

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MAY 11, 2015 AT 3:00 P.M.**

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

Council Chair Emery 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

GAYLOR BAIRD Having been appointed to read the minutes of the City Council proceedings of May 4, 2015, reported having done so, found same correct.

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

MAYOR'S ANNUAL AWARD OF EXCELLENCE FOR 2014

Mayor Beutler came forward to present the Annual Mayors Award of Excellence for 2014. Chad Dalton, Micro-Computer Support Specialist for Information Services, Finance Division, was presented the Honorable Mention Award. Mr. Dalton was nominated in the categories of Productivity, Customer Relations and Loss Prevention for his implementation of the City's VOIP system and a separate Video Conferencing System.

Steve Hubka, Finance Director, came forward and stated that Chad was very deserving and went above and beyond the call of duty and is a worthy recipient of this award.

Steve Henderson, Chief Information Officer, came forward and stated Chad was the definition of customer service.

Chad Dalton, came forward to give his thanks and appreciation for the award.

Mayor Beutler came forward to present the Annual Award of Excellence to Robert Norton, Investigator for the Lincoln Police Dept. He was nominated in the category of Customer Relations for his work as a school Resource Officer at Lincoln Southeast High School since 2011. Officer Norton was recognized by a student at Southeast High who forwarded his positive comments to Governor Heineman's Office. These positive remarks were then forwarded to Mayor Beutler and Lincoln Police Chief Peschong.

Police Chief Peschong came forward and thanked the committee for recognizing the work of Officer Norton. He is currently an Investigator with the LPD Family Crimes Division and does a great job which is much appreciated.

Principal Brent Toalson of Southeast High School, came forward and offered his congratulations to Officer Norton. He said he was the epitome of what's looked for in building relationships with students.

Officer Norton came forward and thanked friends and co-workers who came to congratulate him on this award. He stated he was very appreciative of the recognition and the award.

PUBLIC HEARING

APPLICATION OF JANELLI SANCHEZ VARGAS DBA CALLED LIDO FOR THE ADDITION OF A CATERING LICENSE TO THEIR CLASS I LIQUOR LICENSE AT 100 NORTH 1ST STREET, SUITE 1. (4/27/15 - PUBLIC HEARING & ACTION CONTD. 1 WEEK TO 5/4/15) (5/4/15 - PUBLIC HEARING & ACTION CONTD. 1 WEEK TO 5/11/15) - Janelli Sanchez, 100 N St, Ste 1, came forward to take the oath. She stated they thought it would be a good opportunity to expand their license to catering.

Teri Pope-Gonzalez, 349 S. 1st St., came forward and took the oath. She stated that this was a wonderful restaurant and presented the restaurant menu.

This matter will be taken under advisement.

APPLICATION OF RHINODYNAMICS, INC. DBA DUFFY'S TAVERN FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 54 FEET BY 70 FEET AT 1412 O STREET ON MAY 16, 2015 FROM 12:00 P.M. TO 2:00 A.M. - Scott Hatfield, 1412 O St., came forward and stated that this was an outdoor concert called the Boulevard Music Series and they have 22 acts scheduled to play.

Council Member Eskridge questioned about the 2:00 am end time.

Mr. Hatfield said they will go until 1:00 - 1:15 am but are licensed until 2:00 am as there would still be people outside.

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Council Member Camp questioned if the event will be on O St.
Mr. Hatfield responded that the event will be on his own property in the parking lot behind the Parrish Building at 14th & O St.

This matter will be taken under advisement.

APPLICATION OF BLUE BLOOD BREWING COMPANY, INC. DBA BLUE BLOOD BREWING COMPANY FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 168 FEET BY 120 FEET AT 600 WEST E STREET ON MAY 16, 2015 FROM 11:00 A.M. TO 9:00 P.M. - Brian Podwinski, 9322 S 28th St, came forward and stated this was for the Lincoln Industries Gran Fondo, they are providing a beer garden outside after the race.

This matter will be taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY ON BEHALF OF LANCASTER COUNTY CORRECTIONS COMMUNITY SERVICE PROGRAM TO CONDUCT ROADSIDE LITTER PICKUP ALONG COUNTY ROADS BY INMATES AND TO PROVIDE SUPERVISION OF THE INMATES FOR A TERM OF MAY 1, 2015 THROUGH DECEMBER 31, 2015 - Judy Halstead, Health Dept. Director, came forward and stated that this Grant covers both the City and County and helps to pay for the staff supervision.

This matter will be taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF APRIL 16-30, 2015 -

Richard Avila, 4420 Judson St., came forward and inquired what the City planned to do regarding the sewer back up in October and again on Thursday, May 7th. He said regular insurance does not cover sewer back up and this was raw sewage.

Shawn Pospisil, 4415 Judson, came forward and stated as a first time home buyer, this back up is hard to afford and that they lost everything this second time. He said it would be nice if the City could help pay for some things as insurance will only pay a certain amount.

Andy Plummer, came forward representing his parents, Linda and Keith Plummer, 1831 N 50th St. He stated they are not on the claim list yet, but it is pending. He said these back ups are in the process of depleting his parents savings. He said there is a problem that needs to be fixed as it has destroyed the lives and homes of many residences in the area. He asked that the claims denied be reconsidered and to carefully consider any future claims that will be filed.

Kathy Danek, 4261 Knox, came forward and stated that she was not on the claims list, but came to comment on those who did have damage from these events. She was asking for assistance from the City's Wastewater Management System for the families in her neighborhood, and questioned why the system is failing this area.

Susan Dermer, 4914 Martin St., came forward and stated how bad the damage was in her home back in October. She presented pictures for Council's review.

Marvin Griggs, 3517 Baldwin Ave #2, came forward and said he had filed a claim regarding the October incident. He works 12 hour shifts which adds to the burden of sanitizing his residence. He said he is overwhelmed and would like the City to come up with a plan to stop the sewage back up.

Brian Michel, 6441 X St, came forward and has rental property at 3811 St. Paul. He stated as a business owner he cannot afford to have losses of \$7,000 to \$8,000 seven months apart. He questioned about a back up plan for this system.

Wesley Chesmore Jr, 3517 Baldwin Ave #1, came forward and stated he was the property manager for this building. He did not file a claim, but for the October incident he did the clean up carpet work for the property. He was unsure if the landlord had filed a claim or not. His residence was affected by the recent back up and he lost everything.

Tammy Wilson, 3540 Hunting #3, came forward and said she did file a claim back in October which was denied. She stated this recent back up was even worse with her loss of bedding and clothing. She has a child with Asberger's and trying to keep a routine with that child in this situation has been hard.

Don Thraikill, 4210 Cleveland, came forward to ask for reconsideration of the denied claim from the October damage. He questioned if this might be a sump pump issue and asked Council to investigate what went wrong.

Jama Compton, 3609 Madison Ave, came forward and stated she had her property cleaned up from the October back up. With this recent incident, her furniture is gone and her furnace is currently not working. Her concern was what can be done now to avoid this in the future.

Stephanie Sullivan, 4420 Judson St, came forward and stated her claim is under the name of Richard Avila. She said they filed in October and will file again for this back up. Her concerns were for the lost of time from work, the professional cost of a clean up as well as the health hazards. Their lives and health are being put at risk and they need the City to locate the cause and help them remedy it.

Matt Wattier, property owner of 3525 Baldwin, said he did file a claim and did receive a denial letter but was not sure why his name was not on the list. The first time they were able to fix the problems, but this time they had to gut the property. He was told there was no way to purchase insurance to cover

themselves against this so they are completely unprotected. He stated that businesses cannot continue to take hits like this, and if it continues, the property could become blighted. He is aware that there are ways to identify these issues and would like the City to look in to it.

Inna Strilkivsky, 2030 N 29th St, came forward and spoke on the damages done to her home from the October back up. She asked with this recent incident, what can the City do as it is not a safe situation for her children. She said she will e-mail a copy of the video showing the damage to her home for the Council to review.

Juelle Holz, property owner of 3805 St. Paul, came forward and stated they had filed a claim in October. She said sewage was everywhere and the cost for clean up was very expensive. They lost their tenants who still had time on their lease, but their property was ruined and they did not want their children in the area. With this recent incident, they had to put it all back together again and would like the City to reconsider their claim.

Gregg Hacker, no address given, came forward and stated he has an October claim pending for his property on Huntington Ave. He said they have video, photographs and testimonies from people who live in his building. The repairs necessary on the units this time were dramatically worse. He believes there is a problem with the wastewater and storm sewer systems at 35th and Huntington Avenue. He said you can set aside accountability for now, but property owners and residents need to know if the City is going to do something to fix this situation, if not he will not waste his time submitting another claim.

Council Member Jon Camp stated he appreciated the constructive tone from all who have spoke today on this issue.

Jeff Kirkpatrick, City Attorney, came forward and said they are here today regarding the October storm. They have to analyze what the cause of the claim was and if the City was responsible. He said this was not a single neighborhood affected by this storm and raises some complications as to cause and affect.

Council Chair Emery stated this affected a pretty tight cluster of people in the areas of 38th and St. Paul, 38th and Madison and 42nd and Cleveland.

Mr. Kirkpatrick responded that they looked at the 38 claims they had from the October 1st event. There were some clusters, but it was not just a 3 or 4 block area. They collected data using a private consultant who was able to look at the situation at a more objective level. After receiving findings both internally and by the outside consultant, the conclusion was that the City was not negligent and denial letters were sent out accordingly. For the May event, they are not in the position today to say if this was or was not caused by City negligence. They encourage people to submit claims.

Council Member Jon Camp questioned if there were any preventative measures that are being discussed, or preliminary observation they could share.

Donna Garden, Public Works Dept., came forward and stated they have looked at a number of different options, but can't pinpoint or say there is a project out there they can do. They are looking at how much pumping capacity they have, and double trunk lines in the area. Discussion followed.

Council Member Camp asked for a timetable of when Public Works could get back to them to show some progress.

Ms. Garden responded it may take 2 months to get some additional information back from their consultant.

Council Member Christensen stated he would like to have a unfiltered report by an engineer as it is obvious something is not working.

Council Chair Emery said part of the discussion needs to include if 3 to 4 inches of rain becomes the norm, will the existing system become consistently over-maxed.

Council Member Jon Camp questioned if there were any type of assistance available through the Urban Development Dept.

Mr. Kirkpatrick said at this point he couldn't report back on the availability of funds through programs from Urban Development. Discussion followed.

Ms. Garden stated during this last storm the City was pumping 1.7 million gallons a day. To utilize the 2 month time frame, they would construct a model and see if a simulation could be made of what happened in the areas that experienced the back up. She said staff will be fully committed to this and they will have a independent consultant prepare a report. She believed that almost all of the same areas were impacted from both storms.

Council Member Cook suggested using the media to encourage people to report any damages to Public Works so they could at least have a clearer picture of what areas were truly impacted.

Council Chair Emery thanked everyone who came forward and said this will not be a quick fix.

This matter will be taken under advisement.

REPEALING ORDINANCE NO. 20160 CREATING SIDEWALK DISTRICT NO. 97, BEING 6844 LAURENT CIRCLE, AS THE SIDEWALK WAS BUILT BY OWNER - Micki Esposito, Director of Public Works and Utilities, came forward and stated the sidewalk has been built by the property owner.

Council Chair Emery thanked the absent owner for having it built.

This matter will be taken under advisement.

AMENDING SECTION 3.16.010 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE LOCAL OPTION SALES TAX RATE BY 1/4 PERCENT FROM 1.5% TO 1.75% FOR THREE YEARS TO PAY FOR A NEW RADIO SYSTEM AND THE CONSTRUCTION OF THREE NEW FIRE STATIONS AND ONE JOINT POLICE/FIRE STATION - Tom Casady, Director of Public Safety, came forward and stated

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they have prioritized these projects with the radio system being the top priority and the stations being the second priority and are currently working on request for proposals. He said they hope to have these requests out and available for potential bidders by early summer. It is about an 18 month to 2 year project, and as the ballot initiative required, an advisory committee will be formed. The amount of revenue generated by that sales tax should be sufficient over the next 3 years to pay for both projects, however that revenue will not be enough to do all of these projects contemporaneously unless it is decided to do inter-fund borrowing within the City or short term financing outside of the City. If this is needed, it would be for a relatively short time and at a relatively low cost.

Jeff Kirkpatrick, City Attorney, came forward and stated timing becomes an issue as under state law, sales tax can only be changed 4 times a year. This ordinance needs to be passed this month and a certified copy forwarded to the State Dept. of Revenue by June 3rd so they can start collection by Oct. 1st. As drafted in the ordinance, the increased quarter sales tax will automatically come off at the end of 3 years. Discussion followed.

Steve Hubka, Finance Director, came forward and stated this will become effective October 1st and they will start receiving cash to the City Treasurer mid-December. The City will have a reliable source of revenue that will be coming in on a predictable schedule, so to a certain extent we can control the expenditure side of things to match up with cash flow. Discussion followed.

Council Member Fellers said it would be helpful if the Public had access to view the progress of these funds as they come in.

Mr. Hubka said they could certainly make that information available and that and the oversight committee could assist in setting this up.

This matter will be taken under advisement.

Council Chair Emery left Council Chambers at 4:42 pm
Council Chair Emery returned to Council Chambers at 4:57 pm

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBCO, INC. AUTHORIZING THE SALE OF CITY OWNED SURPLUS PROPERTY GENERALLY LOCATED IN THE LINCOLN WATER SYSTEM WELL FIELDS IN SAUNDERS COUNTY - Steve Huggenberger, City Law Dept., came forward and stated it was discovered that a small section of property, 3½ acres, was still owned by the City of Lincoln. This real estates sales agreement is just completing the sale.

This matter will be taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON APRIL 27, 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED MARCH, 31, 2015 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88923

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

That during the month ended March 31, 2015 \$273,290.28 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rate 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 Leirion Gaylor Baird

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MON., MAY 18, 2015 AT 3:00 P.M. ON THE APPLICATION OF GLACIAL TILL VINEYARD & WINERY, LLC DBA GLACIAL TILL VINEYARD & WINERY FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 10 FEET BY 10 FEET AT 5500 OLD CHENEY ROAD ON JUNE 7, 14, 21, & 28, JULY 5, 12, 19, & 26, AUGUST 2, 9, 16, 23, & 30, SEPT. 6, 13, 20 & 27, OCT. 4, 11, 18 & 26, 2015 FROM 10:00 A.M. TO 2:00 P.M - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88924 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 18, 2015, at 5:30 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 Glacial Till Vineyard & Winery, LLC dba Glacial Till Vineyard & Winery for a special designated license to cover an outdoor area measuring approximately 10 feet by 10 feet at 5500 Old Cheney Road on June 7, 14, 21, & 28, July 5, 12, 19, & 26, August 2, 9, 16, 23, & 30, Sept. 6, 13, 20 & 27, Oct. 4, 11, 18 & 26, 2015 from 10:00 a.m. to 2:00 p.m.

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

Introduced by Leirion Gaylor Baird

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

REFERRED TO PLANNING DEPT.:

Pre-Existing Special Permit No. 32B, to allow an expanded licensed premises for the sale of alcohol for consumption on the premises, for an approximate 330 square foot expansion of an outdoor beer garden, on property generally located at 2801 NW 48th Street.

Special Permit No. 15025, to construct a broadcast tower on property legally described as all of Lot 1, Block 1, Briarhurst West 5th Addition, except 400 square feet in the NE corner and 95.72 square feet in the SE corner for the street, generally located at 3825 Wildbriar Lane.

Text Amendment No. 15006 amending Section 27.51.030 and 27.64.010 (h) of the Lincoln Municipal Code relating to the I-3 Employment Center District to allow the City Council to waive specific use regulations set forth in Section 27.51.030; and repealing Section 27.51.030 and 27.64.010 (h) of the Lincoln Municipal Code as hitherto existing.

Use Permit No.117E, to remove the maximum floor area limitation and landuse table from the Use Permit Site Plan, on property generally located west of South 14th Street and Garret Lane, Lincoln, Lancaster County, Nebraska.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 15028 to Special Permit #06001B, Grand Terrace CUP, approved by the Acting Planning Director on April 28, 2015, requested by Design Associates, to amend the site plan to increase the number of apartment units from 200 to 206, and to revise notes accordingly, on property generally located at S. 84th Street and Highway 2.

LIQUOR RESOLUTIONS

APPLICATION OF JANELLI SANCHEZ VARGAS DBA CIELITO LINDO FOR THE ADDITION OF A CATERING LICENSE TO THEIR CLASS I LIQUOR LICENSE AT 100 NORTH 1ST STREET, SUITE 1. (4/27/15 - PUBLIC HEARING & ACTION CONTD. 1 WEEK TO 5/4/15) (5/4/15 - PUBLIC HEARING & ACTION CONTD. 1 WEEK TO 5/11/15) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88925 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 Janelli Sanchez Vargas dba Cielito Lindo for the addition of a catering license to their existing Class I liquor license located at 100 North 1st Street, Suite 1, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations.

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

Introduced by Jon Camp

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

APPLICATION OF RHINO DYNAMICS, INC. DBA DUFFY'S TAVERN FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 54 FEET BY 70 FEET AT 1412 O STREET ON MAY 16, 2015 FROM 12:00 P.M. TO 2:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88926 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 RHINO DYNAMICS, Inc. dba Duffy's Tavern for a special designated license to cover an outdoor area measuring approximately 54 feet by 70 feet at 1412 O Street, Lincoln, Nebraska, on May 16, 2015, between the hours of 12:00 p.m. and 2:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

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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.

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

Introduced by Jon Camp

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

APPLICATION OF MSKDJ, INC. DBA SCHILLINGBRIDGE CORK & TAP HOUSE FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 160 FEET BY 160 FEET AT 575 FALLBROOK BOULEVARD, SUITE 109 ON JUNE 27, 2015 FROM 11:00 A.M. TO 1:00 A.M.

CAMP Moved to continue Public Hearing and Action 1 week to 05/18/15.

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

APPLICATION OF BLUE BLOOD BREWING COMPANY, INC. DBA BLUE BLOOD BREWING COMPANY FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 168 FEET BY 120 FEET AT 600 WEST E STREET ON MAY 16, 2015 FROM 11:00 A.M. TO 9:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88927 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 Blue Blood Brewing Company, Inc. dba Blue Blood Brewing for a special designated license to cover an outdoor area measuring approximately 168 feet by 120 feet at 600 West E Street, Lincoln, Nebraska, on May 16, 2015, between the hours of 11:00 a.m. and 9:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

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

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

Introduced by Jon Camp

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

PUBLIC HEARING - RESOLUTIONS

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY ON BEHALF OF LANCASTER COUNTY CORRECTIONS COMMUNITY SERVICE PROGRAM TO CONDUCT ROADSIDE LITTER PICKUP ALONG COUNTY ROADS BY INMATES AND TO PROVIDE SUPERVISION OF THE INMATES FOR A TERM OF MAY 1, 2015 THROUGH DECEMBER 31, 2015 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-88928 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln and Lancaster County on behalf of Lancaster County Corrections Community Service Program to conduct roadside litter pickup along county roads by inmates for a term of May 1, 2015 to December 31, 2015, upon the terms and conditions set out in the Agreement 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.

The City Clerk is directed to transmit an executed copy of the Agreement to Judy Halstead, Director of the Lincoln-Lancaster County Health Department, and to the Clerk of Lancaster County.

Introduced by Carl Eskridge

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF APRIL 16-30, 2015 - PRIOR to reading:

CAMP Moved to amend Bill No. 15R-90 in the following manner:
Remove lines 10 through 50 from the Denied Claims.
Seconded by Fellers and carried by the following vote; AYES: Camp, Christensen, Cook Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

CLERK Read the following resolution, introduced by Roy Christensen, who moved its adoption as amended:

A-88931 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 April 30, 2015, 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:

DENIED CLAIMS

Judy Sinkler	\$ 267.50
Joe Chaloupka	444.05
Ernest L. Strasil	55,088.55
Yolanda Williams	NAS*
Hillary & Shawn Pospisil	2,125.00
Ivan & Inna Strilkivsky	2,534.00
Marvin Griggs	680.00
Rhonda Bothe	1,190.00
Todd Garrison	608.58
Kyle Schwaninger	4,140.00
James & Juelle Holz	21,278.22
Albert Sherman	874.13
William Rezac	20,074.52
Tom & Pearl Curry	1,933.69
Thelma Helgren	2,520.71
Andrew Ross	9,099.79
Jama Compton	4,631.26
Donald & Debra Thraikill	3,273.27
Brain Michel	4,832.99
Jimmy W. Hill & Sara M. Kinney	1,491.80
Kristi Robinson	4,006.00
Susan J. Dermer	10,226.02
Tammy Wilson	NAS*
James W. Gelinne	1,599.54
Scott & Cathy Norquest	5,233.24
Deborah L. (Rima) Wilson	11,644.71
Farmers Mutual of Nebraska	
a/s/o Deborah Wilson	5,000.00
Mark Severson	1,581.02
Richard Avila	17,405.00
Tom Gewecke	3,736.32
Tom Gewecke	1,318.28
William Berlowitz	178.85
Dan Halverson	85.00
Terri Magwire	352.13
Sean O'Brien	784.78
Judy Pfeifer	380.47
Nadine & Don Von Seggern	100.00
Chance Sorenson	99.00
Roger & Nancy Bruner	1,029.97
Jeffrey Wilson	149.98

* No Amount Specified

ALLOWED/SETTLED CLAIMS

Robert Kennel	\$640.96
The Landing at	170.00
Williamsburg Village	

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 Roy Christensen

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

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

REPEALING ORDINANCE NO. 20160 CREATING SIDEWALK DISTRICT NO. 97, BEING 6844 LAURENT CIRCLE, AS THE SIDEWALK WAS BUILT BY OWNER - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapters 3.16 of the Lincoln Municipal Code relating to Sales and Use Tax, by amending Sections 3.16.010 to increase City Sales and Use Tax rate from one and on-half percent to one and three-quarters percent beginning on October 1, 2015 and ending on October 1, 2018, allowing the revenue raised from the additional one-quarter percent sales tax to go into non-general fund accounts, and repealing Sections 3.16.010 and 3.16.040 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 3.16.010 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE LOCAL OPTION SALES TAX RATE BY 1/4 PERCENT FROM 1.5% TO 1.75% FOR THREE YEARS TO PAY FOR A NEW RADIO SYSTEM AND THE CONSTRUCTION OF THREE NEW FIRE STATIONS AND ONE JOINT POLICE/FIRE STATION - CLERK read an ordinance, introduced by Carl Eskridge, repealing Ordinance No. 20160 which created Sidewalk District No. 97, being 6844 Laurent Circle, as the sidewalk was built by the property owner, the second time.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBCO, INC. AUTHORIZING THE SALE OF CITY OWNED SURPLUS PROPERTY GENERALLY LOCATED IN THE LINCOLN WATER SYSTEM WELL FIELDS IN SAUNDERS COUNTY - CLERK read and ordinance, introduced by Carl Eskridge, approving a Real Estate Sales Agreement between the City of Lincoln and NEBCO, Inc., dba Western Sand & Gravel Co. authorizing the sale of approximately 3.5 acres of City owned property generally located in the Lincoln Water System wellfield adjacent to the sand and gravel operation in Saunders County, Nebraska, the second time.

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

CHANGE OF ZONE 15011 - APPLICATION OF TRONCONE FAMILY TRUST FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 9400 SOUTH 56TH STREET - 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, 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.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#20193**, is recorded in Ordinance Book 29.

TEXT AMENDMENT 15003 - AMENDING SECTION 27.63.090 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT THE NUMBER OF MEMBERS RESIDING IN A DWELLING FOR MEMBERS OF A RELIGIOUS ORDER MAY BE INCREASED UP TO 100% WHEN THE DWELLING IS LOCATED WITHIN 600 FEET FROM THE BOUNDARY OF A SCHOOL, CHURCH, OR EARLY CHILDHOOD CARE FACILITY SERVED BY THE MEMBERS AND AMENDING TABLE 27.72.010(C) "EXCEPTIONS TO THE MINIMUM LOT REQUIREMENTS IN THE AG AND AGR DISTRICTS" IN SECTION 27.72.010(C) OF THE LINCOLN MUNICIPAL CODE TO ALLOW A DWELLING FOR MEMBERS OF A RELIGIOUS ORDER IN THE AG DISTRICT ON A LOT HAVING A MINIMUM AREA OF FIVE ACRE - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 27 of the Lincoln Municipal Code relating to the Zoning Code by amending Section 27.63.090 to provide that the number of members residing in a dwelling for members of a religious order may be increased up to 100% when the dwelling is located within 600 feet from the boundary of a school, church, or early childhood care facility served by the members; and amending Table 27.72.010(c) "Exceptions to the Minimum Lot Requirements in the AG and AGR Districts" in Section 27.72.010 to allow dwellings for members of a religious order in the AG district on a lot having a minimum lot area of five acres; and repealing Sections 27.63.090 and 27.72.010 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#20194**, is recorded in Ordinance Book 29.

VACATION 15004 - VACATING APPROXIMATELY 0.34 ACRES OF M STREET RIGHT-OF-WAY ALONG THE SOUTH SIDE OF "M" STREET FROM A POINT 15 FEET WEST OF THE EAST RIGHT-OF-WAY LINE OF 7TH STREET TO THE WEST RIGHT-OF-WAY LINE OF 8TH STREET, AND A PORTION OF L STREET RIGHT-OF-WAY ALONG THE NORTH SIDE OF "L" STREET FROM A POINT 15 FEET WEST OF THE EAST RIGHT-OF-WAY LINE OF 7TH STREET TO THE WEST RIGHT-OF-WAY LINE OF 8TH STREET. (RELATED ITEMS: 15-64, 15R-84, 15R-85) - CLERK read an ordinance, introduced by Jonathan Cook, vacating approximately 0.34 acres of M Street right-of-way

along the south side of "M" Street from a point 15 feet west of east right-of-way line of 7th Street to the west right-of-way line of 8th Street, and a portion of L Street right-of-way along the north side of "L" Street from a point 15 feet west of the east right-of-way line of 7th Street to the west right-of-way line of 8th Street, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered #20195, is recorded in Ordinance Book 29.

APPROVING A PERMANENT SUBSURFACE UNDERGROUND GEOTHERMAL AND PERMANENT ABOVE GROUND ACCESS EASEMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE DAIRY HOUSE, LLC GRANTING THE DAIRY HOUSE AN EASEMENT TO INSTALL, OPERATE, INSPECT, MAINTAIN, REPAIR, AND REPLACE GEOTHERMAL WELLS BENEATH A PORTION OF THE 8TH STREET AND "M" STREET PUBLIC RIGHT OF WAYS; AND GRANTING THE DAIRY HOUSE AN EASEMENT TO CONFIGURE, STRIPE, MARK, AND USE PORTIONS OF THE SURFACE OF SAID RIGHT-OF-WAYS FOR PARKING AND ACCESS ACROSS THE EASEMENT AREAS TO PERFORM SUCH WORK, ON PROPERTY GENERALLY LOCATED BETWEEN "M" STREET AND "L" STREET AND 7TH STREET AND 8TH STREET. (RELATED ITEMS: 15-64, 15R-84, 15R-85) (ACTION DATE: 5/11/15) - CLERK read the following resolution, introduced by Jonathan Cook who moved its adoption:

A-88929 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Permanent Subsurface Underground Geothermal and Permanent Above Ground Access Easement Agreement which is attached hereto marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and The Dairy House, LLC , upon the terms and conditions contained in said Agreement granting The Dairy House an easement to install, inspect, maintain, repair, and replace geothermal wells beneath a portion of the 8th Street and "M" Street public right-of-ways; granting The Dairy House an easement to configure, stripe, mark, and use portions of the surface of said right-of-ways for parking and granting The Dairy House an access easement across the above easement areas to perform such work, on property generally located between "M" Street and "L" Street and 7th Street and 8th Street, is hereby approved and the Mayor is authorized to execute the Permanent Subsurface Underground Geothermal and Permanent Above Ground Access Easement Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return the original and one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for recording and distribution to The Dairy House, LLC.

Introduced by Jonathan Cook

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

APPROVING A MAINTENANCE AND REPAIR AND PUBLIC ACCESS EASEMENT AGREEMENT BETWEEN THE DAIRY HOUSE, LLC AND THE CITY OF LINCOLN, GRANTING THE CITY A MAINTENANCE AND REPAIR EASEMENT OVER A PORTION OF VACATED M STREET AND L STREET, TO MAINTAIN AND REPAIR THE ABUTTING NON-VACATED M AND L STREET AND GRANTING THE CITY A PUBLIC ACCESS EASEMENT TO USE THE SIDEWALKS LOCATED ON VACATED M STREET AND L STREET OR GRANTOR'S PROPERTY FOR PEDESTRIAN ACCESS, ON PROPERTY GENERALLY LOCATED BETWEEN "M" STREET AND "L" STREET AND 7TH STREET AND 8TH STREET. (RELATED ITEMS: 15-64, 15R-84, 15R-85) (ACTION DATE: 5/11/15) - PRIOR to reading:

GAYLOR BAIRD Moved to amend Bill No. 15R-85 as follows:

Substitute the attached Exhibit for Exhibit 2 attached to the Maintenance and Repair and Public Access Easement Agreement (Attachment A to Bill No. 15R-85).

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

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

A-88930 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Maintenance and Repair and Public Access Easement Agreement which is attached hereto marked as Attachment "A" and made a part hereof by reference, between The Dairy House, LLC and the City of Lincoln, upon the terms and conditions contained in said Agreement, granting the City a maintenance and repair easement over the north two feet of vacated M Street and the south two feet of vacated L Street, to maintain and repair the abutting non-vacated M Street and L Street and granting the City a public access easement to use the sidewalks located on vacated M Street and L Street or Grantor's Property for pedestrian access, on property generally located between "M" Street and "L" Street and 7th Street and 8th Street, is hereby approved and the Mayor is authorized to execute the Maintenance and Repair and Public Access Easement Agreement on behalf of the City.

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BE IT FURTHER RESOLVED that the City Clerk is directed to return the original and one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for recording and distribution to The Dairy House, LLC.

Introduced by Jonathan Cook

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

RESOLUTIONS - 1ST READING

SPECIAL PERMIT 168B - APPLICATION OF MCMASTER ENTERPRISES, INC. TO AMEND THE EXISTING SPECIAL PERMIT FOR A PARKING LOT IN A RESIDENTIAL DISTRICT, TO ALLOW FOR THE EXPANSION OF A PAVED PARKING LOT, AND TO ADJUST THE FRONT YARD SETBACK, ON PROPERTY GENERALLY LOCATED AT SOUTH 13TH STREET AND H STREET.

APPROVING A PROFESSIONAL SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO PROVIDE CONSTRUCTION ENGINEERING SERVICES FOR THE 70TH STREET, VAN DORN TO EASTBOROUGH PROJECT. CITY PROJECT NO. 540028. STATE PROJECT NO. LCLC-5247(13), CN 13243.

APPROVING A MULTI-YEAR CONTRACT BETWEEN NEBRASKA WESLEYAN UNIVERSITY AND THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT TO PROVIDE A PUBLIC HEALTH CLINICAL FOR NURSING STUDENTS FOR THE TERM OF APRIL 1, 2015 THROUGH MARCH 31, 2018.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND J.M. SEED, LLC DBA MILLER SEED COMPANY OF LINCOLN FOR PLANTING AND HARVESTING OF NATIVE GRASSES ON APPROXIMATELY 42 ACRES OF LAND IN STEVENS CREEK PARK LOCATED AT NORTH 98TH STREET AND ADAMS STREET.

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

APPROVING A TWO-YEAR LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND FRONTIER HARLEY DAVIDSON, INC. FOR EIGHT POLICE MOTORCYCLES - CLERK read an ordinance, introduced by Leirion Gaylor Baird, accepting and approving a lease agreement between the City of Lincoln, Nebraska and Frontier Harley Davidson, Inc. for eight Harley Davidson police motorcycles for use by the Police Department, the first time.

OPEN MICROPHONE

Jane Svoboda, no address given, came forward to state various concerns.
This matter will be taken under advisement.

ADJOURNMENT

5:28 P.M.

CAMP Moved to adjourn the City Council Meeting of May 11, 2015.
Seconded by Fellers and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

Teresa J. Meier, City Clerk

Alexis Traylor, Office Specialist