

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 15, 2012 AT 3:00 P.M.**

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

Council Chair Hornung 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

CARROLL Having been appointed to read the minutes of the City Council proceedings of October 8, 2012 reported having done so, found same correct. Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Beutler came forward to present the Mayor's Award of Excellence for the month of September, 2012 to Joshua Meyer, Associate Engineer for the Engineering Services Division of the Public Works Department, in the categories of Customer Relations, Productivity and Safety. He was nominated by Randy Hoskins, Assistant City Engineer, and Dave Bernt, Senior Engineering Specialist. Despite several technical and legal obstacles, Mr. Meyer used his advanced knowledge to successfully complete an interface between KLKN network video streamers and the City's traffic cameras. As a result of this accomplishment, KLKN is providing more than \$25,000 worth of public service announcements and Mr. Meyer has provided a valuable service to citizens.

Randy Hoskins, Assistant City Engineer, came forward to praise the efforts of Mr. Meyer and to describe other important projects that he is involved with.

Joshua Meyer came forward to thank the Mayor, City Council, and his coworkers and other City staff who helped make this project possible.

PUBLIC HEARING

APPLICATION OF GRANDMOTHERS INC. DBA DON & MILLIE'S FOR A CLASS I LIQUOR LICENSE AT 8150 O STREET;

MANAGER APPLICATION OF JILL R. BUCKNOR FOR GRANDMOTHERS INC. DBA DON & MILLIE'S AT 8150 O STREET - Dean Rasmussen, Grandmother's Inc., came forward to take the oath and answer questions. He introduced Jill Bucknor, who has been part of the management team at Don & Millie's, Lincoln for 15 years and will be the manager of the new location.

Jill K. Bucknor came forward to take the oath and answer questions.

This matter was taken under advisement.

APPLICATION OF KATHARINE E. CLORAN DBA GRATITUDE CAFÉ & BAKERY FOR A CLASS I LIQUOR LICENSE AT 1551 NORTH COTNER BLVD - Maralee Cloran came forward to take the oath and answer questions. She and daughter Katie are hoping to have the café open within the next month. Serving alcohol on Friday and Saturday evenings is intended to add to the atmosphere they hope to create, which is a quiet, casual place for people to gather and listen to live music or have readings. Katie has completed the alcohol server training and an application has been submitted for the special zoning permit.

This matter was taken under advisement.

APPLICATION OF CROHN'S & COLITIS FOUNDATION OF AMERICA (CCFA) FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 30 FEET BY 100 FEET IN 21ST STREET BETWEEN P AND Q STREET ON OCTOBER 27, 2012, FROM 2:00 P.M. TO 7:30 P.M. - CLERK stated that the applicant has requested to withdraw this application for a Special Designated License. Council Member Jon Camp moved to withdraw the application and Council voted.

This matter was taken under advisement.

VACATION NO. 11012 - VACATING NORTH 44TH STREET FROM THE SOUTH LOT LINE OF LOT 68 I.T. TO THE NORTH LINE OF MORTON STREET, GENERALLY LOCATED AT NORTH 44TH STREET AND SUPERIOR STREET - Marc Rosso, Secretary for the Board of Lincoln Trap and Skeet Club, came forward to answer questions. The environmental clean-up of the area is approximately 95% complete.

This matter was taken under advisement.

APPROVING A LAND EXCHANGE AGREEMENT BETWEEN THE CITY OF LINCOLN AND EIGHTH & T, LLC, PERTAINING TO THE WEST HAYMARKET ARENA PROJECT AND CONSTRUCTION OF THE 10TH STREET AND SALT CREEK STREET IMPROVEMENT PROJECT - Rod Confer, City Attorney, came forward to describe this agreement involving an exchange of land between the City and the property owner. No funds will be exchanged.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 5, 2012 AT 3:00 PM FOR THE BOARD OF EQUALIZATION TO EQUALIZE THE ASSESSMENTS FOR THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY & DOWNTOWN MAINTENANCE DISTRICT.

SCHIMEK Moved for Approval.

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON OCTOBER 1, 2012 - 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, NOVEMBER 5, 2012 AT 3:00 P.M. FOR THE APPLICATION OF XELA, INC. DBA LEGENDS BAR & GRILL FOR A CLASS C LIQUOR LICENSE LOCATED AT 8300 NORTHWOODS DRIVE - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-87051 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 5, 2012, 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 Xela, Inc. dba Legends Bar & Grill Class C liquor license located at 8300 Northwoods Drive.

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

Introduced by DiAnna Schimek

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 12048 to Special Permit No. 1531, Cedars Home for Children, approved by the Planning Director on October 2, 2012, requested by The Cedars Home for Children Foundation, Inc., to clarify the intent of paragraph 1 of Resolution #PC-00179 relating to the uses approved by the special permit to state "A residential health care facility serving no more than 30 persons and 5 staff, and an early childhood care facility for up to 15 children and 3 staff, on property generally located near S. 56th St and Pioneers Blvd.

Administrative Amendment No. 12046 to Use Permit No. 05002, approved by the Planning Director on October 4, 2012, requested by Architectural Design Associates, to revise the lot line between Lots 1 and 2 and to change "building floor area" to "building footprint" for Northwoods Office Park, on property generally located at N. 84th St. and Northwoods Dr.

Administrative Amendment No. 12049 to Change of Zone No. 05068B, The Woodlands at Yankee Hill Planned Unit Development, approved by the Planning Director on October 5, 2012, requested by ESP, Inc., to revise the minimum building opening elevations for Block 37, on property generally located near S. 70th St. and Yankee Hill Rd.

Administrative Amendment No. 12052 to Pre-Existing Special Permit No. 41, approved by the Planning Director on October 5, 2012, requested by Whitehead Oil Co., to relocate the licensed premises to the new store as shown on the site plan, on property generally located at N. 84th St. and Cornhusker Hwy.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF GRANDMOTHERS INC. DBA DON & MILLIE'S FOR A CLASS I LIQUOR LICENSE AT 8150 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87052 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 Grandmothers Inc. dba Don & Millie's for a Class "I" liquor license at 8150 O Street, Lincoln, Nebraska, for the license period ending April 30, 2013, 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 Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

MANAGER APPLICATION OF JILL R. BUCKNOR FOR GRANDMOTHERS INC. DBA DON & MILLIE'S AT 8150 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87053 WHEREAS, Grandmothers Inc. dba Don & Millie's located at 8150 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jill R. Bucknor be named manager;

WHEREAS, Jill R. Bucknor 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 Jill R. Bucknor 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 Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPLICATION OF KATHARINE E. CLORAN DBA GRATITUDE CAFÉ & BAKERY FOR A CLASS I LIQUOR LICENSE AT 1551 NORTH COTNER BLVD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87054 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 Katharine E. Cloran dba Gratitude Café & Bakery for a Class "I" liquor license at 1551 North Cotner Blvd., Lincoln, Nebraska, for the license period ending April 30, 2013, 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 Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPLICATION OF CROHN'S & COLITIS FOUNDATION OF AMERICA (CCFA) FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 30 FEET BY 100 FEET IN 21ST STREET BETWEEN P AND Q STREET ON OCTOBER 27, 2012, FROM 2:00 P.M. TO 7:30 P.M. - PRIOR to reading:

CAMP Moved to withdraw application of Crohn's & Colitis Foundation of America (CCFA) for a special designated license.

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

The resolution, having been **WITHDRAWN**, was assigned File #38-4626 & was placed on file in the Office of the City Clerk.

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

VACATION NO. 11012 - VACATING NORTH 44TH STREET FROM THE SOUTH LOT LINE OF LOT 68 I.T. TO THE NORTH LINE OF MORTON STREET, GENERALLY LOCATED AT NORTH 44TH STREET AND SUPERIOR STREET - CLERK read an ordinance, introduced by Carol Eskridge, vacating a portion of North 44th Street from the south lot line of Lot 68 I.T. in the Southwest Quarter of Section 5, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, to the north line of Morton Street, generally located at North 44th Street and Superior Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

APPROVING A LAND EXCHANGE AGREEMENT BETWEEN THE CITY OF LINCOLN AND EIGHTH & T, LLC, PERTAINING TO THE WEST HAYMARKET ARENA PROJECT AND CONSTRUCTION OF THE 10TH STREET AND SALT CREEK STREET IMPROVEMENT PROJECT - CLERK read an ordinance, introduced by Carl Eskridge, approving the Land Exchange Agreement between the City of Lincoln and Eighth & T, LLC, pertaining to the West Haymarket Arena Project and construction of the 10th Street and Salt Creek Street Improvement Project, upon the terms and conditions set forth in said Land Exchange Agreement, which is attached hereto marked as Attachment "A", the second time.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 16 - 30, 2012 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-87055 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the claims listed in the attached report, marked as Exhibit "A", dated October 15, 2012, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>	<u>ALLOWED/SETTLED CLAIMS</u>
None	Nicole Gandara \$2,300.00
	Dairyland Insurance Co.
<u>WITHDRAWN CLAIM</u>	a/s/o Christopher Howard 3,581.67
Debra Sue Galindo \$42,500.00	

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Carl Eskridge

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

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

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PERSONNEL SYSTEM BY ADDING A NEW SECTION NUMBERED 2.76.292 TO REGULATE FUNDRAISING ACTIVITIES OF CITY EMPLOYEES - PRIOR to reading:

CAMP Moved to Amend Bill No. 12-129 in the following manner:

1. On page 2, line 9, after the words "wear" delete the word "uniforms" and insert the words t-shirts or sweatshirts identifying the person as a City employee.

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

CLERK Read an ordinance, introduced by Eugene Carroll, amending Chapter 2.76 of the Lincoln Municipal Code relating to the City's Personnel System by adding a new section numbered 2.76.292 to regulate fundraising activities of city employees, the third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19793**, is recorded in Ordinance Book #28, Page .

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "N" BY CREATING THE CLASSIFICATION OF "FIRE AIR TECHNICIAN." - CLERK Read an ordinance, introduced by Doug Emery, amending Section 1 of Ordinance No. 18972 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 "N," by creating the job classification of "Fire Air Technician", the third time.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19794**, is recorded in Ordinance Book #28, Page .

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "E" TO BE EFFECTIVE AUGUST 16, 2012 - CLERK read an ordinance, introduced by Doug Emery, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "E"; and repealing Ordinance No. 19603, passed by the City Council on August 15, 2011, the third time.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19795**, is recorded in Ordinance Book #28, Page .

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

VACATION NO. 12006 - VACATING THE EAST-WEST ALLEY BETWEEN NORTH 11TH STREET AND NORTH 12TH STREET AND LINCOLN MALL AND K STREET. (RELATED: 12-135, 12R-248, 12-136, 12R-249) (ACTION DATE: 10/29/12) - CLERK read an ordinance, introduced by DiAnna Schimek, vacating the east-west alley between North 11th Street and North 12th Street and Lincoln Mall and K Street, and retaining title thereto in the city of Lincoln, Lancaster County, Nebraska, the first time.

APPROVING THE 3 LANDMARK CENTRE REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND NEBCO, INC. RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 11TH AND 12TH STREETS AND K STREET CENTENNIAL MALL. (RELATED: 12-135, 12R-248, 12-136, 12R-249) (ACTION DATE: 10/29/12).

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED \$2.2 MILLION FOR THE CITY OF LINCOLN, 3 LANDMARK CENTRE REDEVELOPMENT PROJECT. (RELATED: 12-135, 12R-248, 12-136, 12R-249) (ACTION DATE: 10/29/12) - CLERK read an ordinance, introduced by DiAnna Schimek, authorizing and providing for the issuance of City of Lincoln, Nebraska tax allocation bonds, notes or other obligations in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$2,200,000 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 3 Landmark Centre 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, notes or other obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bonds, notes or other obligations as the same become due; limiting payment of the bonds, notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the finance director to exercise his independent discretion and judgement in determining and finalizing certain terms and provisions of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the first time.

AMENDING THE FY 12/13 CIP TO AUTHORIZE AND APPROPRIATE \$2.2 MILLION IN TIF FUNDS FOR THE 3 LANDMARK CENTRE REDEVELOPMENT PROJECT GENERALLY LOCATED BETWEEN 11TH AND 12TH STREET, K STREET AND CENTENNIAL MALL. (RELATED: 12-135, 12R-248, 12-136, 12R-249) (ACTION DATE: 10/29/12).

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

APPOINTING LEO C. BENES TO THE ALARM REVIEW BOARD FOR A TERM EXPIRING JULY 1, 2013.

RE-ADOPTING THE WATER SYSTEM IMPACT FEE SCHEDULE, WATER DISTRIBUTION IMPACT FEE SCHEDULE, WASTEWATER IMPACT FEE SCHEDULE, ARTERIAL STREET IMPACT FEE SCHEDULE, AND NEIGHBORHOOD PARK AND TRAIL IMPACT FEE SCHEDULE WITHOUT ANY ADJUSTMENT FOR INFLATION FOR 2013.

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE - NONE

ADJOURNMENT 3:31 P.M.

CAMP Moved to adjourn the City Council meeting of October 15, 2012.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

Joan E. Ross, City Clerk

Amy H. Huffman, Senior Office Assistant