks from Highway 2 as 75 feet to parking and 100 feet to buildings, and to revise the setback along S. 70th St. from 50 feet to 20 feet on property generally located southeast of S. 70th St. and Nebraska Highway 2.

Waiver No. 10029 to Final Plat No. 99019, approved by the Planning Director on June 22, 2011 requested by Olsson Associates to extend the time for two years to install the sidewalk along the north side of Cheney Ridge Rd., landscape screening, street trees and private water and sewer for Cheney Ridge 2nd Addition. The improvements shall be completed by June 22, 2013. Property is generally located at S. 94th St. and Cheney Ridge Rd.

Waiver No. 11009 to Final Plat No. 03046, approved by the Planning Director on June 22, 2011, requested by Hoegemeyer Palmer Construction, Inc. to extend the time for two years to install the sidewalks, landscape screening and street trees for Vintage Heights 18th Addition. The improvements shall be completed by June 22, 2013. Property is generally located at S. 91st St. and Pine Lake Rd.

Waiver No. 11010 to Final Plat No. 02013, approved by the Planning Director on June 22, 2011, requested by Olsson Associates to extend the time for two years to install the street trees for Heritage Lakes Addition. The improvements shall be completed by June 22, 2013. Property is generally located at S. 95th St. and Pine Lake Rd.

Waiver No. 11012 to Final Plat No. 04102, approved by the Planning Director on June 22, 2011, requested by Olsson Associates to extend the time for two years to install the street trees for Heritage Lakes 2nd Addition. The improvements shall be completed by June 22, 2013. Property is generally located at S. 95th St. and Pine Lake Rd.

Administrative Amendment No. 11022 to Use Permit No. 140C, Appian Way Regional Shopping Center, approved by the Planning Director on June 29, 2011 requested by Andermatt, LLC to revise the roadway and lot layout near the intersection of Andermatt Dr. and Eiger Dr. to accommodate a discount retail store and to update the land use table accordingly and to include the area recently re-zoned to B-5 on the north side of Eiger Drive and to update the legal description accordingly on property generally located northeast of S. 84th St. and Hwy 2.

Administrative Amendment No. 11024 to Special Permit No. 06046, Dakota Springs Community Unit Plan, approved by the Planning Director on June 30, 2011 requested by Fulton Construction, Inc. to revise Sheet 1 and 2 of 5, to rotate the build-through lots on Lot 5, Block 1, on property generally located at SW 2nd St. and W. Saltillo Rd.

Administrative Amendment No. 11027 to Use Permit No. 89C, Pine Ridge, approved by the Planning Director on June 30, 2011 requested by Olsson Associates to change building square footage for Lots 2, 3 and 4, Block 2; change building envelopes for Lots 2 and 4, Block 2; add drive-thru lanes on Lot 4; and change the site layout and update the building and parking lot summary for Lots 2 and 4, Block 2, on property generally located at S. 16th St. and Pine Lake Rd.

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 11024 - North Hills Planned Unit Development, requested by Southview, Inc., for a change of zone from B-2 Planned Neighborhood Business District to B-2 PUD on property generally located at N. 14th Street and Fletcher Avenue; for a Planned Unit Development District designation of said property; and for approval of a development plan which proposes a waiver to allow the details typically shown on a preliminary plat to be approved by administrative amendment; and to develop 198,825 sq. ft. of commercial floor area and 565 dwelling units, or any combination of the two, on the underlying B-2 zoning.

Special Permit No. 11016 - Requested by Pete Troy and ULS Land, LLC. for a salvage yard operation on property generally located at N. Antelope Valley Parkway and Dawes Avenue.

Special Permit No. 11017 - Requested by Angela Bergren for the authority to sell alcoholic beverages for consumption on the premises on property generally located at Pioneers Boulevard and Highway 2 (3700 S. 9th Street, Suite C).

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF CORKY CANVAS LLC DBA THE CORKY CANVAS FOR A CLASS I LIQUOR LICENSE AT 3700 SOUTH 9TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86401 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 Corky Canvas LLC dba The Corky Canvas for a Class "I" liquor license at 3700 South 9th Street, Lincoln, Nebraska, for the license period ending April 30, 2012, be approved with the condition that:

1. The applicant obtains a valid special permit, including the parking requirements.
2. 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.
3. The premises must comply in every respect with all city and state regulations.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF ANGELA BERGREN FOR CORKY CANVAS LLC DBA THE CORKY CANVAS AT 3700 SOUTH 9TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86402 WHEREAS, Corky Canvas LLC dba The Corky Canvas located at 3700 South 9th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Angela Bergren be named manager;

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

APPLICATION OF CORY FLETCHER DBA MAHONEY GOLF COURSE FOR A CLASS I LIQUOR LICENSE AT 7900 ADAMS STREET - PRIOR to reading:

CAMP Moved its adoption for denial:

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

The resolution, having **LOST**, was assigned File #38-4607 & was placed on file in the Office of the City Clerk.

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption for approval:

A-86403 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 Cory Fletcher dba Mahoney Golf Course for a Class "I" liquor license at 7900 Adams Street, 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 Jonathan Cook

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

APPLICATION OF GJR LLC DBA RANDY'S GRILL & CHILL FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 58 FEET BY 85 FEET IN THE PARKING LOT ADJACENT TO THE PREMISES LOCATED AT 4947 HOLDREGE STREET ON JULY 15, 2011 FROM 11:00 A.M. TO 2:00 A.M. - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-86404 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 GJR LLC dba Randy's Grill & Chill for a Special Designated License to cover an area measuring approximately 58 feet by 85 feet in the parking lot adjacent to its licensed premises located at 4947 Holdrege Street, Lincoln, Nebraska, on July 15, 2011 between the hours of 11:00 a.m. and 2:00 a.m., be approved with the condition that the premise 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.
5. Any food sold shall be provided by a licensed and inspected

establishment.

Introduced by Adam Hornung

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

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

CHANGE OF ZONE 11020 - AMENDING SECTION 27.31.040 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERMITTED CONDITIONAL USES IN THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO MODIFY CONDITIONAL USE REQUIREMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON AND OFF THE PREMISES BY DELETING REQUIRED YARDS AND PARKING PROHIBITIONS IN A REQUIRED YARD WHEN THE BUILDING CONTAINING THE LICENSED PREMISES ABUTS A RESIDENTIAL DISTRICT AND ADDING NEW LANGUAGE REQUIRING ALL EXTERIOR DOOR OPENINGS OF THE LICENSED PREMISES TO BE LOCATED MORE THAN 100 FEET AWAY FROM ANY PARKING SPACES LOCATED IN A SIDE OR REAR YARD ADJACENT TO A RESIDENTIAL DISTRICT - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 27.31.040 of the Lincoln Municipal Code relating to permitted conditional uses in the B-2 Planned Neighborhood Business District to modify conditional use requirements for the sale of alcoholic beverages for consumption on and off the premises by deleting required yards and parking prohibitions in a required yard when the building containing the licensed premises abuts a

residential district and adding new language requiring all exterior door openings of the licensed premises to be located more than 100 feet away from any parking spaces located in a side or rear yard adjacent to a residential district; and repealing Section 27.31.040 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING THE PAY SCHEDULE AND SCHEDULE OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO A PAY RANGE PREFIXED BY THE LETTER "A" BY CREATING THE CLASSIFICATION OF BUSINESS DEVELOPMENT SPECIALIST - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ordinance No. 18967 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A", by creating the job classification of "Business Development Specialist", the second time.

AMENDING SECTION 2.76.135 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMPENSATION PLAN; MERIT PAY PLAN 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 Jonathan Cook, amending Section 2.76.135 of the Lincoln Municipal Code relating to Compensation Plan; Merit Pay Plan to provide that part-time and unrepresented employees coincide with the CIR order for "N" and "X" pay range employees; making the changes retroactively effective August 19, 2010; and repealing Section 2.76.135 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 2.76.200 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMPENSATION PLAN; TEMPORARY ASSIGNMENT IN A HIGHER CLASSIFICATION TO PROVIDE THAT PART-TIME AND UNREPRESENTED EMPLOYEES AT THE MAXIMUM OF THEIR "N" OR "X" PAY RANGES RECEIVE A THREE AND ONE-HALF PERCENT INCREASE, AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AUGUST 19, 2010 - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 2.76.200 of the Lincoln Municipal Code relating to Compensation Plan; Temporary Assignment in a Higher Classification to provide that part-time and unrepresented employees at the maximum of their "N" or "X" pay ranges receive a three and one-half percent increase; making the changes retroactively effective August 19, 2010; and repealing Section 2.76.200 of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS

A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH CONSTRUCTING, EQUIPPING AND FURNISHING A NEW CLUBHOUSE AND RELATED FACILITIES AND EQUIPMENT FOR THE CITY'S HOLMES GOLF COURSE FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA'S CERTIFICATES OF PARTICIPATION - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86405 A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH CONSTRUCTING, EQUIPPING AND FURNISHING A CLUBHOUSE AND RELATED FACILITIES AND EQUIPMENT AT HOLMES GOLF COURSE FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA CERTIFICATES OF PARTICIPATION

BE IT RESOLVED by the Council (the "**Council**") of the City of Lincoln, Nebraska (the "**City**") as follows:

Section 1. Findings.

(a) The City has begun constructing, equipping and furnishing a new clubhouse and related facilities and equipment at the City's Holmes Golf Course (the "**Project**") in the current fiscal year to provide for the recreation and welfare of its residents.

(b) Pursuant to Section 15-201.02, Reissue Revised Statutes of Nebraska, as amended ("**Section 15-201.02**"), the City is authorized to enter into installment contracts for the purchase of real or personal property, which contracts need not be restricted to a single year and may provide for the purchase of the property in installment payments to be paid over more than one fiscal year.

(c) The City anticipates entering into a lease-purchase agreement (the "**Lease Agreement**") pursuant to its authority under Section 15-201.02 in connection with the Project to finance all or a portion of the costs of the Project through issuance, sale and delivery of Certificates of Participation in the Lease Agreement (the "**COPs**").

(d) The City anticipates incurring a portion of the costs of the Project prior to the issuance of the COPs and desires to preserve its ability to reimburse such costs under the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and the applicable regulations thereunder (the "Regulations").

(e) The Regulations govern the City's use of proceeds derived from the sale of the COPs to reimburse "original expenditures" made by the City prior to the authorization of the COPs. Specifically, the Code requires the City to declare its official intent to reimburse original expenditures made in furtherance of the Project not later than 60 days after payment of such original expenditures. The Code requires that tax-exempt obligations be issued, and a reimbursement allocation be made, from the proceeds of those obligations within 18-months after the later of the date the original expenditure is paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid.

(f) It is necessary, desirable, advisable and in the best interests of the City that the requirements of the Regulations be satisfied to preserve the ability of the City to reimburse costs of the Project made by the City from and after the date of the passage and adoption of this Resolution from the proceeds of the COPs.

Section 2. Declaration of Intent and Related Matters.

(a) In accordance with the provisions of this Resolution and Section 1.150-2 of the Regulations, the Council hereby declares the official intent of the City to reimburse all or part of the costs of the Project through the execution and delivery of the Lease Agreement and the issuance of the COPs in connection therewith, the interest portion of which will be excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended. Prior to the execution and delivery of the Lease Agreement and the issuance of the COPs, the City is authorized to advance moneys in an amount not to exceed \$1,500,000 for the purposes hereinbefore described.

(b) Except for (i) expenditures to be paid or reimbursed from sources other than the COPs, (ii) "de minimus expenditures" defined under Section 1.150-2(f)(1) of the Regulations, and (iii) "preliminary expenditures" defined under Section 1.150-2(f)(2) of the Regulations, no expenditures made in furtherance of the Project have been paid by the City more than 60 days prior to the adoption of this Resolution.

(c) Payments under the Lease Agreement constituting debt service on the COPs will be paid from the City's General Fund.

(d) The COPs will be issued in the amount, and upon the terms and conditions agreed to between or among the City, the lessor under the Lease Agreement and the purchaser(s) of the COPs, as authorized by the Council at a meeting held for such purpose.

(e) As of the date of this Resolution, there are no funds of the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than the contemplated issuance of the COPs.

Section 3. Authorizations.

(a) The Finance Director and the City Controller (each an "Authorized Officer") are hereby authorized to take any further action that is necessary to preserve the ability of the City to reimburse original expenditures made in furtherance of the Project from and after the date of the passage and adoption of this Resolution from the proceeds of the COPs.

(b) The Authorized Officers be, and each of them hereby is, authorized to execute on behalf of the City and to deliver any and all other instruments and documents including, but not limited to, such certificates or instruments as may be required under the terms of this Resolution necessary to be executed and delivered in connection with this Resolution and the approvals made hereby.

(c) An Authorized Officer shall be responsible for making the "reimbursement allocations" described in Section 1.150-2 of the Regulations by transferring the appropriate amount of COPs proceeds to the City accounts used to temporarily finance some or all of the Project. Each allocation must be evidenced by an entry on the official books of the City maintained for the Project and must specifically identify the original expenditure being reimbursed.

Section 4. Ratification. All acts and deeds heretofore done by any officer, employee or agent of the City, on behalf of the City, to preserve the City's ability to reimburse expenditures made in furtherance of the Project with the proceeds of the COPs are hereby ratified, confirmed and approved.

Section 5. Effective Dates. This Resolution will be in full force and effect from and after its passage and adoption by the Council and approval by the Mayor.

Section 6. Conflicting Resolutions Repealed. All resolutions of the Council, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Introduced by Jonathan Cook

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

APPROVING THE 2011-12 WORK PLAN FOR THE INTERLOCAL AGREEMENT ON STORMWATER MANAGEMENT BETWEEN THE CITY AND LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO ADDRESS STORMWATER QUALITY AND QUANTITY ISSUES - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86406

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

That the attached Fiscal Year 2011 - 2012 Work Plan for the Interlocal Agreement on Stormwater Management between the City of Lincoln and the Lower Platte South Natural Resources District, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. Said Fiscal Year 2011 - 2012 Work Plan establishes a framework and division of responsibilities for addressing stormwater quality and quantity in the City between the City of Lincoln and the Lower Platte South Natural Resources District and authorizes the use of appropriated monies in accordance with the terms and conditions contained in said Fiscal Year 2011 - 2012 Work Plan.

The City Clerk is directed to transmit a certified copy of the executed original Resolution and Fiscal Year 2011 - 2012 Work Plan for the Interlocal Agreement on Stormwater Management to Ben Higgins, Public Works and Utilities Department, for transmittal to the Lower Platte South Natural Resources District.

Introduced by Jonathan Cook

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

APPROVING A SUBGRANT AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT AND THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH TOBACCO FREE NEBRASKA PROGRAM, TO ACCEPT A SUBGRANT IN THE AMOUNT OF \$650,396.00 TO DEVELOP AND IMPLEMENT STRATEGIES FOR REDUCING TOBACCO USE AND EXPOSURE TO TOBACCO SMOKE IN SCHOOLS AND COMMUNITIES AND ELIMINATE DISPARITIES RELATED TO TOBACCO USE AND ITS EFFECTS AMONG POPULATION GROUPS, FOR A TERM OF JULY 1, 2011 THROUGH JUNE 30, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86407

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

That the attached Subgrant Agreement between the Nebraska Department of Health and Human Services, Division of Public Health Tobacco Free Nebraska Program, and the City of Lincoln on behalf of the Lincoln-Lancaster County Health Department to accept a subgrant in the amount of \$650,396.00 to develop and implement strategies for reducing tobacco use and exposure to tobacco smoke in schools and communities and eliminate disparities related to tobacco use and its effects among population groups, for a term of July 1, 2011 through June 30, 2013, in accordance with the terms, conditions and assurances contained in said Agreement, is hereby approved and the Mayor is hereby authorized to execute said Subgrant Agreement on behalf of the City.

The City Clerk is directed to return the executed copies of the Subgrant Agreement to Judy Halstead, Director of the Lincoln Lancaster County Health Department.

Introduced by Jonathan Cook

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

APPROVING AN INTERLOCAL AGREEMENT WITH LANCASTER COUNTY FOR EQUAL OPPORTUNITY OFFICER SERVICES - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86408

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

That the attached Interlocal Agreement between the City of Lincoln and County of Lancaster for the purpose of providing Equal Opportunity Officer services to the County for the provision of equity, access and diversity services for a period of July 2, 2010 through June 30, 2011, in accordance with the terms,

conditions and assurances contained in said Agreement, which is attached hereto, is hereby approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to return one executed copy of the Agreement to Angela Zocholl, Lancaster County Clerk's Office.

Introduced by Jonathan Cook

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

SPECIAL PERMIT NO. 11013 - APPEAL OF ROGER A. SCHWISOW FROM THE CONDITIONAL APPROVAL FOR SOIL EXCAVATION (IN PARTICULAR THE COMMENCEMENT DATE AND HOURS OF OPERATION) ON PROPERTY LOCATED NORTHWEST OF N.W. 56TH STREET AND WEST O STREET - PRIOR to reading:

EMERY Moved to amend Bill No. 11R-154 in the following manner:

1. On page 2, line 10, insert the word, existing before the word "contracts" and insert the words, "surcharge of the Arena site of the" before the word "West".

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

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86409 WHEREAS, Roger H. Schwisow has submitted an application designated as Special Permit No. 11013 for authority to conduct excavation on AG Agriculture District zoned property located northwest of N.W. 56th Street and West O Street, and legally described as:

Lot 25 I.T. in the Southwest Quarter of
Section 24, Township 10 North, Range 5 East of
the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on said application and adopted Resolution No. PC-01237 conditionally approving the same; and

WHEREAS, Roger H. Schwisow has filed a Notice of Appeal appealing the action of the Planning Commission approving Special Permit No. 11013 and in particular the commencement date and hours of operation; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this excavation will not be adversely affected by granting such a permit; and

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

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

That the application of Roger H. Schwisow, hereinafter referred to as "Permittee," to conduct excavation be and the same is hereby granted under the provisions of Section 27.63.160 of the Lincoln Municipal Code upon condition that the excavation be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves an excavation operation for a period of three (3) years commencing upon the expiration date of the existing Special Permit No. 08015 (which is October 8, 2011) or the date Roger H. Schwisow voluntarily terminates Special Permit No. 08015, whichever is earlier.

2. Operating hours shall be limited to daylight hours, Monday through Saturday, except as follows: (1) daylight and night hours, Monday through Sunday, are permitted for existing contracts associated with the surcharge of the Arena site of the West Haymarket Joint Public Agency Arena Project; and (2) night hours, Monday through Friday, are permitted through October 8, 2011 for other governmental contracts.

3. Before beginning the excavation the Permittee shall have:

- a. Received Federal NPDES and 404 review and permits if required.
- b. Received required driveway permits for access onto West O Street/Highway 6 from the Department of Roads.
- c. Revised the site plan to:
 - i. Show the berming to remain along West O Street for screening purposes.
 - ii. Add a note that land will be reclaimed in conformance with USDA "Farm Bill Compliance."
 - iii. Make the revisions requested by Watershed Management delineating the minimum flood corridor on the west end per the drainage criteria manual.

- iv. Add a note stating there will be no grading in the minimum flood corridor.
- v. Revise the note regarding hours of operation to delete night operations for government contracts.
- d. Posted and commenced maintaining a sign at the entrance to the site. The sign shall:
 - i. Be clearly visible from the adjacent road.
 - ii. Be at least 32 square feet in area.
 - iii. Have lettering which is at least two inches in height, black on a white background.
 - iv. Have the following information listed:
 - (1) The approved Special Permit number.
 - (2) The name, contact phone, and email address for the land owner.
 - (3) The name, contact phone, and email address for the operator/contractor.
 - (4) The Building and Safety Department contact number.
- e. Posted a \$19,142 performance bond or escrow agreement in a form acceptable to the City Attorney.

4. Obtain and test water samples from the two existing monitoring wells (installed per Special Permit 08015) at frequencies as recommended by LPSNRD, but not less than annually and not more than four times per year for contaminants likely to be generated by the soil mining operations under this Permit and submit the test results to LPSNRD and SID #6 when tested and to the City as part of the annual administrative review.

Should the execution activities authorized under this Permit result in the water wells of the Lancaster County SID #6 Public Water System running dry or becoming contaminated beyond their current condition, then Permittee shall immediately (i.e. within 24 hours) at its expense, provide an alternate water source for SID #6 in accordance with all applicable City and County ordinances and/or other state or federal laws or rules or regulations. The alternate water source may be provided as bottled water, trucked or any other means to the Public Water System for SID #6. Permittee understands that City of Lincoln will not provide such alternate water source.

Permittee agrees that LPSNRD in consultation with both an expert selected by the Permittee and the State of Nebraska Department of Health and Human Services and/or the Lancaster County Health Department shall be the entity to make a preliminary assessment whether Permittee's soil mining activities are the likely cause of the SID #6 wells running dry or becoming contaminated. Currently static water levels in SID #6 wells are at 18 and 20 feet. Should the level drop to 25 feet or below, then an investigation shall begin immediately to determine the cause of such reduced levels and all mining operations shall cease until the cause of the decline is determined.

Permittee agrees that the preliminary assessment by LPSNRD, after consultation as noted previously shall be binding for purposes of Permittee's initial obligation to provide an alternate water supply for SID #6. Should the preliminary assessment by LPSNRD prove to be incorrect, Permittee shall be reimbursed by SID #6 only for those costs and expenses SID #6 would have incurred in providing the alternate water supply absent Permittee's initial obligation. Permittee agrees that LPSNRD, the Department of Health and Human Services and the Lancaster County Health Department incur no liability and are held harmless as to any claims of Permittee for the performance of this service.

Permittee further agrees that if SID #6's wells become contaminated or run dry as specified herein, then Permittee shall cease its excavation operation until the determination is made by the LPSNRD of the cause of such contamination or the wells running dry.

5. Upon completion of all terms, conditions and requirements of the special permit that are to be completed before beginning operations, the Permittee shall request the Director of Building and Safety to issue a certificate of operation. Permittee shall not begin operations until it has received said certificate of operation.

6. Excavation shall commence within one year from the date the special permit is approved or the special permit will automatically terminate and be considered null and void. All existing certificates of operation shall automatically terminate on the same date.

7. Within nine months after the completion of excavation on any portion of the site, all cuts shall be returned to a slope of less than three to one, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.

8. Permittee shall prepare and submit an annual report to the Director of Building and Safety addressing the status and extent of excavation and each condition of the special permit. Failure to submit the annual report shall constitute just cause for the City Council to revoke the special permit. Permittee shall be subject to an annual site inspection by the Director of Building and Safety. The cost of such inspection shall be paid for by the Permittee. Cost shall be based upon the Department of Building and Safety's hourly rate in effect on the date of the application.

9. The construction plans shall generally comply with the approved plans.

10. The Permittee shall meet all conditions of 27.63.160 except as specifically amended by this permit.

11. All privately-owned improvements shall be permanently maintained by the Permittee.

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

13. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

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

Introduced by Jonathan Cook

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

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

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,200,000 PRINCIPAL AMOUNT OF THE CITY OF LINCOLN GENERAL OBLIGATION SPECIAL ASSESSMENT REVOLVING FUND BONDS, SERIES 2011 - CLERK read an ordinance, introduced by Jayne Snyder, authorizing and directing the issuance, sale, and delivery of \$1,200,000 principal amount of General Obligation Special Assessment Revolving Fund Bonds, Series 2011, of the City of Lincoln, Nebraska; prescribing the form and details of such bonds; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on such bonds as they become due; and authorizing certain other documents and actions in connection therewith, the first time.

AUTHORIZING THE CITY OF LINCOLN, NEBRASKA TO ENTER INTO AN EQUIPMENT LEASE PURCHASE AGREEMENT NO. LIN2011-06E WITH COMMUNITY FIRST NATIONAL BANK, MANHATTAN, KANSAS IN THE AMOUNT OF \$561,330 FOR THE ACQUISITION OF PLOW TRUCKS FOR THE USE OF THE CITY - CLERK read an ordinance, introduced by Doug Emery, authorizing and approving Equipment Lease Purchase Agreement No. LIN2011-06E with Community First National Bank for plow trucks in the amount of \$561,330.00 and an escrow agreement; and related matters, the first time.

AMENDING CHAPTER 5.06 OF THE LINCOLN MUNICIPAL CODE RELATING TO ARBORISTS BY AMENDING SECTIONS 5.06.010, 5.06.020, 5.06.030, 5.06.040, 5.06.050, 5.06.060, 5.06.070, 5.06.080, 5.06.090 AND 5.06.100 TO DELETE REFERENCES TO UNUSED SECOND CLASS ARBORIST CERTIFICATION FOR PEST AND DISEASE CONTROL ONLY; TO CLARIFY THAT EMPLOYEES MAY PERFORM WORK UNDER THE DIRECT SUPERVISION OF A CERTIFIED ARBORIST; TO ALLOW CERTIFICATION AND TESTING FEES TO BE ESTABLISHED AND AMENDED ADMINISTRATIVELY; TO INCREASE LIABILITY INSURANCE REQUIREMENTS FROM \$500,000 TO \$1,000,000; AND TO CLARIFY THAT INSURANCE SHOULD BE IN CATEGORIES OF TREE TRIMMING AND REMOVAL - CLERK read an ordinance, introduced by Doug Emery, amending Chapter 5.06 of the Lincoln Municipal Code relating to Arborists by amending Sections 5.06.010, 5.06.020, 5.06.030, 5.06.040, 5.06.050, 5.06.060, 5.06.070, 5.06.080, 5.06.090 and 5.06.100 to delete references to unused second class arborist certification for pest and disease control only; to clarify that employees may perform work under the direct supervision of a certified arborist; to allow certification and testing fees to be established and amended administratively; to increase liability insurance requirements from \$500,000 to \$1,000,000; and to clarify that insurance should be in categories of tree trimming and removal; and repealing Sections 5.06.010, 5.06.020, 5.06.030, 5.06.040, 5.06.050, 5.06.060, 5.06.070, 5.06.080, 5.06.090 and 5.06.100 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 12.08.270 OF THE LINCOLN MUNICIPAL CODE RELATING TO ALCOHOLIC LIQUOR IN PARKS TO ALLOW ALCOHOL TO BE SERVED AT PINWOOD BOWL AND IN THE INDOOR PREMISES OF PIONEERS PARK NATURE CENTER AND AULD PAVILION UNDER THE CIRCUMSTANCES PROVIDED THEREIN - CLERK read an ordinance, introduced by Doug Emery, amending Section 12.08.270 of the Lincoln Municipal Code relating to alcoholic liquor in parks to allow alcohol to be served at Pinwood Bowl and in the indoor premises of Pioneers Park Nature Center and Auld Pavilion under the circumstances provided therein; and repealing Section 12.08.270 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 10.14.450 OF THE LINCOLN MUNICIPAL CODE RELATING TO OBSTRUCTING THE VIEW OF A DRIVER BY ADDING A PHRASE TO SPECIFY WHAT CONSTITUTES AN OBSTRUCTION, TO REDUCE ENFORCEMENT TO A SECONDARY VIOLATION TO HARMONIZE THE SECTION WITH STATE STATUTE AMENDMENTS, AND TO ESTABLISH MINIMUM FINES FOR VIOLATIONS OF THE SECTION; REPEALING SECTION 10.14.450 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING; AND ESTABLISHING AN EFFECTIVE DATE OF AUGUST 24, 2011, TO COINCIDE WITH THE EFFECTIVE DATE OF THE STATE STATUTE AMENDMENTS - CLERK read an ordinance, introduced by Doug Emery, amending Section 10.14.450 of the Lincoln Municipal Code relating to obstructing the view of a driver by adding a phrase to specify what constitutes an obstruction, to reduce enforcement to a secondary violation to harmonize the section with state statute amendments, and to establish minimum fines for violations of the section; repealing Section 10.14.450 of the Lincoln Municipal Code as hitherto existing; and establishing an effective date of August 24, 2011, to coincide with the effective date of the state statute amendments, the first time.

CHANGE OF ZONE 11021 - APPLICATION OF FIRST APOSTOLIC CHURCH TO DESIGNATE THE PROPERTY AT 3935 RANDOLPH STREET AS A HISTORIC LANDMARK - CLERK read an ordinance, introduced by Doug Emery, amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the first time.

CHANGE OF ZONE 11022 - 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 - CLERK read an ordinance, introduced by Doug Emery, 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, the first time.

VACATION 11007 - VACATING A PORTION OF S STREET, A PORTION OF NORTH 6TH STREET AND A PORTION OF THE EAST-WEST ALLEY OF BLOCK 270, ORIGINAL PLAT OF LINCOLN; AND A PORTION OF T STREET AND A PORTION OF THE EAST-WEST ALLEY IN BLOCK 281, ORIGINAL PLAT OF LINCOLN - CLERK read an ordinance, introduced by Doug Emery, vacating a portion of S Street, a portion of N. 6th Street and a portion of the east-west alley in Block 270, Original Lincoln; a portion of T Street and a portion of the east-west alley in Block 281, Original Lincoln; and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

APPROVING AN AGREEMENT BETWEEN THE CITY AND NEW CINGULAR WIRELESS PCS TO LOCATE A COMMUNICATION FACILITY ON PROPERTY GENERALLY LOCATED AT 56TH STREET AND PINE LAKE ROAD - CLERK read an ordinance, introduced by Doug Emery, accepting and approving the Agreement for Tower Space and Appurtenances between the City of Lincoln, Nebraska, a municipal corporation, and New Cingular Wireless PCS, LLC for the placement of telecommunications facilities upon City property generally located at 56th and Pine Lake Road and authorizing the Mayor to sign such Agreement on behalf of the City, the first time.

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

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 - 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 third time.

HORNUNG Moved to pass the ordinance as read.

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

The ordinance, being numbered #19570, is recorded in Ordinance Book #27, Page .

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 (6/27/11 - Action delayed 2 wks. to 7/11/11) - 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 third time.

HORNUNG Moved to pass the ordinance as read.

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

The ordinance, being numbered #19571, is recorded in Ordinance Book #27, Page .

**HEARING ON THE APPEAL OF SHANE HARRINGTON DBA SMOOTH
ON THE DENIAL OF AN ANNUAL TEEN PUBLIC DANCE**

APPEAL OF SHANE HARRINGTON DBA SMOOTH TO THE DENIAL OF HIS APPLICATION FOR A TEENAGE PUBLIC DANCE PERMIT AT 1640 O STREET - PRIOR to reading:

COOK Moved to withdraw the appeal per request of Shane Harrington.

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

The appeal, having been **WITHDRAWN**, was assigned the File #38-4608 & was placed on file in the Office of the City Clerk.

OPEN MICROPHONE

Rosina Paolini, 1850 Dakota St., came forward representing Citizens for Quality Parks & Trails. She said a petition has begun circulation with signatures from citizens who do not want services to be eliminated.

Council Chair Carroll advised Ms. Paolini that her subject matter would be on a future agenda, so testimony could not continue.

This matter was taken under advisement.

Russell Miller, 341 S. 52nd St., came forward to speak on City infrastructure, streets and the budget but was advised by Council Chair Carroll that his testimony could not be heard at this time. He suggested that Mr. Miller speak to those issues when the Budget has public hearing.

This matter was taken under advisement.

Richard Esquivel, 733 W. Cuming, came forward to question whether increased truck traffic will damage the Harris Overpass resulting in early replacement. He questioned if the Arena project could stay under budget. Mr. Esquivel expressed his concern about Lincoln Police Department using cell phones while driving. He feels it is a hazardous activity that sets a bad example for younger drivers. He said that Council should be questioning the public school tax/levy. In response, Council advised Mr. Esquivel to contact a school board member and attend their budget hearing.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to July 18, 2011.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on July 18, 2011.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

ADJOURNMENT 4:54 P.M.

CAMP Moved to adjourn the City Council meeting of July 11, 2011.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant