

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JUNE 10, 2013 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Eskridge; Council Members: Camp, Christensen, Cook, Emery, Fellers, Gaylor Baird; City Clerk, Teresa J. Meier.

Council Chair Eskridge 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

COOK Having been appointed to read the minutes of the City Council proceedings of June 3, 2013 reported having done so, found same correct.

Seconded by Emery & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Beutler came forward to present the Award of Excellence for the month of May to Christopher Plock of the Information Services Division of the Finance Department. He was nominated by Holly Lewis of the Parks and Recreation Department in the category of customer relations for his efforts in creating a new program called "PROCTOR", which collects, stores and manages multiple types of information relating to classes offered by the Parks and Recreation Department. The department now has an organized, accessible and manageable source of information and the public has online convenience for information, registration and payments. Mr. Plock integrated the needs and ideas of the Recreation staff and patiently explained the program to those who use it.

Holly Lewis, Parks and Recreation Department, came forward Thank Chris for his work. He was a pleasure to work with and he was able to translate our needs and was patient educating staff about the program.

Steve Hubka, Director of Finance, came forward to state that Chris has consistently done great work in his many years of employment with the City. This is his second time receiving this award and is a reflection of the quality he brings to all of his jobs.

Christopher Plock came forward to graciously accept his award.

PUBLIC HEARING

APPLICATION OF MO CHARA, LLC DBA THE WATERING HOLE EAST FOR A CLASS C LIQUOR LICENSE AT 8300 NORTHWOODS DRIVE;

MANAGER APPLICATION OF BRYAN A. MCFARLAND FOR MO CHARA, LLC DBA THE WATERING HOLE EAST AT 8300 NORTHWOODS DRIVE - Bryan McFarland, 762 W. Lakeshore Ct., came forward to take the oath and answer questions. The Watering Hole is expanding to the east side of town, so there will now be three locations.

Jane Svoboda, no address given, came forward to share her thoughts on this issue.

This matter was taken under advisement.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEIGHBORHOODS INC. DBA NEIGHBORWORKS LINCOLN FOR THE SALE OF CITY PROPERTY DESCRIBED AS LOT 5, BLOCK 4 AND THE EAST 90 FEET OF LOT 1 AND ALL OF LOT 2, HOUTZ AND BALDWIN'S SUBDIVISION; LOT 7, BLOCK 8, SECOND EAST PARK ADDITION AND LOT 3, BLOCK 3, GIBBON'S ADDITION, MORE COMMONLY KNOWN AS 540, 541, 545 AND 1531 N. 28TH STREETS AND 2800 Y STREET - David Landis, Director of Urban Development came forward to state that this ordinance would allow the sale of 5 lots that were purchased by the City for redevelopment. These types of redevelopment projects often house small business, add stability to the neighborhoods, and have new property valuations in excess of \$1 million. The City has been doing this for years without any dispute or concern. It is consistent with the North 27th Street Corridor Plan that Council approved. \$700,000 is granted for this function. The City will lose money on the initial sale of these properties in the service of redevelopment and improvement. These actions should be seen as part of a larger program. The market does not want properties that are abandoned or dilapidated. Urban Development does what the market will not naturally do for itself. The North 27th Business Association and all of the surrounding neighborhood associations gave us their full support. In the end, the neighborhoods will have single-family homeowners who are long-term residents that care about the quality of their neighborhood. Discussion followed.

Bob Reeves, President of the Clinton Neighborhood Organization, came forward in support of this project. The Clinton Neighborhood Organization believes this program is important because it raises property values, increases pride in the neighborhood and encourages others to improve their own properties.

Maurice Baker, 3259 Starr Street, came forward to state that this is a program no different from that in the West Haymarket. It is an example of public and private investment taking place to improve the City. There are many short and long-term benefits.

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Curt Donaldson, 2860 R Street, came forward as President of the Hartley Neighborhood Association in support of this action and stated that maintaining the balance of rental and owner-occupied housing is very important to the stability of a neighborhood.

Russell Irwin, Board Member of the Clinton Neighborhood Organization, came forward to state that the Urban Development/NeighborWorks partnership is very positive because these projects improve neighborhoods. Residential revitalization should be supported.

Mary Reeves, 3236 Dudley Street, came forward to state that this project shows that the City cares for all of its residents. This not only effects neighborhoods in close proximity, but it makes the whole city look better.

Greg Baker, Everett Neighborhood Association, came forward to state that he has witnessed the positive work of NeighborWorks in the Everett Neighborhood and he supports this project.

Mike Renken, NeighborWorks Lincoln, came forward to state that the increased value and taxation that occurs from improving properties was analyzed. Looking at only 19 of 90 properties NeighborWorks has been involved with, the taxation increased from \$12,000 to \$33,000. This does not take into consideration that the properties in close proximity have also increased in value as a result.

Shawn Ryba, NeighborWorks Lincoln, came forward to add that NeighborWorks seeks to support Urban Development, all Lincoln neighborhoods, and the powerful work that citizens do for their neighborhoods in any way they can. Discussion followed.

Brad Hulse, Realtors Association of Lincoln, came forward to state that on paper these projects don't always look attractive, despite all the good they do. The Association is in support of NeighborWorks programs and of the work of the Urban Development Department. However, there needs to be more information available to the general public regarding why the City makes decisions and how the processes work.

Coby Mach, Lincoln Independent Business Association, came forward to stress that LIBA is not in opposition to this bill and Neighborworks.

Anne Post, Lincoln Independent Business Association, came forward to state that LIBA appreciates the attempts to improve Lincoln neighborhoods, but caution should be exercised in any transaction where there is such a disparity between the purchase price and the sale price for a piece of property. Any transaction this unbalanced should require a heightened level of scrutiny. LIBA is recommending that the Council establish guidelines which would identify these transactions and require that they come before Council for a public hearing for justification and approval before purchase.

After the Council Break, David Landis, Director of Urban Development, came forward to offer rebuttal to Public Hearing on Bill No. 13-65.

This matter was taken under advisement.

APPROVING THE FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND ENTERPRISE COMPANY, INC. TO EXTEND THE TERM OF THE LEASE OF APPROXIMATELY 813 SQUARE FEET OF FLOOR SPACE AT 2662 CORNHUSKER HIGHWAY FOR THE WOMEN, INFANTS AND CHILDREN (WIC) SUPPLEMENTAL NUTRITION PROGRAM FOR AN ADDITIONAL THREE YEARS FROM NOVEMBER 1, 2013 TO OCTOBER 31, 2016 - Judy Halstead, Director of Health Department, came forward to state this is a three year renewal for lease of a property that the WIC program has occupied since 2000. Federal program funds are filtered through the Nebraska Department of Health and Human Services who approve all WIC sites. This site continues to meet their criteria and is one of the largest redemption sites in the county, serving approximately 620 mothers and children per month. The site is currently open 3 days per week but the Health Department hopes to expand to 5 days when more funds are available. Discussion followed.

This matter was taken under advisement.

TEXT AMENDMENT -- AMENDING AND REORGANIZING CHAPTER 27.75 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE BOARD OF ZONING APPEALS TO SIMPLIFY AND CLARIFY THE PROCESS FOR FILING VARIANCES BY RENUMBERING EXISTING SECTION 27.75.020 AS SECTION 27.75.040 AND AMENDING IT TO GRANT EXPLICIT AUTHORITY TO CANCEL REGULARLY SCHEDULED MEETINGS OF THE BOARD OF ZONING APPEALS; AMENDING SECTION 27.75.030 TO REVISE THE PROCEDURE FOR APPEALS AND TO ESTABLISH A PROCEDURE TO OBTAIN BOARD OF ZONING APPEALS REVIEW OF PETITIONS FOR VARIANCES AND EXCEPTIONS; RENUMBERING EXISTING SECTION 27.75.040 AS 27.75.020 AND AMENDING IT TO DISTINGUISH BETWEEN THE BOARD OF ZONING APPEALS' APPELLATE JURISDICTION AND ORIGINAL JURISDICTION; AMENDING SECTION 27.75.050 TO FURTHER DEFINE THE JURISDICTION OF THE BOARD OF ZONING APPEALS; AND AMENDING SECTION 27.75.060 TO PROVIDE THAT ANY DECISION APPROVING A PETITION FOR A VARIANCE OR AN EXCEPTION SHALL BE BY RESOLUTION OF THE BOARD OF ZONING APPEALS - Marvin Krout, Director of Planning, came forward to state that the Board of Zoning Appeals covers a narrow area of jurisdiction. The most important things they work with are variances and appeals. The language in the ordinance from 35 years ago is unclear and these amendments have been drafted to simplify the process, to clarify the differences between the two procedures, and reduce the time needed for citizens to apply for a variance. Discussion followed.

Tim Sieh, Assistant City Attorney, was on hand to answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 13009 - APPLICATION OF CAMPBELL'S NURSERY FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK PUD FOR A MIXED USE DEVELOPMENT CONSISTING OF RESIDENTIAL, OFFICE, AND RETAIL USES ON THE UNDERLYING O-3 ZONED AREA GENERALLY LOCATED EAST OF THE INTERSECTION OF SOUTH 40TH STREET AND LAKE STREET - Dick Campbell, 6111 Chartwell Ln., came forward to state that this location was founded in 1949 and was their family home for many years. A PUD is now being requested and would include three distinct lots. It is not yet certain what will become of Lots 1 and 3, but Lot 2 will be used for the expanded space of a nearby medical and physical therapy office. Before submitting this application, neighbors were contacted. They requested that 41st Street and Antelope Creek not become through streets. There would be no change to their property valuations as a result of this project.

This matter was taken under advisement.

AMENDING SECTION 10.16.030 OF THE LINCOLN MUNICIPAL CODE, RELATING TO PENALTIES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR, TO CONFORM WITH RECENT CHANGES IN THE STATE LAW BY INCREASING THE PERIOD OF AN OPERATOR'S LICENSE REVOCATION FROM ONE YEAR TO 18 MONTHS FOR A SECOND OFFENSE DUI AND REQUIRING AN IGNITION INTERLOCK DEVICE TO BE INSTALLED ON ANY MOTOR VEHICLE OWNED OR OPERATED BY A PERSON CONVICTED OF A SECOND OFFENSE DUI FOR AT LEAST ONE YEAR - Rod Confer, City Attorney, came forward to state that this is an amendment to bring the Municipal Code provisions into conformance with State law. Discussion followed.

Kimberly Milana, 5311 Otoe St., came forward in support of this ordinance. Her son and his girlfriend were killed in a head-on collision with a drunk driver. There needs to be severe consequences and harsher punishment for repeat DUI offenders.

Jane Svoboda, no address given, came forward to share her thoughts on substance abuse and consequences for repeat offenders.

Michelle Halim, MADD, came forward to state that this change to the Code will help to eliminate confusion when it comes to the court system and compliance with national, state, and local laws. Ignition interlocks are effective and they reduce repeat drunk driving offenses.

This matter was taken under advisement.

APPROVING A LPA PROGRAM AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE 70TH STREET, VAN DORN TO EASTBOROUGH CONCRETE PAVEMENT REPAIR PROJECT (STATE PROJECT NO. LCLC-5247(13), CN 13243) - Erika Nunes, Public Works and Utilities Department, came forward to state this resolution would give the Mayor the authority to execute a programming agreement between the City and the State to make the construction and construction engineering phases eligible for Federal funds on the 70th Street, from Van Dorn to Eastborough Concrete Pavement Repair Project. The area is a little over two miles long and includes repair or replacement of deteriorated concrete panels, cracks, surface grinding, and the addition of any necessary ADA ramps. Construction is anticipated to begin in 2015. The agreement would allow for 80% of the eligible construction and engineering to be paid for with Federal funds. That means the City would pay the other 20%, and 100% of the preliminary engineering. Overall, the total is approximately \$3.1 million for the project, \$2.4 dollars of which would be Federal funds, and just over \$700,000 would be local funds that would come from the Road and Bridge Rehabilitation funds. Discussion followed.

This matter was taken under advisement.

CERTIFYING THE APPOINTMENT OF DOUG EMERY TO THE WEST HAYMARKET JOINT PUBLIC AGENCY BOARD OF REPRESENTATIVES FOR A FOUR-YEAR TERM OR FOR SO LONG AS SUCH REPRESENTATIVE SERVES IN HIS POSITION AS CITY COUNCIL MEMBER - Rod Confer, City Attorney, came forward to state that this item is to officially replace former Councilperson Carroll, who no longer serves on the Joint Public Agency.

Coby Mach, Lincoln Independent Business Association, came forward to state that as an organization that spent hundreds of hours reviewing Pinnacle Bank Arena documents before the community voted and subsequently supported its construction, LIBA is in favor of this appointment.

This matter was taken under advisement.

ESTABLISHING AN ENTERTAINMENT DISTRICT IN THE AREA SOUTH OF THE PINNACLE BANK ARENA GENERALLY BOUNDED BY 7TH STREET, THE NORTH/SOUTH ALLEY WEST OF CANOPY STREET, R STREET AND Q STREET - Brett West, WRK Real Estate, came forward to state this is the application and proposed boundaries for this Entertainment District. Within the outer boundaries, there are two separate common areas. There is one section of moveable fencing for the allowance of Special Designated Licences to create a larger common area which includes the street, allowing the two courtyards to be connected.

David Landis, Director of Urban Development, came forward to state that districts like this in other cities become a magnet for activity, energy and growth. It would be appropriate to consider voting on this item next week after the Urban Design Committee has reviewed this plan. Discussion followed.

Hallie Salem, Urban Development Department, came forward to state if an area within the Entertainment District would like to hold a common area event, applicants will be required to take out a Special Designated License which will specify the areas of use and will come before Council for approval.

Bryan McFarland, 762 Lakeshore Ct., came forward to express his concerns as a bar owner.

Tonya Peters, Assistant City Attorney, came forward to state, that businesses cannot expand their liquor license into an area that is not contained within the Entertainment District boundaries. For that reason, the boundaries were set wider than would normally be used on a regular basis to allow for some different configurations depending on type of event. Another unknown factor is what will happen in surrounding areas. If there are adjacent entertainment districts created, the center-line boundary would allow the properties to hold events together and expand into a greater area. Discussion followed.

This matter was taken under advisement.

5:21 P.M. BREAK

5:27 P.M. RECONVENED

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REPORT FROM THE CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS APRIL 30, 2013 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

REFERRALS TO THE PLANNING DEPARTMENT:

Special Permit No. 13019 - Requested by Careylou, Inc., for authority to sell alcoholic beverages for consumption off the premises, on property legally described as Lot 2, Peoples Choice Addition, located in the NE 1/4 of Section 25-10-6, Lancaster County, Nebraska, generally located at S. 25th Street and O Street (2555 O Street).

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 13030 to Use Permit No. 57D, Lincoln Crossing, approved by the Planning Director on May 30, 2013, requested by Empire Brands, Inc., to revise the lot layout for an area between North Hill Rd. and Folkways Blvd. and to revise the Building and Parking Stall Summary on property generally located at N. 27th St. and Superior Rd.

Administrative Amendment No. 13024 to Use Permit No. 125, The Preserve on Antelope Creek, approved by the Planning Director on May 31, 2013, requested by MBRBS, LLC, to revise the lot layout and to increase the total allowed floor area within the use permit by approximately 7% from 81,900 square feet to 87,100 square feet, and to amend the site notes accordingly on property generally located near Pioneers Blvd. and Lucille Dr.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF MO CHARA, LLC DBA THE WATERING HOLE EAST FOR A CLASS C LIQUOR LICENSE AT 8300 NORTHWOODS DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87358

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 Mo Chara, LLC dba The Watering Hole East for a Class "C" liquor license at 8300 Northwoods Drive, Lincoln, Nebraska, for the license period ending October 31, 2013, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

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 Gaylor Baird and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MANAGER APPLICATION OF BRYAN A. MCFARLAND FOR MO CHARA, LLC DBA THE WATERING HOLE EAST AT 8300 NORTHWOODS DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87359

WHEREAS, Mo Chara, LLC dba The Watering Hole East located at 8300 Northwoods Drive, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Bryan A. McFarland be named manager;

WHEREAS, Bryan A. McFarland 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 Bryan A. McFarland 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 Gaylor Baird and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

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

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEIGHBORHOODS, INC. DBA NEIGHBORWORKS LINCOLN FOR THE SALE OF CITY PROPERTY DESCRIBED AS LOT 5, BLOCK 4 AND THE EAST 90 FEET OF LOT 1 AND ALL OF LOT 2, HOUTZ AND BALDWIN'S SUBDIVISION; LOT 7, BLOCK 8, SECOND EAST PARK ADDITION AND LOT 3, BLOCK 3, GIBBON'S ADDITION, MORE COMMONLY KNOWN AS 540, 541, 545 AND 1531 N. 28TH STREETS AND 2800 Y STREET - CLERK read an ordinance, introduced by Roy Christensen, approving a Real Estate Sales Agreement between the City of Lincoln and Neighborhoods, Inc. dba NeighborWorks Lincoln authorizing the sale of City owned property described as Lot 5, Block 4, the east 90 feet of Lot 1 and all of Lot 2, Houtz and Baldwin's Subdivision; Lot 3, Block 3, Gibbon's Addition; and Lot 7, Block 8, Second East Park Addition and, more commonly known as 540, 541, 545 and 1531 N. 28th Streets and 2800 Y Street, the second time.

APPROVING THE FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND ENTERPRISE COMPANY, INC. TO EXTEND THE TERM OF THE LEASE OF APPROXIMATELY 813 SQUARE FEET OF FLOOR SPACE AT 2662 CORNHUSKER HIGHWAY FOR THE WOMEN, INFANTS AND CHILDREN (WIC) SUPPLEMENTAL NUTRITION PROGRAM FOR AN ADDITIONAL THREE YEARS FROM NOVEMBER 1, 2013 TO OCTOBER 31, 2016 - CLERK read an ordinance, introduced by Roy Christensen, accepting and approving the First Amendment to Lease Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and Enterprise Company, Inc. To extend the term for the lease of approximately 813 square feet of floor space at 2662 Cornhusker Highway for the Women, Infants and Children (WIC) Supplemental Nutrition Program for an additional three years from November 1, 2013 to October 31, 2016, the second time.

TEXT AMENDMENT -- AMENDING AND REORGANIZING CHAPTER 27.75 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE BOARD OF ZONING APPEALS TO SIMPLIFY AND CLARIFY THE PROCESS FOR FILING VARIANCES BY RENUMBERING EXISTING SECTION 27.75.020 AS SECTION 27.75.040 AND AMENDING IT TO GRANT EXPLICIT AUTHORITY TO CANCEL REGULARLY SCHEDULED MEETINGS OF THE BOARD OF ZONING APPEALS; AMENDING SECTION 27.75.030 TO REVISE THE PROCEDURE FOR APPEALS AND TO ESTABLISH A PROCEDURE TO OBTAIN BOARD OF ZONING APPEALS REVIEW OF PETITIONS FOR VARIANCES AND EXCEPTIONS; RENUMBERING EXISTING SECTION 27.75.040 AS 27.75.020 AND AMENDING IT TO DISTINGUISH BETWEEN THE BOARD OF ZONING APPEALS' APPELLATE JURISDICTION AND ORIGINAL JURISDICTION; AMENDING SECTION 27.75.050 TO FURTHER DEFINE THE JURISDICTION OF THE BOARD OF ZONING APPEALS; AND AMENDING SECTION 27.75.060 TO PROVIDE THAT ANY DECISION APPROVING A PETITION FOR A VARIANCE OR AN EXCEPTION SHALL BE BY RESOLUTION OF THE BOARD OF ZONING APPEALS - CLERK read an ordinance, introduced by Roy Christensen, amending and reorganizing Chapter 27.75 of the Lincoln Municipal Code relating to the Board of Zoning Appeals to simplify and clarify the process for filing variances by renumbering existing Section 27.75.020 as Section 27.75.040 and amending it to grant explicit authority to cancel regularly scheduled meetings of the Board of Zoning Appeals; amending Section 27.75.030 to revise the procedure for appeals and to establish a procedure to obtain Board of Zoning Appeals review of petitions for variances and exceptions; renumbering existing Section 27.75.040 as 27.75.020 and amending it to distinguish between the Board of Zoning Appeals' appellate jurisdiction and original jurisdiction; amending Section 27.75.050 to further define the jurisdiction of the Board of Zoning Appeals; amending Section 27.75.060 to provide that any decisions approving a petition for a variance or an exception shall be by resolution of the Board of Zoning Appeals; and repealing Sections 27.75.020, 27.75.030, 27.75.040, 27.75.050 and 27.75.060 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 13009 - APPLICATION OF CAMPBELL'S NURSERY FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK PUD FOR A MIXED USE DEVELOPMENT CONSISTING OF RESIDENTIAL, OFFICE, AND RETAIL USES ON THE UNDERLYING O-3 ZONED AREA GENERALLY LOCATED EAST OF THE INTERSECTION OF SOUTH 40TH STREET AND LAKE STREET - CLERK read an ordinance, introduced by Roy Christensen, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

AMENDING SECTION 10.16.030 OF THE LINCOLN MUNICIPAL CODE, RELATING TO PENALTIES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR, TO CONFORM WITH RECENT CHANGES IN THE STATE LAW BY INCREASING THE PERIOD OF AN OPERATOR'S LICENSE REVOCATION FROM ONE YEAR TO 18 MONTHS FOR A SECOND OFFENSE DUI AND REQUIRING AN IGNITION INTERLOCK DEVICE TO BE INSTALLED ON ANY MOTOR VEHICLE OWNED OR OPERATED BY A PERSON CONVICTED OF A SECOND OFFENSE DUI FOR AT LEAST ONE YEAR - CLERK read an ordinance, introduced by Roy Christensen, amending Section 10.16.030 of the Lincoln Municipal Code, relating to penalties for driving under the influence of alcoholic liquor, to conform with recent changes in the state law by increasing the period of an operator's license revocation from one year to 18 months for a second offense DUI and requiring an ignition interlock device to be installed on any motor vehicle owned or operated by a person convicted of a second offense DUI for at least one year; and repealing Section 10.16.030 of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING A LPA PROGRAM AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE 70TH STREET, VAN DORN TO EASTBOROUGH CONCRETE PAVEMENT REPAIR PROJECT (STATE PROJECT NO. LCLC-5247(13), CN 13243) - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:
A-87360 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached LPA Program Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Surface Transportation Program Funds for construction and construction engineering of the 70th Street, Van Dorn to Eastborough Concrete Pavement Repair Project, Project No. LCLC-5247(13), CN 13243, 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 the executed copy of the Agreement to Erika Nunes, Engineering Services, Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Roy Christensen

Seconded by Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

CERTIFYING THE APPOINTMENT OF DOUG EMERY TO THE WEST HAYMARKET JOINT PUBLIC AGENCY BOARD OF REPRESENTATIVES FOR A FOUR-YEAR TERM OR FOR SO LONG AS SUCH REPRESENTATIVE SERVES IN HIS POSITION AS CITY COUNCIL MEMBER - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87361 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, pursuant to the Joint Public Agency Act, Neb. Rev. Stat. §§ 13-2501 *et seq.* (Reissue 2007), and Section 301 of the Joint Public Agency Agreement Creating the West Haymarket Joint Public Agency, dated April 1, 2010, that in accordance with Neb. Rev. Stat. § 13-2514, the City Clerk shall issue a certificate of appointment of Doug Emery, duly appointed by the Mayor, as the City Council Representative to the governing body of the West Haymarket Joint Public Agency for filing in the official records of the City of Lincoln, and with the clerk or secretary of the West Haymarket Joint Public Agency.

Introduced by Roy Christensen

Seconded by Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

ESTABLISHING AN ENTERTAINMENT DISTRICT IN THE AREA SOUTH OF THE PINNACLE BANK ARENA GENERALLY BOUNDED BY 7TH STREET, THE NORTH/SOUTH ALLEY WEST OF CANOPY STREET, R STREET AND Q STREET - PRIOR to reading:

COOK Moved to Delay Bill No. 13R-113 one week with Action to June 17, 2013.

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Gaylor Baird; NAYS: Fellers.

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

CHANGE OF ZONE 13007 - APPLICATION OF WILLIAM AND MARCIA THORNTON FOR A CHANGE OF ZONE FROM R-7 RESIDENTIAL DISTRICT TO R-7 RESIDENTIAL DISTRICT WITH LANDMARK OVERLAY TO DESIGNATE THE CONRAD A. SCHAAF HOUSE GENERALLY LOCATED AT 659 SOUTH 18TH STREET AS A LANDMARK - CLERK read an ordinance, introduced by Jon Camp, amending the City of Lincoln Zoning District Map attached to and made part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered **#19883**, is recorded in Ordinance Book #28, Page .

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

AMENDING ORDINANCE NO. 19875 PASSED AS AMENDED BY THE CITY COUNCIL ON MAY 6, 2013, WHICH ADDED CHAPTER 9.30 TO THE LINCOLN MUNICIPAL CODE PROVIDING CONDITIONS AND REGULATIONS FOR OBTAINING DONATION BOX PERMITS, TO DELAY THE EFFECTIVE OPERATIVE DATE OF THE ORDINANCE FOR ONE YEAR TO ALLOW ADDITIONAL TIME TO CONSIDER REQUIREMENTS FOR DONATION BOXES - PRIOR to reading:

COOK Moved to Withdraw Bill No. 13-70.
Seconded by Gaylor Baird and carried by the following vote: AYES: Cook, Emery, Eskridge, Gaylor Baird; NAYS: Camp, Christensen, Fellers.
The ordinance, having been **WITHDRAWN**, was assigned File #38-4635 and was placed on file in the Office of the City Clerk.

CHANGE OF ZONE 13006 - APPLICATION OF NEIGHBORWORKS LINCOLN AND NEW HORIZONS ENTERPRISES, LLC FOR A CHANGE OF ZONE FROM R-7 RESIDENTIAL DISTRICT TO R-7 RESIDENTIAL DISTRICT WITH LANDMARK OVERLAY TO DESIGNATE THE BOWMAN-CAMERON HOUSE, GENERALLY LOCATED AT 1201 D STREET, AS A LANDMARK - PRIOR to reading:

COOK Moved to Delay Bill No. 13-71 to June 24, 2013 to have 2nd Reading and Public Hearing with 3rd Reading and Action on the same date.
Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

CLERK Read an ordinance, introduced by Jonathan Cook, 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 Landmark, the first time.

CHANGE OF ZONE 13010 - APPLICATION OF JOHN HOLLINGSWORTH AND CAMERON TOWNHOMES FOR A CHANGE OF ZONE FROM AGR AGRICULTURE RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT SOUTH 56TH STREET AND CUMBERLAND DRIVE - PRIOR to reading:

COOK Moved to Delay Bill No. 13-71 to June 24, 2013 to have 2nd Reading and Public Hearing.

Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None
CLERK Read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

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 \$651,321.00 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, 2013 THROUGH JUNE 30, 2015.

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO MAINTAIN CONSISTENCY WITH FEDERAL AND STATE REGULATIONS.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 16 - 31, 2013.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND ALLIED OIL & SUPPLY, INC. FOR THE ANNUAL SUPPLY OF ANTIFREEZE TO STARTRAN, PURSUANT TO QUOTE NO. 4416, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM UPON THE TERMS SET FORTH IN SAID CONTRACT.

APPROVING AN AMENDMENT TO AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND INDUSTRIAL SERVICES, INC. TO RENEW CONTRACT NO. C-10-0310 FOR THE ANNUAL REQUIREMENTS FOR DEAD ANIMAL REMOVAL, FOR AN ADDITIONAL THREE-YEAR TERM FROM JULY 19, 2013 THROUGH JULY 18, 2016.

REAPPOINTING JONATHAN COOK TO THE PARKS & RECREATION ADVISORY BOARD FOR A TERM EXPIRING MAY 31, 2014.

REAPPOINTING DOUG EMERY TO THE RAILROAD SAFETY TRANSPORTATION DISTRICT FOR A TERM EXPIRING MAY 31, 2014.

APPOINTING LEIRION GAYLOR BAIRD AND ROY CHRISTENSEN TO THE RAILROAD SAFETY TRANSPORTATION DISTRICT FOR TERMS EXPIRING MAY 31, 2014.

APPOINTING LEIRION GAYLOR BAIRD TO THE JOINT BUDGET COMMITTEE FOR A TERM EXPIRING MAY 31, 2015.

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE - NONE

REGULAR MEETING
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ADJOURNMENT 5:54 P.M.

CAMP Moved to adjourn the City Council meeting of June 10, 2013.
 Seconded by Fellers & carried by the following vote: AYES: Camp,
 Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

Teresa J. Meier, City Clerk

Amy Hana Huffman, Office Specialist