

**MINUTES**  
**LINCOLN-LANCASTER COUNTY CONSOLIDATION TASK FORCE**  
**COUNTY-CITY BUILDING**  
**555 SOUTH 10<sup>TH</sup> STREET, ROOM 210**  
**FRIDAY, APRIL 26, 2013**  
**8:30 A.M.**

Committee Members Present: Ann Post, Chair; Russ Bayer; Dick Campbell; Mike DeKalb; Dale Gruntorad; James Jeffers; Larry Lewis; Jean Lovell; Amanda McGill; Larry Melichar; Darl Naumann; W. Don Nelson; Kerry Eagan (Ex-Officio); and Trish Owen (Ex-Officio)

Committee Members Absent: Jan Gauger

Others Present: Laurie Holman, Legal Counsel for the Legislature's Urban Affairs Committee; Jane Raybould, County Commissioner; and Ann Taylor, Lancaster County Clerk's Office

The Chair called the meeting to order at 8:30 a.m.

**1 APPROVAL OF MINUTES OF APRIL 12, 2013 MEETING**

**MOTION:** Nelson moved and DeKalb seconded approval of the minutes. Bayer, Campbell, DeKalb, Gruntorad, Jeffers, Lewis, Lovell, McGill, Melichar, Naumann, Nelson and Post voted aye. Gauger was absent from voting. Motion carried 12-0.

**2 OVERVIEW OF THE LANCASTER COUNTY CLERK'S OFFICE - Dan Nolte, County Clerk**

Dan Nolte, County Clerk, gave an overview of the Lancaster County Clerk's Office (LSO), noting the following (Exhibits A and B):

- Statutory duties: Attend and record the proceedings of County Board; maintains the official records of the County; maintain the County seal; file and maintain other records including official bonds, budgets, veteran discharges, marriage licenses, locksmith licenses, liquor licenses, tobacco licenses, amusement licenses, special designated licenses, special events permits, affidavits of publication and property valuation protests; process vendor claims; process County payroll; and administer oaths and affirmations

- Other duties: Attend and record the proceedings of miscellaneous committees and task forces established by the County Board, records management, records research for County agencies and public records requests, maintain fixed asset list for the County, collect various fees, establish office policies and procedures
- Staff of nine and two divisions (Accounting and Records)
- Projected expenditures for Fiscal Year (FY) 2012-2013 total \$923,000 (80% is related to salaries and benefits)
- On average, the County Clerk's Office issues 2,100 marriage licenses, 2,000 certified copies and processes 3,426 property valuation protests annually

In response to a question from Melichar, Nolte said the staffing level has been the same since the late 1990's. Nolte presented an organizational chart (Exhibit C). He said he assessed whether a deputy position was necessary when he took office in 2007 and determined it is.

Bayer asked Nolte whether he and the City Clerk have discussed ways to work together. Nolte said not recently, explaining there isn't much overlap of duties.

Campbell noted County government is an arm of State government whereas the City has its own charter and determines its own functions.

Nelson asked whether the Task Force's role includes making recommendations about aligning costs with responsibility and unfunded mandates. He asked Nolte whether there are duties he believes should be delegated back to State government. Nolte said another option would be intercounty agreements. He noted the County made an investment in an electronic records management system several years ago and suggested contracting with other counties and leverage that investment in technology to create a revenue stream. Nolte said the same thing could be true of the County's automation of land records which could be attractive to lenders, attorneys, surveyors, appraisers and title companies. Campbell asked whether it would be prohibited by state law. Nolte said not that he is aware of.

Bayer asked Nolte who would have to approve him taking on additional responsibilities. Nolte said he believes it would be at his discretion, assuming there is funding. Eagan said interlocal cooperation provides wide latitude.

Raybould requested permission to ask a question of the County Clerk. The Chair indicated there will be time for questions at the end of the meeting. In response to a suggestion from Campbell, there was consensus to allow members of the public to ask questions of the presenter at the conclusion of their presentation.

Raybould noted some of the smaller counties in Nebraska have combined the County Clerk with the Clerk of the District Court and asked him to discuss the functions of those departments. Nolte said he is not familiar with those specifically but thought combining those offices was dependent on population levels. One individual may cover several statutory responsibilities in the smaller counties. It is more common to see the County Clerk act as the Register of Deeds and the Election Commissioner.

Nolte also presented an example of a new feature on the County Clerk's webpage, a County property tax calculator which breaks down a property's County taxes by General Fund agencies (Exhibit D).

Also present for the discussion were Cori Beattie, Deputy County Clerk; Tim Genuchi, Accounting Operations Manager, County Clerk's Office; and Melissa Virgil, Board of Equalization Specialist, County Clerk's Office.

### **3 OVERVIEW OF THE CITY CLERK'S OFFICE - Teresa Meier, City Clerk**

Teresa Meier, City Clerk, discussed the City Clerk's Office (Exhibit E):

- Staff of three when fully staffed (Deputy Clerk and two Office Specialists)
- The City Clerk's Office is a division of the Finance Department, under the direction of the Finance Director
- The City Clerk's Office is designated in the Nebraska Constitution and in 25 State Statutes, as well as the City Charter and 22 different chapters of the Lincoln Municipal Code
- Budget for FY 2012-2013 is \$296,198, plus \$95,965 for employee benefits
- The City Clerk's Office provides support services for 14 City departments and serves as the official record keeper for the Lincoln City Council
- The City Clerk prepares the City Council agenda and attends the City Council Meetings, the City Council's Directors' Meetings and Mayor's Directors' Meetings
- Other duties include responsibility for preparing, maintaining and attesting to official records of actions taken by the City Council in regular and special meetings; custodian of official books and records of the City Council; record keeper for the West Haymarket Joint Public Agency (JPA) and Antelope Valley JPA; and issuance of over 30 different types of licenses and permits

McGill exited the meeting at 9:15 a.m.

In response to a question from Melichar, Meier said staff has not increased in the 23 years she has worked for the office. It was noted Meier was recently promoted to the position of City Clerk after the previous City Clerk retired.

Campbell asked Meier whether she sees contracting any of the functions her office performs to smaller communities. Meier indicated she does not.

Also present for the discussion was Steve Hubka, City Finance Director.

#### **4 OVERVIEW OF THE CITY ATTORNEY'S OFFICE: MISDEMEANOR PROSECUTION AND JUVENILE COURT - Rod Confer, City Attorney**

Rod Confer, City Attorney, gave an overview of the City Attorney's Prosecution Division (Exhibit F):

- Staff consists of Chief Prosecutor, 5 Senior Attorneys, Paralegal and 4 Prosecution Assistants and 1.5 full-time equivalent (FTE) Senior Office Assistants
- City prosecutors have an average salary of \$112,978 and an average of 21.8 years of City experience
- High volume caseload (annual caseload of 6,066 cases per prosecutor)
- 2/3 of misdemeanors and traffic charges in Lancaster County Court are filed by the City
- No jury trials
- Conviction rate of 96.5% for filed cases
- High accessibility to citizens, law enforcement and private attorneys (15,000 walk-ins and telephone calls annually)
- Cost of City prosecution function is \$1,490,000 (salaries and benefits, supplies, services and unreimbursed court costs)
- Cost per case is \$40.93
- Cooperation with the City Attorney's Criminal Division and County Attorney's Office in criminal prosecution and informal matters (conflicts of interest, staffing needs, court scheduling and dockets, and setting mutual policies)

In response to a question from Campbell, Confer said the City Attorney's Office can prosecute ordinance violations extending out to the City's three-mile zoning jurisdiction on some of those matters. John McQuinn, Chief Assistant City Prosecutor, added the County Attorney's Office may handle some City ordinance violations depending on the severity of the case, such as those involving domestic violence. He said the County Attorney's Office reviews all domestic violence cases and decides whether to charge those that occur in the City under state statute or the City ordinance, noting they have very different penalty provisions.

Melichar asked whether the caseload has increased in the past five years. Confer said there has been a slight decline, due in part to decriminalizing parking violations.

McQuinn said prosecution is driven by law enforcement so when the Lincoln Police Department (LPD), which is their primary client, has special enforcement details, the caseload will increase.

Also present for the discussion was Terri Storer, Executive Assistant, City Attorney's Office.

## **5 OVERVIEW OF THE COUNTY ATTORNEY'S OFFICE: PROSECUTION AND JUVENILE COURT - Joe Kelly, County Attorney**

Joe Kelly, County Attorney, discussed the County Attorney's Office (Prosecution, Civil, Juvenile Court and Child Support Divisions), noting the following:

- Budget of \$6,200,000
- Staff of 71, which includes 32 attorneys (20 in the Prosecution Division, 4 in the Civil Division, 6 in the Juvenile Division and 2 in the Child Support/Paternity Division)
- 1,446 felony cases were filed in District Court last year, which was a record number
- 5,400 misdemeanor cases and 5,700 traffic cases are filed each year
- County Attorney's Office prosecuted approximately 40 jury trials in County Court, most involved driving under the influence (DUI) cases, and 48 jury trials in District Court last year
- Child Support/Paternity Division typically has 12,500 active cases
- County Attorney's Offices files approximately 28 law violations and 25 supplemental petitions for law violations in Juvenile Court each month
- County Attorney's Office is heavily involved with the Child Advocacy Center, which serves child victims of abuse and neglect
- Overlap with City Attorney's Office in Juvenile Court involves law violations
- County Attorney also serves as the County Coroner

Lovell asked Kelly asked whether he believes it would make sense to combine the City Attorney and County Attorney's misdemeanor prosecution divisions. Kelly said he does not have an opinion, stating the system works well now. Lovell noted it could have an effect on the Public Defender's Office.

## **6 OPEN DISCUSSION:**

- A. REQUESTS FOR INFORMATION (BUDGETS, ORGANIZATION CHARTS, ETC.)**
- B. COMMITTEE GOALS, EXPECTATIONS, FUTURE AGENDA TOPICS**
- C. OTHER**

Discussion took place on whether to bring in a professional facilitator to assist the Task Force with a "brainstorming session" to define what areas it would like to focus on.

Nelson suggested Karen Amen, who served as facilitator during meetings of the joint committee that studied a possible merger of the City of Omaha and Douglas County in 2003, as a possible facilitator. Eagan noted there could be a cost to bringing in a facilitator.

Campbell said he would like to hear from a County Commissioner and a City Council member as to what they saw that made them want these particular areas studied and what they think can be done. Jeffers said he would like to hear from the Mayor, as well. Eagan said Commissioner Raybould raised the issue of consolidation during budget discussions, but said the issue has actually been discussed for years. Owen added tight budgets have also brought the issue of consolidation to the forefront. Eagan said some thought the recent retirement of the City Clerk provided an opportunity to re-look at consolidation of the City and County Clerk's Offices. Owen said all of the candidates who interviewed for the City Clerk position were apprised of this process.

Bayer suggested the Task Force ask Jane Raybould and Carl Eskridge, Chair and Vice Chair of the City-County Common, respectively, to meet with the facilitator and clarify the charge.

Gruntorad asked that the interlocal agreements be made available to the Task Force so members have an understanding of what has already been accomplished. Eagan said he could provide a summary, adding a complete list is also available in the appendix on the City Attorney's webpage: <http://lincoln.ne.gov/city/attorn/lmc/ila/index.htm>.

Campbell said he is not comfortable with making recommendations that could be in conflict with something mandated by state statutes. Eagan said legal questions could be directed to either the City or County Attorney, whichever is appropriate. DeKalb added that the Task Force could recommend statutory change.

Nelson said he would like to know the tolerance for major structural reform on the part of the governance bodies.

Melichar suggested that the departments be charged with brainstorming and bringing forward recommendations for the Task Force to consider, as a starting point.

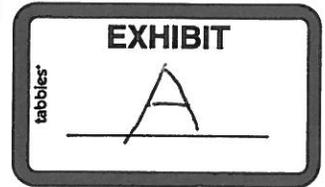
**MOTION:** Lovell moved and Campbell seconded to have a facilitator and a County Board and City Council representative present for a brainstorming session at the next meeting. Bayer, Campbell, DeKalb, Gruntorad, Jeffers, Lewis, Lovell, Melichar, Naumann, Nelson and Post voted aye. Gauger and McGill were absent from voting. Motion carried 11-0.

## **7 ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:29 a.m.

Submitted by Ann Taylor, Lancaster County Clerk's Office.

# LANCASTER COUNTY CONSOLIDATION COMMITTEE STATUTORY DUTIES OF ELECTED OFFICIALS



## INTRODUCTION

The following is a summary of the statutory duties of the office of County Clerk, Clerk of the District Court, County Assessor, County Engineer and Register of Deeds. The purpose of this document is to identify and compare all of the statutory responsibilities relating to the above offices. All cites are from the Revised Statutes of the State of Nebraska. This summary is tailored to the statutory duties which are applicable to Lancaster County.

### I. COUNTY CLERK

The County Clerk is the principle record keeper for Lancaster County. The Clerk has a wide range of duties which include keeping the records of the County Board, various duties and responsibilities with regard to bonds, maintaining books containing statutorily designated information, receiving for filing various petitions and certificates, receiving reports required by statute, preparing the property tax levy for political subdivisions in the County, receiving for filing various liens, and a long list of other duties and miscellaneous filings. References to the County Clerk are found throughout the Nebraska Revised Code, and the duties created therein can be classified into the following general categories.

#### A. GENERAL DUTIES

A general statement of the duties and responsibilities of the Office of County Clerk is set forth under NEB. REV. STAT. §§ 23-1301 through 23-1312 (Reissue 1991). A summary of these duties includes:

1. attend sessions of the County Board;
2. keep the County seal;
3. keep the records and papers of the Board;
4. sign the record of the proceedings of the County Board and attest the same with the County's seal;
5. record the proceedings of the County Board in a book provided for that purpose;
6. make regular entries of the resolutions and decisions of the County Board in all questions concerning the raising of money;
7. counter-sign all warrants issued by the Board and signed by the Chair;
8. preserve and file all accounts acted upon by the Board;
9. prepare and file with the Board the annual inventory statement of county personal property in the possession of the Clerk; and
10. on or before the first day of February of each year, report to the Secretary of State the names of all County officers with their officials signatures and seals of their respective offices.

## **B. RECORD BOOKS**

The Clerk is statutorily charged with maintaining record books on certain topics. The following list is a summary of the subjects for which books must be maintained by the Clerk:

1. proceedings of the County Board;
2. a summary of all warrants issued in a budget year numbered consecutively, and showing the date, amount and number of each warrant and the name of the person to whom it is issued;
3. an alphabetical list, by name of principle, of all official performance bonds;
4. the Road Record, showing proceedings in regard to laying out and establishing, changing or discontinuing roads in the County;
5. veterans discharge records;
6. a record of bonds submitted for approval by election by precincts, townships, or school districts, reflecting the question submitted, the notice and proof of publication, and the return of votes for and against;
7. a summary of all proceedings establishing cemetery associations;
8. rules and regulations of public docks and the fees charged by public docks;
9. miscellaneous records;
10. field notes of irregular land tracts within the County describing each tract according to survey;
11. the fee book, containing every item of fees collected showing in separate columns the name of the party from whom received, the date received, the amount, and the service for which the fee was charged;
12. road plans and specifications (maintained by the Engineer);
13. marriage licenses issued by the Clerk;
14. maintain a register of names for farms, ranches or homes;
15. certificates and proofs of publication regarding dissolution of partnerships; and
16. state land patents within the County.

## **C. BONDS**

The Clerk is charged with a number of duties regarding a wide variety of bonds. Certain types of bonds must be filed with the Clerk:

1. performance bonds for County officials;
2. carnival performance bonds regarding the County Fair;
3. County revenue bonds;
4. election precinct bonds;
5. internal improvement bonds;
6. performance bonds for cemetery trustees;
7. performance bonds for officials of consolidated counties;
8. bonds for the construction of County horse racing facilities;
9. hospital district bonds;
10. drainage improvement district revenue bonds;
11. performance bonds for officers of sanitary improvement districts;
12. oil and gasoline bonds; and
13. performance bonds for fort boards of trustees.

In addition, the Clerk has statutory duties with regard to approving the sufficiency of sureties with certain performance bonds. Revenue bonds issued by the County must be counter-signed by the Clerk.

#### **D. PETITIONS AND CERTIFICATES**

A number of different petitions and certificates must be filed with the Clerk. With regard to those petitions which must be acted upon by the County Board, the Clerk also has extensive responsibilities with regard to setting hearings before the Board and giving notice of the hearings as well as notice of action taken by the Board to interested parties. In certain cases, the Clerk also has the responsibility to prepare certified transcripts of proceedings where affected parties appeal from decisions rendered by the County Board with regard to those petitions. Types of petitions and certificates which must be filed with the Board include:

1. petitions to dissolve a weed board;
2. county fair board certifications regarding payment of funds, dissolution, and reinstatement;
3. petitions to conduct elections regarding weather control districts;
4. petitions to establish a County Extension Office;
5. certification of a railroad survey of a proposed route;
6. certification of results from election precincts;
7. petitions to establish parks and recreation facilities (requires the signature of 5% of the registered voters);
8. petitions to declare industrial areas;
9. petitions to establish villages lying in two counties;
10. petitions to move villages;
11. certifications from the Nebraska Power Review Board;
12. petitions to resurvey the county (requires signatures from 20% of the register voters);
13. petitions regarding the construction of levies and dikes;
14. petitions for the issuance of licenses for pool halls, bowling alleys, dance halls, road houses, and carnivals;
15. petitions for the establishment of hospital authorities;
16. petitions for the creation of drainage districts organized by a vote of land owners;
17. petitions regarding the annexation of area by a sanitary improvement district;
18. petitions for the establishment of rural fire districts;
19. petitions to vacate county roads;
20. petitions requesting a change in the designated county primary roads;
21. petitions to establish rural water districts; and
22. petitions appealing from property valuations.

#### **E. REPORTS**

Nebraska law requires certain reports from public and quasi-public agencies to be filed with the Clerk:

1. annual extension agent report;
2. six-month county fair reports;

3. cemetery audits;
4. health department mausoleum reports;
5. the record of all historical monuments or markers within the County;
6. drainage reports from the County Engineer;
7. sanitary improvement district plans for improvements;
8. decisions rendered by fence viewers;
9. reports from the County Engineer on road vacation petitions;
10. preliminary county road system map; and
11. annual County jail report.

#### **F. TAX LEVIES**

The Office of the County Clerk serves an essential function in the levy of property taxes. The Clerk is responsible for receiving budgets from numerous political subdivisions, villages, and cities within the county and then determining the tax requirement for these budgets. The Clerk is also responsible for determining the tax requirement for the purpose of paying for bonded indebtedness for numerous entities within the county. The following is a list of the various entities for which the Clerk does the levy, as well as various functions and liens for which levies are prepared:

1. agricultural societies;
2. weather control districts;
3. special levies for sinking bond funds;
4. cemetery budgets, including land acquisition;
5. unpaid special levies by first class cities which have been certified to the Clerk for collection as real estate taxes;
6. villages;
7. unpaid water assessments certified to the Clerk;
8. cities;
9. hospital district bonds;
10. ditch cleaning assessments;
11. special improvement districts;
12. rural fire districts;
13. unpaid ditch trimming costs incurred by the County Engineer;
14. railroad right-of-way mowing charges; and
15. school districts, including fees for transfer of students and asbestos abatement.

#### **G. LIENS**

State law requires that certain types of liens must be filed with the Clerk, including:

1. unpaid occupation taxes which become a lien on personal property (as certified by the Secretary of State);
2. notice of judgements;
3. liens created under the Food Security Act;
4. minerals, oil and gas liens; and
5. farm products and equipment liens (the Clerk must transfer information on these liens to the Secretary of State).

## H. OTHER DUTIES

In addition to responsibilities enumerated above, the Clerk is statutorily mandated to perform dozens of other functions. Those additional duties which require the most time and resources would include:

1. Board of Equalization - the Clerk is required to attend all sessions of the Board of Equalization, to make a record of the proceedings, and to give notice of hearings and actions taken;
2. issuance of marriage licenses;
3. the inventories of personal property from all County departments are filed and maintained with the Clerk; and
4. review certain purchases under the County Purchasing Act, NEB. REV. STAT. § 23-3112 (Reissue 1991), for the purpose of guaranteeing adequate funds and authorization for the purchases exists.

Other statutory duties given to the Clerk are listed below:

1. mail by certified mail notice of the formation of special taxing districts to persons owning property within the districts who are non-residents, and publishing notice regarding the creation of the special taxing districts;
2. sending notices regarding industrial district hearings;
3. certify actions taken by County Board with regard to petitions to create villages;
4. record the creation of cemetery lots;
5. issue handicapped stickers (this function is presently performed by the Lincoln City Clerk on behalf of the County);
6. notify the Secretary of State of all corporations existing in the County;
7. call special sessions of the County Board;
8. act as a witness to the signing of promissory notes by the County Boards;
9. post maps of irregular tracts;
10. provide notice of hearings regarding legal actions taken in regard to dikes and levies;
11. receive budget forms from the State Auditor;
12. receive duplicate receipts from the County Attorney for persons paying or depositing money or property with the County Attorney;
13. serve legal process when the Sheriff is statutorily disqualified from doing so;
14. transfer the certification of a hospital authority by the County Board to the Secretary of State
15. with regard to any quasi-judicial decision made by the County Board, the Clerk is required to authenticate the bill of exceptions;
16. issue miscellaneous licenses including licenses for locksmiths, and issue titles to certain types of personal property;
17. pay witness fees certified by the courts, certify preliminary hearing costs incurred in the County Court, and maintain a record of the costs of criminal proceedings;
18. with regard to drainage improvement districts, provide notice of hearings, conduct various procedures, etc.;
19. perform various functions with regard to appointment of and discharge of duties by fence viewers;

20. conduct election pursuant to petition to create rural fire district, as designated by the County Board;
21. provide notice and conduct hearings for creation of irrigation districts;
22. maintain a copy of session laws from the State Legislature;
23. publish a list of annual liquor license renewals;
24. report monthly on the issuance of marriage licenses to the State Department of Health;
25. send notices of the revision of the tax assessment rolls;
26. perform certain duties with regard to collection of taxes in conjunction with the Treasurer, including the numbering of tax receipts, and report on any irregularities found therein;
27. endorse tax sale certificates;
28. release securities pledged in conjunction with the deposit of county funds after certification of payment of the deposited funds;
29. perform certain functions with regard to reciprocity for auctioneers from different states, including the issuance of a license upon the payment of the same fee in compliance with other requirements required of auctioneers of the state in such other states; and
30. when general assistance is provided to residents of other counties, send notices asking for reimbursement to the other counties.

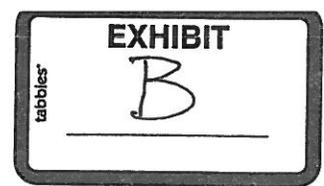
#### **I. MISCELLANEOUS FILINGS**

Finally, state law requires that a number of different documents must be filed with the Clerk:

1. articles of incorporation for banks located within the County;
2. canceled bonds;
3. official oaths, other than the oaths of the Clerk and County Board, which must be filed with the County Court;
4. mausoleum bylaws;
5. supplemental budgets of political subdivisions for inclusion of funding for unforeseen circumstances;
6. rules and regulations of public docks;
7. tribal cooperative agreements;
8. integrated solid waste management budgets;
9. cemetery lots;
10. charters of non-profit corporations in the County;
11. articles of incorporation for credit unions and associations, including amendments, mergers, etc.;
12. change in the registered agent for non-profits, as well as articles of incorporation, actions for dissolution, and general corporate information;
13. original map and field notes regarding the county name and boundaries of the county;
14. the County zoning map;
15. duplicate receipts regarding settlement of debts with the County;
16. a copy of all official codes enacted by the County Board, including building codes, electrical codes, mechanical codes, etc.;

17. the real estate inventory of County property prepared by the County Board;
18. objections to street improvement districts;
19. the budget document for political subdivisions located within the County;
20. appointment of a deputy Register of Deeds, and the revocation of such an appointment;
21. the County audit from the Treasurer;
22. list of sheriff deputies and special investigators;
23. copy of the transaction of a hearing for the removal of a Personnel Policy Board member;
24. budget of a Community Building District;
25. all long-term contracts and leases with the County;
26. map of village industrial sewer districts, and applications to connect to the sewer district;
27. real estate investment trust agreements;
28. special improvement district articles of incorporation;
29. order providing for public access to isolated land;
30. current map of county roads;
31. irrigation district articles; and
32. business entities information regarding partnerships.

# Lancaster County Clerk's Office



The County Clerk is statutorily required to:

- Attend and record all sessions of the County Board
- Maintain the official records and papers of the County
- Maintain the County seal
- File and maintain other records and documents including, but not limited to, official bonds, budgets, veteran discharges, marriage licenses, locksmith licenses, liquor licenses, tobacco licences, amusement licenses, special designated licenses, special event permits, affidavits of publication, property valuation protests, etc.
- Process vendor claims (21,000+ payments in 2012)
- Process County payroll (24,000+ paychecks in 2012)
- Administer oaths and affirmations

Additionally, the County Clerk's Office attends the meetings and records the proceedings of the following: Board of Equalization, Board of Corrections, Correctional Facility Joint Public Agency, City-County Common, Mid-Year Budget Retreat, One & Six Year Road and Bridge Public Hearing, Tri-County (Douglas, Lancaster and Sarpy Counties) Meeting, Village Meeting, Leasing Corporation, Consolidation Task Force and other miscellaneous committees and task forces established by the County Board.

Other duties of the Office include records management, records research (public records request), establishing office policies and procedures,

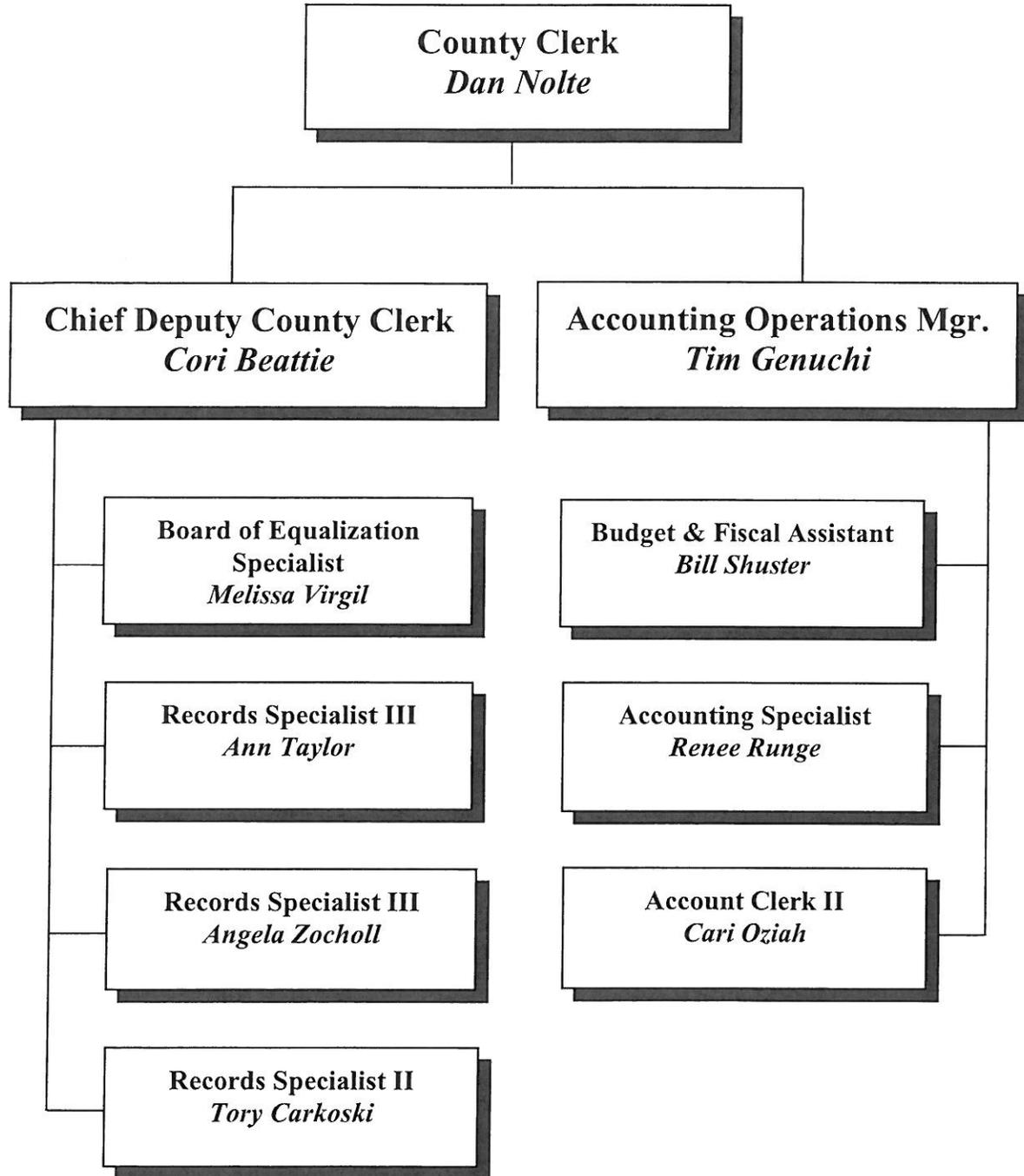
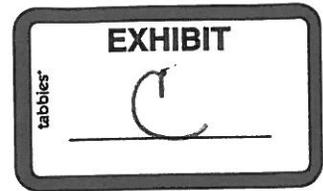
Since 1998, the Lancaster County Clerk oversees a staff of nine and two divisions - Accounting and Records. Positions include the Deputy County Clerk, Accounting Operations Manager, Account Clerk II, Accounting Specialist, Budget & Fiscal Assistant, Board of Equalization Specialist, County Records Specialist II and two County Records Specialist IIIs.

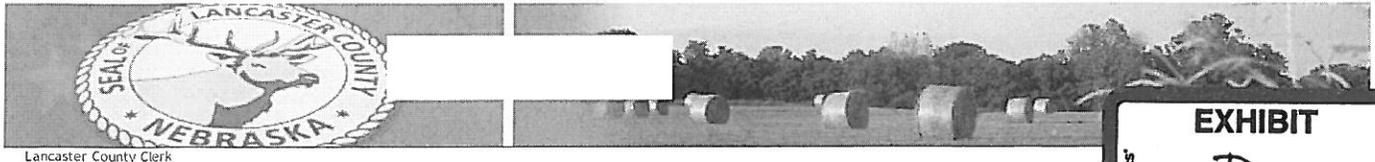
Expenditures for fiscal year 2012-13 will be approximately \$918,396.77 of which 80.5% is attributed to salaries/benefits.

On average, the County Clerk's Office issues 2,100 marriage licenses (1986-present) and processes 3,426 property valuation protests (2006-present) annually. The Office also issues over 2,000 certified copies each year.

The Clerk's Office experiences a great deal of public contact through the marriage license application and property valuation protest processes. With regard to protests, in 2008 the County Clerk implemented a new online filing process whereby property owners could enter their protest(s) and select a hearing date/time. The system also allows the property owner to track the progress of their protest.

Lancaster County Clerk's Office  
Organizational Chart  
2013





Lancaster County Clerk

## Lancaster County Clerk Where Do Your County Tax Dollars Go?

tabbles

**EXHIBIT**D

When owners of real estate pay property taxes, the amount is divided among several government entities such as the county, a city or village, a school district and several others.

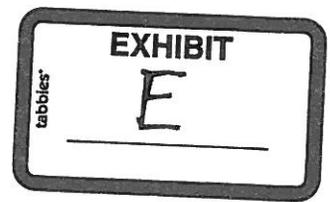
To show how your Lancaster County tax dollars are spent, we have developed this calculator which breaks down your *County taxes only* by General Fund agency. Simply input your current property value and find out where your County tax dollars go.

*(Please note, this information only applies to the County's General Fund agencies for Fiscal Year ending June 30, 2013 and is offered simply as an example of how these property tax dollars are approximately allocated.)*

Input House Value:  Calculate

Agency	Amount
Administrative Services	1.68
Adult Probation County Court	1.80
Assessor/Register of Deeds	17.29
Board of Commissioners	3.43
Budget & Fiscal Division	0.90
Clerk of the District Court	7.03
Community Corrections	8.30
Corrections	82.65
County Attorney	29.06
County Clerk	4.05
County Court	3.88
County Engineer	14.76
County Sheriff	44.47
County Treasurer	15.21
District Court	11.08
Election Commissioner	6.09
Emergency Management Services	2.17
Extension Service Board	4.50
General Assistance	11.81
General Government Other	45.62
GIS - Base Control	2.37
Health & Human Services	16.43
Human Services	1.14
Info Services General Assistance	5.48
Jury Commissioner	0.65
Justice System Miscellaneous	10.87
Juvenile Court	7.89
Juvenile Probation	1.27
Mental Health Board	0.65
Public Defender	15.16
Records & Information Management	2.49
Veterans Service General Assistance	3.23
Youth Services Center	25.34
<b>Total Taxes on \$150000</b>	<b>408.75</b>

To see your entire property tax breakdown including cities, schools, fire districts, etc., go to the County Treasurer's website whereby you can view your tax history.

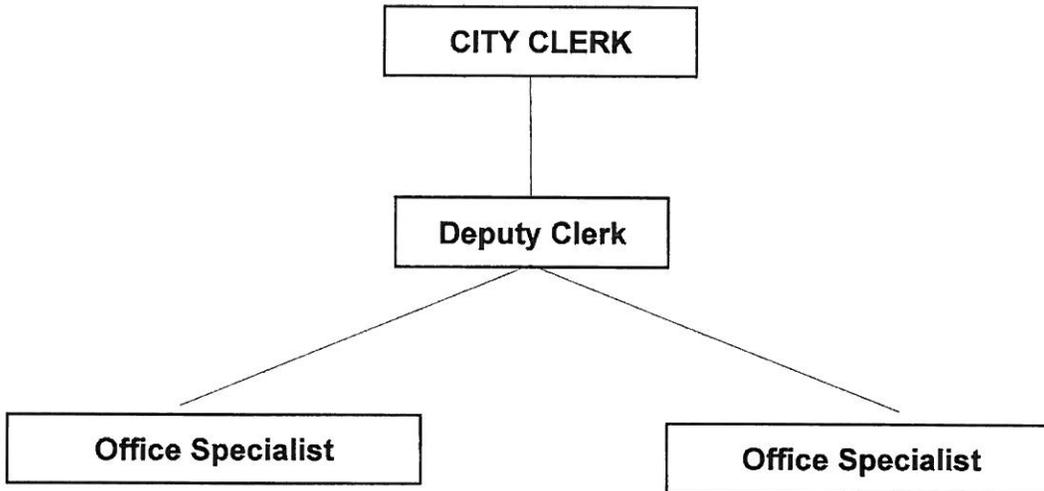


# CITY OF LINCOLN

## CITY CLERK'S OFFICE

Teresa J. Meier  
City Clerk  
4/26/13  
(402) 441-7437

# ORGANIZATIONAL CHART



## BUDGET

The annual budget for the City Clerk's Office for 2012-2013 is \$296,198 plus \$95,965 for various employee benefits. Our largest expenditures are salaries and advertising fees.

# GENERAL INFORMATION

## **Vision**

This office is the provider of official support services for 14 City departments and serves as the official record keeper to the Lincoln City Council. This office is accountable to the general public and utilizes modern methods and technology to ensure proper implementation of the law, while providing effective access to official records and distribution of information. The office also provides information to other governmental entities as required or requested.

## **Mission**

Secure, maintain and manage the collection, retention, retrieval and distribution of official records and information in a cost-effective, convenient and timely manner.

## **Strategic Goals**

- Maintain a secure environment for official records.
- Provide for cost-effective solutions to customer needs.
- Develop efficiencies with customers and office operations.
- Provide easier interaction and communication between City Clerk and customers.
- Pursue new technology.
- Promote continuing education of staff and customers.
- Provide/promote a worker-friendly environment.

Work involves responsibility for preparing, maintaining, and attesting to official records of actions taken by the City Council in regular and special meetings. The City Clerk is the custodian of official books and records of the Council. The Office of the City Clerk is a division of the Finance Department under the direction of the Finance Director. Work is performed in accordance with general instruction and directions from the Mayor and City Council, and by statutes determining exact procedures. Supervision is exercised over a staff of clerical employees.

The City Clerk's Office is designated in the State Constitution and over 25 different State Statutes. We are also in the City Charter, Chapter 2.12 of the Lincoln Municipal Code, and 22 different Chapters of the Lincoln Municipal Code.

Our work involves responsibility for preparing, maintaining, and attesting to official records of actions taken by the City Council in regular and special meetings.

## The City Clerk

### **Basic Duties:**

- Prepares the official City Council Agenda for all formal City Council meetings .
- Attends all meetings of the City Council.
- Attends the Mayor's Director's Meetings
- Attends the Council's Director's Meetings
- Assigns Bill Numbers to proposed ordinances and resolutions.
- Processes Liquor License Applications that must be approved by City Council.
- Keeps the official record of all Council actions.
- Answers questions and issues information concerning Council Action.
- Checks and attests to official actions of the Council.
- Supervises preparation, indexing and filing of official minutes.
- Attests the Mayor's signature on all documents, as required.
- Keeps the corporate seal of the City.
- Acts as secretary to Board of Equalization and other boards.
- Carries on official correspondence with other governmental jurisdictions particularly with reference to correspondence addressed to the City Clerk, Mayor or City Council.
- Prepares financial reports concerning expenditures, revenues, and budgetary matters; prepares other financial reports and documents as directed.
- Prepares and releases all legal advertisements of the City.
- Maintains all Liquor License files.
- Supervises subordinate employees of the City Clerk's Office.
- Processes Special Designated Liquor License Applications.
- Processes appeals to the Alarm Review Board for Alarm Systems and Fire Alarms.
- Performs related work as required.

In 2012, we passed 152 Ordinances and 490 Resolutions.

In 2012, we processed 376 Special Designated Liquor Licenses.

Additionally the City Clerk sits on the Internal Liquor Committee, Permit Appeals Board for Peddlers and Taxi Drivers who are denied by the Lincoln Police Dept. and the Alarm Review Board for both Alarm Systems and Fire Alarms.

## **The Deputy City Clerk**

Assists the City Clerk in the administration of the City Clerk's Division and serves as backup when the Clerk is absent.

### **Basic Duties:**

- Assists the City Clerk in the administration of the Clerk's Division.
- Serves in a back up capacity when the City Clerk is unavailable.
- Designs and maintains the License and Permit applications.
- Works with various City Offices when a new License or Permit is created to design the application.
- Issues the various licenses and permits assigned to the City Clerk's Office
- Maintains the database and files for licenses and permits.
- Processes Street and Alley Vacation requests.
- Processes and files Letters of Acceptances for Special Permits, Use Permits, etc. Processes Board of Zoning Appeals Resolutions.
- Processes and maintains the database for Planning Commission Resolutions.
- Processes and maintains the files for Use of Public Right-of-Way Resolutions, including the Certificates of Liability Insurance and Bonds for Occupier of Public Space.
- Processes Liquor License Renewals.
- Processes Change of Zone Ordinances regarding Planned Unit Developments.

This position issues 30 different types of licenses and permits assigned to the City Clerk's Office and maintains the database and files for all the licenses and permits. Each application has been created & fine-tuned by our office and each application includes detailed step-by-step instructions. This has been so well noted nationally that other cities have requested permission to use our form and requested if we could send them in Word or Wordperfect format.

At this time, the State Legislature is proposing a bill to add Escort Services to our duties. The City Council is proposing to add 2 other Licenses and Permits to our duties as well in the next couple of months: Donation Boxes and Entertainment Districts.

In 2012, we issued 1,977 Licenses and Permits. **See Attachment B.**

We issue approximately 450 Liquor Licenses annually.

The Deputy processes Street and Alley Vacation requests, Letters of Acceptances for Special Permits, Use Permits, etc., Board of Zoning Appeals Resolutions, Planning Commission Resolutions, Liquor License Renewals, Change of Zone Ordinances regarding Planned Unit Developments.

The Deputy processes and maintains the files for Use of Public Right-of-Way permits which includes making sure the Certificates of Liability Insurance and Bonds for Occupier of Public Space are kept current at all times. At this current time, they number 265.

The Deputy processes and maintains all the documents for the West Haymarket Joint Public Agency. In 2012, we processed 168 documents.

The Deputy sits on the Outdoor Dining Committee and the Special Events team. Should the City Council pass the Entertainment District Ordinance, the Deputy will also sit on the Entertainment District Review Committee.

## The Office Specialist

### **Basic Duties:**

We have 2 Office Specialists who alternate attending the City Council meetings which includes preparing the Agenda, **see Attachment C**, for the meeting, preparing the Action Sheet, **see Attachment D**, showing the action of the Council, processing the legislation from the meeting, preparing the minutes, **see Attachment E**, which includes transcribing the public hearing from the recording, and entering each item acted upon into the database.

On their alternate week, they process the Executive Orders signed by the Mayor which consist of Contracts over \$25,000, Quitclaim Deeds, Change Orders, etc.

They process Directorial Orders signed by the various City Directors which consist of Contracts under \$25,000, Right of Way Contracts, Surety Releases, Granting Easements, etc.

There are over 100 different types of Executive Orders and Directorial Orders they may process in any given week.

In 2012, we processed 1,012 Executive Orders and 1,618 Directorial Orders. This includes, logging them into the Tracking System, processing each EO or DO and the related supporting documents, distributing copies to the various City Departments, closing them out in the Tracking System and entering them into our database.

In addition to these duties, the Office Specialists also:

- Coordinate with City Attorney to update the Lincoln Municipal Code Book retained in our office.
- Maintain the Official City of Lincoln Bulletin Board with postings of Agendas, Meeting Notices, etc.
- Assist the City Clerk/Deputy Clerk with massive periodic mailings for Board of Equalization Meetings, Liquor License Renewals, etc.
- Issue many Licenses and Permits over the counter that do not require in depth review by the Deputy Clerk or other departmental personnel such as: Auctioneer, Hobbyist, Mechanical Amusement Device, Peddler, Taxi Cab, Tobacco, Vending Machines.
- Assist with incoming calls, public inquiries at front counter, attorney/citizen requests for certified copies of the Lincoln Municipal Code.
- Balance the cash drawer and makes the deposits by posting entries in our J.D. Edwards program.

## **Summary**

All of our documents are scanned and available to the public via our Document Management System which is available on our website.

All of our License and Permit applications are available on our website.

Over the years, our office has compiled step-by-step manuals pertaining to each aspect of the office such as:

- Processing Executive Orders/Directorial Orders
- Entering EO's and DO's into the database
- Entering the Council items into the database
- Procedures for processing each License and Permit
- Entering each License and Permit into the database

These are just to name a few. We are firm believers that an individual should be able to come to work in our office and, with minimum supervision, be able to perform their job duties. These manuals are an integral part of our office.

We are a small office of 4 individuals who work closely together. By making the most of technology and streamlining our processes, we are able to maintain a high level of efficiency.

## **City Council Meeting Procedures**

The Clerk and an assistant attend the City Council Meeting every Monday at 3 p.m. The last Monday of the month, the City Council meets at 5:30 p.m.

The week prior to a meeting, the Assistant prepares the Agenda and formats it to be placed on the website.

On new Liquor License Applications, the Assistant prepares the Setting the Hearing Date Resolution, Advertisement and Notice Of Hearing.

On the Tuesday following a meeting, the Clerk starts preparing the Agenda for the next City Council Meeting.

The Assistant processes the reports and legislation approved by City Council.

- Assign Resolution and Ordinance Numbers
- Affixing the vote
- Processing any Motions to Amend by typing them into the Resolution or Ordinance
- Preparing an action page for the Resolution or Ordinance that was amended
- Preparing the Ordinances for advertising
- Preparing Liquor License Applications for advertising
- Preparing the Action Sheet showing how Council acted on the various items
- Formatting the Action Sheet to be put on the website
- Preparing the Council Packets of the items to be signed by the Mayor

The Assistant then prepares the minutes. The meeting is digitally recorded and the assistant transcribes the public hearing portion using a summary format. Each item that is listed on the Agenda is included in the minutes and the action shown. Once the minutes are completed, each item is then entered into our database.

The State requires each City to have a separate record of Ordinances passed by City Council. Each Ordinance is entered into a document we call "Ord.doc" which is periodically printed and placed in a binder.

### **Processing Executive Orders and Directorial Orders**

While the one assistant is working on City Council, the other one processes Executive Orders and Directorial Orders.

For Executive Orders, this involves:

- Logging them into the Tracking System
- Reviewing for signatures
- Having the Clerk attest where necessary
- Notarizing as necessary
- Processing them by distributing the extra copies to the appropriate departments, (or making copies, when needed)
- Closing them out in the Tracking System
- Entering them into the database

For Directorial Orders, this involves:

- Logging them into the Tracking System
- Reviewing for errors and signatures
- Stamping "Filed" and the date
- Assigning a Number
- Having the Clerk attest where necessary
- Notarizing as necessary
- Processing them by distributing the extra copies to the appropriate departments, (or making copies, when needed)
- Closing them out in the Tracking System
- Entering them into the database

## ATTACHMENT A

### STATE CONSTITUTION REFERENCES TO CITY CLERK

#### ARTICLE XI - MUNICIPAL CORPORATIONS

§2 - city clerk has specified duties.

§4 - Charter, Amendment; Convention - city clerk has specific duties.

Over 25 other different Statutes

### CITY CHARTER REFERENCES TO CITY CLERK

#### ARTICLE IV - ELECTION AND ORGANIZATION OF ADMINISTRATION RECALL, INITIATIVE AND REFERENDUM

- §13 Legislative Power and Veto of Mayor - Clerk presents to the Mayor all ordinances and resolutions adopted by Council. Mayor must sign all legislation. Mayor may veto an ordinance/resolution but must attach a veto message to packet when returned to Clerk.
- §21 Recall of Council Member; Procedure - Petitions filed with city clerk.
- §22 Initiative - Petitions filed with city clerk.
- §23 Referendum - Petitions filed with city clerk.
- §24 Form of Petitions - Petitions filed with city clerk.
- §25 Assignment of Departmental Duties - The internal organization of departments shall be determined by the mayor in consultation with department heads. Divisions may be created, abolished, consolidated, or otherwise changed by executive order of the mayor.
- §29 Meetings and Records Open to the Public - all executive orders and all remittiturs, reprieves and pardons signed by the mayor shall be filed within twenty-four hours with the city clerk or his successor and shall be an official record of the city. All meetings convened - record of such on file with city clerk. Public notice given to clerk of such meetings at least twenty-four hours before the meeting and the city clerk shall maintain a public schedule and record of such meetings.

## ARTICLE V - ORDINANCES

§1 -Ordinances proved under certificate and seal of the city clerk

## ARTICLE VII - STREETS, PUBLIC IMPROVEMENTS, PUBLIC UTILITIES, SPECIAL ASSESSMENTS

§§1, 2, 3, 3a, 3b, 3c, 3d, 3e - not specifically named, but city clerk performs duties as required to fulfill processes contained in each section.

§4 1/4, 4 1/2, 4 3/4, 5, 6, 7, 8 10a, 14, 15, 19, 20 - specifically named in some sections; in those sections not named, city clerk performs required duties.

§4 - Equalization - city clerk has specified duties.

§ 5, 6, 7- city clerk performs duties - but not specifically mentions.

§11 Tax List, Warrant Annexed - city clerk has specific duties

## LINCOLN MUNICIPAL CODE REFERENCES TO CITY CLERK

### CHAPTER 2.12 - CITY CLERK

In over 22 different Chapters of the Lincoln Municipal Code, the duties of the City Clerk are specified relating to licenses, permits, review boards, and hearing boards just to name a few.

**PERMITS ISSUED BY CITY CLERK'S OFFICE**

**ATTACHMENT B**

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*Revised 08/01/12*

TYPE	FEE(S)	LAST MODIFIED	REQUIREMENTS	ISSUE OVER THE COUNTER	GIVE TO TERESA	LICENSE YEAR	REGULATED BY
Ambulance - Routine Provider License	\$75.00 Application Fee	2000	City Clerk has 5 days after receipt to give app. to the Finance Director; approved by Finance Director within 60 days of submission; License issued by City Clerk.		X	Oct. 1 <sup>st</sup> thru Sept. 30th.	LMC Chapter 7.06
Auctioneer Permit	3 month - \$15.00 Permit Fee; Annual - \$50.00 Permit Fee	1990	Complete application Issue over the counter	X		<b>3-month:</b> from date of issue. <b>Annual:</b> June 1 <sup>st</sup> - May 31 <sup>st</sup>	LMC Chapter 5.08
Bowling Alley Permit	\$5.00 Occupation Tax per Alley plus a \$5.00 Permit Fee.	1990	Complete application Reviewed by: Health, Fire, Building and Safety, and Police		X	June 1 <sup>st</sup> - May 31 <sup>st</sup>	LMC Chapter 5.14
Carnival Permit	\$10.00 Permit Fee	1992	Max. 2 week time limit; Reviewed by Health Dept. (regarding noise).		X		LMC Chapter 5.32
Dance Permits - Annual Public	\$50.00 Permit Fee per year	1990	Must submit detailed site plan of establishment clearly showing the dance floor, restrooms, entrances, exits, etc. Allow 2-4 weeks for processing and inspections. Reviewed by: Police, Health, Fire Prevention, Building and Safety		X	June 1 <sup>st</sup> thru May 31 <sup>st</sup>	LMC Chapter 5.20

TYPE	FEE(S)	LAST MODIFIED	REQUIREMENTS	ISSUE OVER THE COUNTER	GIVE TO TERESA	LICENSE YEAR	REGULATED BY
Dance Permits - Annual Teen	\$50.00 Permit Fee per year	1990	Public dance where admission is restricted to persons ages 14 to 18. Allow 2-4 weeks for processing and inspections. Must submit detailed site plan of establishment clearly showing the dance floor, restrooms, entrances, exits, etc. Reviewed by: Police, Health, Fire Prevention, Building and Safety		X	June 1 <sup>st</sup> thru May 31 <sup>st</sup>	LMC Chapter 5.20
Dance Permits - One Time Public	\$10.00 Permit Fee per day	1990	If the dance is not advertised as a dance and they are not providing a dance floor, etc , don't need a dance permit. (Ex. Concert) Allow minimum 2 weeks for processing and inspections. Must submit detailed site plan of establishment clearly showing the dance floor, restrooms, entrances, exits, etc. Reviewed by: Police, Health, Fire Prevention, Building and Safety		X	N/A	LMC Chapter 5.20
Dance Permits - One Time Teen	\$10.00 Permit Fee per day	1990	Public dance where admission is restricted to persons ages 14 to 18. If the dance is not advertised as a dance and not providing a dance floor, etc , don't need a dance permit (ex. Concert). Allow minimum 2 weeks for processing and inspections. Must submit detailed site plan of establishment clearly showing the dance floor, restrooms, entrances, exits, etc. Reviewed by: Police, Health, Fire Prevention, Building and Safety		X	N/A	LMC Chapter 5.20
Going Out of Business Sale Permit	\$15.00 Inspection Fee	1990	Must file inventory (just must contain quantity of items, do not need dollar amounts) and affidavit. Issued for a 60 day period.	X		N/A	LMC Chapter 5.22

TYPE	FEES(S)	LAST MODIFIED	REQUIREMENTS	ISSUE OVER THE COUNTER	GIVE TO TERESA	LICENSE YEAR	REGULATED BY
Hobbyist Permit	\$50.00 Permit Fee per vehicle	1996	Limit of two vehicles per location; must have year, make, model, color and vehicle identification number of each vehicle. Permit is good for 6 months and can be renewed one time. Applicant must be owner of Vehicle. <u>Vehicle must be at residence where owner lives.</u>	X		180 days from date of issuance	LMC Chapter 10.42
Lottery Permit	\$10.00 Permit Fee	1990	Prize consists of cash. If they're going to raise <u>less</u> than \$1,000, they apply for the Solicitation Permit. If they are going to raise <u>more</u> than \$1,000, they apply for a Lottery Permit. Approved by City Clerk. Clerk has 7 days to review and issue permit. <u>Lottery and Raffle are for non-profit only, otherwise it is considered gambling. Tax of 5% on gross proceeds.</u> Cash supercedes gift certificates and all other prizes so they would need to apply for the Lottery Permit.		X	Date specified on application.	LMC Chapter 9.32
Mechanical Amusement Devices Permit	\$25.00 Permit Fee per location	Pool Tables were increased in 1990; all others were prior to 1990	Occupation Tax is as follows: Video Games: \$50.00; Music Machines: \$10.00; Shuffleboard and Pool Tables: \$25.00; Mechanical Kiddie Rides: \$10.00.	X		June 1 <sup>st</sup> thru May 31 <sup>st</sup>	LMC Chapter 5.26
Miniature Golf Permit	\$5.00 Permit Fee + \$5.00 Occupation Tax = \$10 total	1990	Reviewed by: Fire Prevention, Building and Safety, and Police		X	June 1 <sup>st</sup> thru May 31 <sup>st</sup>	LMC Chapter 5.30

TYPE	FEE(S)	LAST MODIFIED	REQUIREMENTS	ISSUE OVER THE COUNTER	GIVE TO TERESA	LICENSE YEAR	REGULATED BY
Mobile Home Court License	\$25.00 License Fee per Court	1973	Reviewed by Bureau of Fire Prevention and Health.		X	June 1 <sup>st</sup> thru May 31 <sup>st</sup>	LMC Chapter 21.56
Newsrack Permit	\$10 Permit Fee per rack	1986 or prior	Must have a picture of the racks to be used and the dimensions of the racks. A site plan to scale of each requested location is required. Public liability insurance for the duration of the permit with a minimum combined single limit of \$1,000,000 aggregate for any one occurrence, naming the City as an addition insured and containing a 30 day cancellation notice is required. Allow 3-4 weeks for processing. Reviewed by Planning and Sidewalk Inspector.		X	June 1 <sup>st</sup> thru May 31 <sup>st</sup>	LMC Chapter 14.57
Parade Permit	No fee.		If involves closing down City streets, they must apply for a Special Event Permit. This permit is for individuals wishing to picket, hold demonstrations, have small neighborhood parades on City sidewalks. A map of the route is required. If they want to be at State Capital, they must also have the State's permission; have them contact the State Capital Switchboard. Reviewed by: Public Works-Traffic, Police, StarTran, and Parks (if involves Park Property)		X	Date specified on application.	LMC Chapter 5.35

TYPE	FEE(S)	LAST MODIFIED	REQUIREMENTS	ISSUE OVER THE COUNTER	GIVE TO TERESA	LICENSE YEAR	REGULATED BY
Pawnbroker Permit	\$25.00 Permit Fee + \$25.00 Occupation Tax = \$50 total	prior to 1990	\$5,000 Surety Bond required. Pawnbroker and any employees must have a background check and fingerprints. If an establishment has both a Pawnbroker and a Secondhand Jewelry Dealer Permit, they must provide a \$5,000 Bond for <u>each</u> permit with the specific use listed on the bond <u>or</u> one \$10,000 Bond with both uses listed. Reviewed by: Police, Fire Prevention, Building and Safety.		X	June 1 <sup>st</sup> thru May 31 <sup>st</sup>	LMC Chapter 5.34
Peddler Permit	\$25.00 Permit Fee per person	1990	For-Profit Door-to-Door sales in Residential Neighborhoods! Applicant must apply in person. The \$25 is nonrefundable if denied. LPD denies if there is <b>anything</b> in their criminal history in the last 10 years. No permit needed if just going to businesses. Reviewed by Police.	X		1 year from date of issuance	LMC Chapter 5.36
Raffle Permit	\$10.00 Permit Fee	1990	Prize consists of merchandise. If they're going to raise <u>less</u> than \$5,000, they apply for the Solicitation Permit. If they are going to raise <u>more</u> than \$5,000, they apply for a Raffle Permit. Approved by City Clerk. Clerk has 7 days to review and issue permit. <u>Lottery and Raffle are for non-profit only, otherwise it is considered gambling. Tax of 5% on gross proceeds.</u> Cash supercedes gift certificates and all other prizes so they would need to apply for the Lottery Permit.		X	Date specified on application.	LMC Chapter 9.32

TYPE	FEE(S)	LAST MODIFIED	REQUIREMENTS	ISSUE OVER THE COUNTER	GIVE TO TERESA	LICENSE YEAR	REGULATED BY
Secondhand Jewelry Dealer	\$25.00	1990	<p>\$5,000 Surety Bond required. If an establishment has both a Pawnbroker and a Secondhand Jewelry Dealer Permit, they must provide a \$5,000 Bond for <u>each</u> permit with the specific use listed on the bond <u>or</u> one \$10,000 Bond with both uses listed.</p> <p>Reviewed by: Police, Fire Prevention, Building and Safety.</p>		X	June 1 <sup>st</sup> thru May 31 <sup>st</sup>	LMC Chapter 5.34
Sidewalk Café Permit	\$100.00 Permit Fee + Occ. Tax of 25 cents per sq. ft. of space used	In 1996, the permit fee was actually <u>reduced</u> from \$200 to \$100	<p>Where food and/or drink are served for consumption on premises. Must provide the following: detailed site plan, dimensions and picture of railing to be used, pictures and dimensions of furniture to be used. Certificate of Insurance w/minimum of combined single limit of \$500,000 aggregate for any one occurrence w/City named as additional insured. Approved by Outdoor Dining Committee.</p> <p>Reviewed by Public Works-Sidewalks, Police, Fire Prevention, Health, Urban Development, Urban Design, Building and Safety.</p>		X	June 1 <sup>st</sup> thru May 31 <sup>st</sup>	LMC Chapter 14.50

TYPE	FEE(S)	LAST MODIFIED	REQUIREMENTS	ISSUE OVER THE COUNTER	GIVE TO TERESA	LICENSE YEAR	REGULATED BY
Sidewalk Vendor Permit	\$50.00 Permit Fee. \$50.00 Occ. Tax for each pushcart or stand.	In 1996, the permit fee was actually <u>reduced</u> from \$60 to \$50	Can sell only food, balloons, or flowers. This is approved for a certain location. Each employee must apply and be approved before working the cart/stand. Employee must be listed on Certificate of Insurance. \$50.00 Permit Fee for each employee. Certificate of Insurance w/minimum combined single limit of \$500,000 aggregate for any one occurrence w/City named as additional insured; 30 day cancellation notice. Requires approval of Outdoor Dining Committee. <b>(No sidewalk vendors on Football Saturday - causes sidewalk traffic problems)</b>  Reviewed by Public Works-Sidewalks, Police, Fire Prevention, Health, Urban Development, Urban Design, Building and Safety.		X	1 yr. from date of issuance	LMC Chapter 14.55
Skating Rink Permit	\$50.00 Permit Fee	prior to 1990	Complete description of premises to be used is required.		X	June 1 <sup>st</sup> thru May 31 <sup>st</sup>	LMC Chapter 5.46

TYPE	FEE(S)	LAST MODIFIED	REQUIREMENTS	ISSUE OVER THE COUNTER	GIVE TO TERESA	LICENSE YEAR	REGULATED BY
Solicitation Permit	90 Day Permit: \$10 Permit Fee. Annual Permit: \$20 Permit Fee.	prior to 1990	<p>*For Non-profit fund raising. Annual permits may only be issued to those headquartered in Lincoln.</p> <p>Soliciting by Mail - no permit required. If done over the phone - permit required; even if calling from outside of City limits into Lincoln, they need a permit.</p> <p>*Financial Reports are required to be filed within 60 days of conclusion of event.</p> <p>*If raising on behalf of a charity or individual, need a letter from them stating they are aware funds are being raised for them.</p> <p>*If a UNL Student Group and NOT open to public, no permit required. If open to public, permit required.</p> <p>*Non-profit fundraising can be conducted on public sidewalks as long as they have a permit and do NOT obstruct pedestrian traffic flow.</p> <p>*City Clerk has 14 days to review and either issue a permit or to notify applicant in writing of denial.</p> <p>*Per State Gaming and Charitable Div.: Cannot issue a permit to any For-Profit Company (ex. Sam's Club) for nonprofit fund raising if they want to sell raffle tickets because this involves the element of chance. The organization applying for the raffle/lottery permit must be nonprofit. But, they can obtain a solicitation permit to raise funds for a nonprofit cause by any other means. This applies to all applicants who want to raise funds by sale of raffle tickets.</p> <p><b>*To report a suspected Scam:</b> Call Attorney General or LPD White Collar Crime Div. at 441-7788.</p>		X	Date specified on application.	LMC Chapter 5.18

TYPE	FEE(S)	LAST MODIFIED	REQUIREMENTS	ISSUE OVER THE COUNTER	GIVE TO TERESA	LICENSE YEAR	REGULATED BY
Special Event Permit	\$45.00 Permit Fee	1995	<p>For events to be held on City property. If event is to be held on private property, this permit does not apply. Applications must be filed at least 60 days prior to event; Deputy may use discretion and waive the 60 days but it will depend on how complex the event is.</p> <p>No admission may be charged unless event is sponsored by a nonprofit organization.</p> <p><b>Required:</b> Public liability insurance for the duration of the permit with a min. combined single limit of \$1,000,000 aggregate for any 1 occurrence, must name the City as an addition insured and contain a 30 day cancellation notice <b>and</b> a \$5,000 compliance bond, executed by a bonding company or surety company authorized to do business in the State of Nebraska.</p> <p>If applicant fails to provide necessary services or equipment reasonably required for the event, the City may provide or arrange for the same and charge applicant for any costs associated. These fees are due no less than 1 day prior to event being held.</p>		X	Date specified on application.	LMC Chapter 14.32

TYPE	FEE(S)	LAST MODIFIED	REQUIREMENTS	ISSUE OVER THE COUNTER	GIVE TO TERESA	LICENSE YEAR	REGULATED BY
Taxicab Driver's License	\$5.00 App. Fee \$10.00 License Fee	1990	Apply in person; the \$5.00 application fee is non-refundable fee; Physical is required at time of application and every 3 years; Clerk's staff fills out application according to applicant's driver's license. Go to LPD for Traffic Rules Exam and background investigation; LPD denies for <b>anything</b> that shows up in last 10 years. Return to City Clerk for license to be issued. Pay the \$10 License Fee.	X		June 1 <sup>st</sup> thru May 31 <sup>st</sup>	LMC Chapter 5.50
Teenage Club License	\$25.00 App. Fee		Only 1 location per permit. No alcohol sales and no cigarettes or tobacco products sales allowed. Ages 16-20 only. Can only operate from 8:00 a.m. to midnight. Teens must be members and an accurate and current membership list must be maintained at all times which contains the names, residences, ages of its members in their own handwriting and copies thereof must be filed annually with the City on June 1 <sup>st</sup> and kept available for inspection by law enforcement officers and representatives of the City. Must have public liability insurance in the form of a commercial or comprehensive general liability policy, or an acceptable substitute policy form as permitted by the City Attorney, with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence, must name the City as an addition insured and contain a 30 day cancellation notice.		X	June 1 <sup>st</sup> thru May 31 <sup>st</sup>	LMC Chapter 5.52

TYPE	FEE(S)	LAST MODIFIED	REQUIREMENTS	ISSUE OVER THE COUNTER	GIVE TO TERESA	LICENSE YEAR	REGULATED BY
Tobacco License	\$15.00 License Fee	Set by State Law	If application made after <b>July 1<sup>st</sup></b> - fee is pro-rated to \$7.50.	X		Jan. 1 <sup>st</sup> thru Dec. 31 <sup>st</sup>	State - Neb. Rev. Statute 28-1422
Vending Machines	\$4.00 Occupation Tax per machine	1990	Fee schedule is as follows: if an items costs 1 cent per unit, fifty cents; If an item costs five cents to twenty cents, \$2.00; if an item costs twenty-five cents or more per unit, \$4; machines vending merchandise of multiple unit value, \$4. This does not apply to games of chance. If a machine stands on a pedestal and has different slots for money to be deposited in, there is an occupation tax for each slot. <b>Small decals</b> for those vending <b>candy, etc.</b> ; <b>Large decals</b> for those vending <b>Tobacco products</b>	X		June 1 <sup>st</sup> thru May 31 <sup>st</sup>	LMC Chapter 3.24

**ATTACHMENT C**

**AGENDA FOR THE REGULAR CITY COUNCIL MEETING TO BE HELD  
MONDAY, APRIL 22, 2013 AT 3:00 P.M.**

**THE MEETINGS OF APRIL 8<sup>TH</sup> AND 29<sup>TH</sup> BEGIN AT 5:30 P.M.  
OPEN MICROPHONE SESSIONS WILL BE HELD ON EACH DATE**

**ANNUAL MAYOR'S AWARD OF EXCELLENCE**

**PUBLIC HEARING  
CONSENT AGENDA**

Anyone wishing to address an item on the Consent Agenda may do so at this time

**REPORTS OF CITY OFFICERS**

- 1) Affidavit of Mailing for Board of Equalization - South Street Business Improvement District. (Placed on File)
- 2) Affidavit of Mailing for Board of Equalization - North 27th Street Business Improvement District. (Placed on File)
- 3) Affidavit of Mailing for Board of Equalization - University Place Business Improvement District. (Placed on File)
- 4) Affidavit of Mailing for Board of Equalization - Havelock Business Improvement District. (Placed on File)
- 5) Request of Public Works to set the Hearing Date of Monday, May 6, 2013, at 3:00 p.m. & place on the formal City Council Agenda the following:  
13-57 Create & order constructed a 6" water main in Dudley St. From 50th St. to 51st St., and assess the cost thereof against the benefitted properties.
- 6) Annual Report for the year 2012 prepared by City Law Department dated April, 2013. (Placed on File)
- 7) Clerk's Letter and Mayor's Approval of Resolutions and Ordinances passed by the City Council on April 8, 2013. (Placed on file)
- 8) Clerk's Letter and Mayor's Approval of Ordinance Nos. 19867 & 19868 passed by the City Council on April 15, 2013. (Placed on file)

## PETITIONS & COMMUNICATIONS

- 9) Setting the hearing date of Monday, May 6, 2013 at 3:00 p.m. for the application of JSD, LLC dba Huskerville Pizza & Pub for a Class C liquor license located at 2805 NW 49th Street.
- 10) PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:  
Administrative Amendment No. 13015 to Special Permit No. 674, Coddington Heights Community Unit Plan, approved by the Planning Director on April 10, 2013 requested by Sinda Dux to decrease the rear yard setback from 20 feet to 5 feet next to common open space on property located at 2301 SW 18th Street.
- 11) REFERRALS TO THE PLANNING DEPARTMENT:  
Change of Zone No. 13005 - App. of BargnBarn to designate the Lincoln Air Force Base (LAFB) Remote Facility as a Historic Landmark on property generally located at NW 84th Street and West Adams Street (6901 West Adams Street).  
Special Permit No. 13013 - App. of BargnBarn for historic preservation for use of a landmark property as a commercial business on property generally located at NW 84th Street and West Adams Street.  
Change of Zone No. 13007 - App. of William and Marcia Thornton to designate the Conrad A. Schaaf House as a Historic Landmark on property generally located at South 18th Street and H Street (659 South 18th Street).  
Special Permit No. 13015 - App. of William and Marcia Thornton for historic preservation for use of a landmark property as a neighborhood meeting facility on property generally located at South 18th Street and H Street (659 South 18th Street).

## 12) MISCELLANEOUS REFERRALS

- END CONSENT AGENDA -

## PUBLIC HEARING LIQUOR RESOLUTIONS

- 13) Application of Wal-Mart Stores, Inc. dba Wal-Mart Store #2432 for a Class D liquor license at 2501 Grainger Parkway.
- 14) Manager application of Alan A. Matulka for Wal-Mart Stores, Inc. dba Wal-Mart Store #2432 at 2501 Grainger Parkway.

- 15) Application of Doan Trang T. Trinh dba House of Hunan for a Class I liquor license at 5601 South 56th Street.
- 16) Application of Chatters LLC dba Rich Bar & Lounge for a Class C liquor license at 1640 O Street, Suite 3.
- 17) Manager application of Lawrence J. Chatters for Chatters LLC dba Rich Bar & Lounge at 1640 O Street, Suite 3.
- 18) Application of Dempsey's Lincoln Inc. dba Dempsey's Burger Pub for a Class C liquor license at 228 North 12th Street.
- 19) Manager application of Paul R. Tuttle for Dempsey's Lincoln Inc. dba Dempsey's Burger Pub at 228 North 12th Street.

**PUBLIC HEARING**

**ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

- 20) 13-53 Creating and ordering constructed Paving District No. 2632 generally in that portion of 1st Street lying between P and Q Streets and Q Street between 1st and 2nd Street.
- 21) 13-54 Authorizing the issuance of City of Lincoln tax allocation bonds for public improvements and infrastructure in the Gateway Senior Living Center Project.

**PUBLIC HEARING - RESOLUTIONS**

- 22) 13R-82 Approving a Program Agreement between the City and the Nebraska Dept. of Roads for the use of Federal Transportation Program Funds for construction and construction engineering costs for the Superior Street and I-180 East Ramp Safety Project (State Project No. HSIP-5254(8), CN 12928, City Project No. 702620).

**- END PUBLIC HEARING -**

**ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)**

- 23) 13-52 Amending the pay schedule for a certain employee group whose classifications are assigned to the pay range which is prefixed by the letter "A" by changing the pay range of the classification of "Systems Software Integrator."

**RESOLUTION - FOR ACTION ONLY**

- 24) 13R-79C Accepting the report of new and pending claims against the City and approving disposition of claims set forth for the period of March 16 - 31, 2013. **(4/15/13 - Action Delayed to 4/22/13 on claim of Linh Ba Nicolas Nguyen)**

**1<sup>st</sup> Reading Ordinances & Resolutions - On the Agenda for Advance Notice Only**  
**Public Hearing will occur on Second Reading**

**ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required)**

- 25) 13-55 Amending Title 5 of the Lincoln Municipal Code relating to Licenses and Regulations by adding a new Chapter 5.21, Entertainment Districts, and amending Chapter 5.04, Alcoholic Liquor, to regulate the sale, service and consumption of alcoholic liquor in commons areas.
- 26) 13-56 Amending Title 9 of the Lincoln Municipal Code relating to Public Peace and Welfare to add a new Chapter 9.30 entitled "Donation Boxes" by adding Section 9.30.010 to set forth definitions used in this chapter; adding Section 9.30.020 to set forth the Legislative Intent of the Council; adding Section 9.30.030 to prohibit Donation Boxes for other than charitable purposes; adding Section 9.30.040 to provide for issuance of Donation Box Permits; adding Section 9.30.050 to provide for enforcement of this chapter; adding Section 9.30.060 to provide exemptions for donation boxes on property owned by a charitable organization; and adding Section 9.30.070 to provide for severability of the provisions of this chapter.

**RESOLUTIONS - 1<sup>ST</sup> READING**

- 27) 13R-83 Appointing Dr. Nathan Haecker to the Lincoln-Lancaster County Board of Health for a term expiring April 15, 2016.
- 28) 13R-84 Reappointing Dr. Karla K. Lester and Dr. Heidi Stark to the Lincoln-Lancaster County Board of Health for terms expiring April 15, 2016.
- 29) 13R-85 Reappointing Ronald Geary to the Heating, Ventilating & Cooling Examiners Board for a term expiring April 4, 2016.

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- 34) 13R-90 Reappointing Craig Gies to the Building Code Board of Appeals for a term expiring April 1, 2016.
- 35) 13R-91 Accepting the report of new and pending claims against the City and approving disposition of claims set forth for the period of April 1-15, 2013.
- 36) 13R-92 Approving an Interlocal Agreement between the City of Lincoln and Lancaster County School District 001 to provide for maintenance and other obligations for Heritage School located near the Nature Center in Pioneers Park.
- 37) 13R-93 Approving a Construction Engineering Services Agreement between the City of Lincoln and the Nebraska Dept. of Roads for the use of Federal Highway Safety Improvement Program Funds for the Superior Street and I-180 East Ramp Safety Project (Project No. HSIP-5254(8); City Project No. 702620).

**PENDING LIST - DATE CERTAIN - NONE**

**PENDING LIST**

- 38) 07-73 Amending Title 20 of the Lincoln Municipal Code, the Building Code, by adding a new Chapter 20.02, entitled Neglected Building Registration, to require registration of neglected, deteriorated and/or abandoned buildings, to require the filing of plans for restoration or demolition of abandoned buildings, and to establish penalties for violations thereof. **(5/7/07 - Placed on Pending, No Date Certain)**

- 39) 09R-76 Establishing a Roads to Jobs Fund to make funds available for road projects, declaring a surplus of \$8,000,000.00 in the Special Assessment Revolving Fund, and authorizing the transfer of said funds to the Roads to Jobs Fund. **(5/11/09 - Placed on Indefinite Pending)**
- 40) 11-39 Amending Chapter 10.32 of the Lincoln Municipal Code relating to Stopping, Standing and Parking of Vehicles by adding a new section numbered 10.32.075 to prohibit the parking of trucks on a street more than 400 feet from the primary place of business and providing certain exceptions. **(4/11/11 - 3<sup>rd</sup> Reading w/con't. P.H. on 4/18/11) (4/18/11 - Placed on Indefinite Pending)**
- 41) 12-76 Amending Section 10.34.030 of the Lincoln Municipal Code relating to Parking Meters: Deposit of Coins and Time Limits, to provide that no parking fee shall be charged on Martin Luther King Day, Presidents Day and Veterans Day. **(6/25/12 - Placed on Pending - No Date Certain)**
- 42) 13-16B Vacating the north 4 feet of Q Street between North 18th Street and N. Antelope Valley Parkway; and the south 4 feet of R Street between North 18th Street and N. Antelope Valley Parkway. **(2/25/13 - Placed on Indefinite Pending)**
- 43) 13-42 Amending Chapter 24.01 of the Lincoln Municipal Code (Lincoln Fire Suppression Systems) to delete references to or actions required of the examining board and the Administrative Authority; and by amending Section 24.01.010 to replace the definition of "Administrative Authority" with the definition of "Building and Safety"; amending Section 24.01.040 to provide qualifications for a Fire Suppression Journeyman and Fire Suppression Contractor, and to provide that the Director shall determine the minimum qualifications for applicants for registration based on a point system and shall approve the form and content of any examination to be given to applicants; repealing Section 24.01.050, Examining Board, Authority; adding a new section numbered 24.01.065 to provide for the appeal of an issued or denied registration certificate; repealing Section 24.01.070, Examining Board, Meetings; amending Section 24.01.100 to change the process for suspending or revoking a certificate of registration; amending Section 24.01.110 to provide renewal of certificates of registration upon approval of the Director; amending Section 24.01.120 to provide any person registered as a contractor or journeyman who does not renew his certificate of registration for a period of 60 days after the expiration of the same may be required to submit himself to an examination by the Director before such person can again be registered; amending Section 24.01.150 to increase registration and examination fees; amending Section 24.01.180 to delete references to Fire and Rescue Department; amending Section 24.01.190 to provide for a plan review fee; amending Section 24.01.200 to increase permit fees and inspection fees and to provide double fees where work for which a permit is required is started without a permit and to add provisions

relating to permit expirations and refunds; amending Section 24.01.220 to require a double check backflow preventer of all sprinkler systems; and repealing Section 24.01.330, Detector Meter. (3/18/13 - Indefinite Pending)

During the Open Microphone Session of the agenda, individuals are allowed a total of 5 minutes to speak regardless of number of topics. The Open Microphone Session is available on the 2nd & last Monday of each month.

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**ADJOURNMENT**

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which is broadcast live at 3:00 p.m. every Monday and  
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\*\*\*\*

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**ACTION FROM THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, APRIL 22, 2013 AT 3:00 P.M.**

**ALL MEMBERS PRESENT EXCEPT CAMP**

**THE MEETINGS OF APRIL 8<sup>TH</sup> AND 29<sup>TH</sup> BEGIN AT 5:30 P.M.  
OPEN MICROPHONE SESSIONS WILL BE HELD ON EACH DATE**

**PROFESSOR GORDON SCHOLZ PRESENTED  
COUNCIL MEMBER EUGENE CARROLL  
WITH THE 2012 ELECTED OFFICIAL AWARD  
FROM THE NEBRASKA PLANNING & ZONING ASSOCIATION  
FOR PROMOTING SOUND PLANNING & ZONING**

**THE MAYOR'S ANNUAL AWARD OF EXCELLENCE FOR THE YEAR 2012  
WAS PRESENTED TO BEAU WOLFE, PUBLIC INFORMATION SPECIALIST II  
FOR THE CITIZEN INFORMATION CENTER OF THE MAYOR'S DEPARTMENT  
IN THE CATEGORIES OF PUBLIC RELATIONS & PRODUCTIVITY**

**THE 2012 HONORABLE MENTION WAS PRESENTED TO  
LINDA FLAHERTY, EMERGENCY SERVICE DISPATCHER II  
FOR THE 911 COMMUNICATIONS DIVISION OF THE POLICE DEPARTMENT  
IN THE CATEGORIES OF SAFETY & VALOR**

**PUBLIC HEARING  
CONSENT AGENDA**

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**REPORTS OF CITY OFFICERS**

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- 7) Clerk's Letter and Mayor's Approval of Resolutions and Ordinances passed by the City Council on April 8, 2013. **(PLACED ON FILE)**
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- 9) Setting the hearing date of Monday, May 6, 2013 at 3:00 p.m. for the application of JSD, LLC dba Huskerville Pizza & Pub for a Class C liquor license located at 2805 NW 49th Street. **(ADOPTED, 6-0; A-87297)**
- 10) **PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:**  
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- 11) **REFERRALS TO THE PLANNING DEPARTMENT:**  
Change of Zone No. 13005 - App. of BargnBarn to designate the Lincoln Air Force Base (LAFB) Remote Facility as a Historic Landmark on property generally located at NW 84th Street and West Adams Street (6901 West Adams Street).  
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Special Permit No. 13015 - App. of William and Marcia Thornton for historic preservation for use of a landmark property as a neighborhood meeting facility on property generally located at South 18th Street and H Street (659 South 18th Street).

12) **MISCELLANEOUS REFERRALS - NONE**

**- END CONSENT AGENDA -**

**PUBLIC HEARING  
LIQUOR RESOLUTIONS**

- 13) Application of Wal-Mart Stores, Inc. dba Wal-Mart Store #2432 for a Class D liquor license at 2501 Grainger Parkway. **(ADOPTED FOR APPROVAL, 6-0; A-87298)**
- 14) Manager application of Alan A. Matulka for Wal-Mart Stores, Inc. dba Wal-Mart Store #2432 at 2501 Grainger Parkway. **(ADOPTED FOR APPROVAL, 6-0; A-87299)**
- 15) Application of Doan Trang T. Trinh dba House of Hunan for a Class I liquor license at 5601 South 56th Street. **(ADOPTED FOR APPROVAL, 6-0; A-87300)**
- 16) Application of Chatters LLC dba Rich Bar & Lounge for a Class C liquor license at 1640 O Street, Suite 3. **(ADOPTED FOR APPROVAL, 6-0; A-87301)**
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- 18) Application of Dempsey's Lincoln Inc. dba Dempsey's Burger Pub for a Class C liquor license at 228 North 12th Street. **(ADOPTED FOR APPROVAL, 6-0; A-87303)**
- 19) Manager application of Paul R. Tuttle for Dempsey's Lincoln Inc. dba Dempsey's Burger Pub at 228 North 12th Street. **(ADOPTED FOR APPROVAL, 6-0; A-87304)**

**PUBLIC HEARING**

**ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required) (ITEMS 20 & 21 HAD 2<sup>ND</sup> READING)**

- 20) 13-53 Creating and ordering constructed Paving District No. 2632 generally in that portion of 1st Street lying between P and Q Streets and Q Street between 1st and 2nd Street.
- 21) 13-54 Authorizing the issuance of City of Lincoln tax allocation bonds for public improvements and infrastructure in the Gateway Senior Living Center Project.

**PUBLIC HEARING - RESOLUTIONS**

- 22) 13R-82 Approving the selection of Constructors Inc. as lowest bidder and authorizing execution of the construction contract between the City and the Nebraska Dept. of Roads for the use of Federal Transportation Program funds for Project No. HSIP-5254(8), Superior Street and I-180 East Ramp Safety Project. **(ADOPTED, 6-0; A-87305)**

**- END PUBLIC HEARING -**

**ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)**

- 23) 13-52 Amending the pay schedule for a certain employee group whose classifications are assigned to the pay range which is prefixed by the letter "A" by changing the pay range of the classification of "Systems Software Integrator." **(PASSED, 6-0; #19871)**

**RESOLUTION - FOR ACTION ONLY**

- 24) 13R-79C Accepting the report of new and pending claims against the City and approving disposition of claims set forth for the period of March 16 - 31, 2013. **(4/15/13 - Action Delayed to 4/22/13 on claim of Linh Ba Nicolas Nguyen) (RULES SUSPENDED TO HAVE P.H. PRIOR TO CONSENT AGENDA W/ACTION ON THIS DATE, 6-0; ADOPTED, 6-0; A-87306)**

**1<sup>st</sup> Reading Ordinances & Resolutions - On the Agenda for Advance Notice Only**  
**Public Hearing will occur on Second Reading**

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**RESOLUTIONS - 1<sup>ST</sup> READING (ITEMS 27 THRU 37 HAD 1<sup>ST</sup> READING)**

- 27) 13R-83 Appointing Dr. Nathan Haecker to the Lincoln-Lancaster County Board of Health for a term expiring April 15, 2016.
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**PENDING LIST - DATE CERTAIN - ~~NONE~~**

**PENDING LIST ~~(EXTENDED ONE WEEK)~~**

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**ADJOURNMENT      4:17 P.M.**

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THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, JUNE 18, 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 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 11, 2012 reported having done so, found same correct.  
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

PUBLIC HEARING

APPLICATION OF BURRITO BUILDERS LINCOLN 101, LLC, DBA PANCHERO'S MEXICAN GRILL FOR A CLASS A LIQUOR LICENSE AT 2910 PINE LAKE ROAD, SUITE N;  
MANAGER APPLICATION OF JEFF BUSCH FOR BURRITO BUILDERS LINCOLN 101, LLC, DBA PANCHERO'S MEXICAN GRILL AT 2910 PINE LAKE ROAD, SUITE N - Jeff Busch, Manager, came forward to take oath and answer questions.  
This matter was taken under advisement.

AUTHORIZING THE CITY OF LINCOLN, NEBRASKA TO ENTER INTO AN EQUIPMENT LEASE PURCHASE AGREEMENT NO. LIN2012-05E WITH COMMUNITY FIRST NATIONAL BANK, MANHATTAN, KANSAS IN THE AMOUNT OF \$575,412 FOR THE ACQUISITION OF PLOW TRUCKS FOR THE USE OF THE CITY - Lauren Wismer, Gilmore & Bell Bond Counsel, came forward to answer questions about the purchase of four plow trucks at an interest rate 2.97%.  
Jim Chiles, Public Works & Utilities Dept., came forward to answer questions and describe the trucks' features. He said the life span of a plow truck is about 12-13 years.  
Sharon Mulder, Assistant Purchasing Agent, was on hand for questioning.  
This matter was taken under advisement.

AMENDING CHAPTER 8.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO BODY ART ESTABLISHMENTS TO UPDATE REGULATIONS OF HEALTH AND SANITATION TO REFLECT THE CURRENT STATE OF INDUSTRY PRACTICE AND TO CLARIFY PROVISIONS BY AMENDING SECTION 8.08.030 TO REQUIRE AT LEAST ONE PERSON WITH A PRACTITIONER PERMIT TO BE PRESENT AT ALL TIMES THE ESTABLISHMENT IS OPEN; AMENDING SECTION 8.08.100 RELATING TO THE DISPLAY OR POSTING OF THE PRACTITIONER PERMIT; AMENDING SECTION 8.08.200 TO CLARIFY SINK REQUIREMENTS; AMENDING SECTION 8.08.230 TO ALLOW AUTOCLAVED INSTRUMENTS TO BE USED FOR UP TO 90 DAYS FROM THE DATE AUTOCLAVED; AND AMENDING SECTION 8.08.310 TO CHANGE A RECORD KEEPING REQUIREMENT - Scott Holmes, Environmental Health Division Manager of the Lincoln/Lancaster County Health Department, came forward to discuss the changes to body art regulations. He said changes are in coordination with state regulations.  
This matter was taken under advisement.

CHANGE OF ZONE 12008 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE ("ZONING CODE") GENERALLY TO REFORMAT AND STREAMLINE THE ZONING CODE TO REDUCE THE LIST OF OVER 270 DIFFERENT LAND USES DOWN TO 14 USE GROUPS, AND TO ELIMINATE THE POSSIBILITY THAT A USE TYPE IS NOT LISTED BY MAKING THE USE GROUPS ALL-ENCOMPASSING, THEREBY INCREASING THE EMPHASIS ON TREATING LIKE USES IN A SIMILAR MANNER; BY ADDING A NEW CHAPTER 27.02 TO PROVIDE DEFINITIONS; BY ADDING A NEW CHAPTER 27.06 TITLED "USE GROUPS" TO CLASSIFY AND COMBINE THE MAIN USES OF BUILDINGS AND/OR PREMISES INTO 14 USE GROUPS BASED UPON FUNCTIONAL AND PHYSICAL USE TYPE CHARACTERISTICS, TO DESIGNATE SPECIFIC USE TYPES WITHIN EACH USE GROUP AS PERMITTED, PERMITTED CONDITIONAL, AND PERMITTED SPECIAL USES WITHIN EACH ZONING DISTRICT PER THE USE GROUP TABLES IN CHAPTER 27.06 AND TO PROVIDE THAT THE MAXIMUM HEIGHT AND MINIMUM LOT REQUIREMENTS WITHIN SAID ZONING DISTRICTS SHALL BE REGULATED IN CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 27.72; BY ADDING A NEW CHAPTER 27.62 TITLED "CONDITIONAL USES" TO RELOCATE AND CONSOLIDATE ALL ZONING DISTRICT TYPES WHICH ARE ALLOWED AS PERMITTED CONDITIONAL USES IN DESIGNATED ZONING DISTRICTS IN

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CONFORMANCE WITH THE SPECIFIC CONDITIONS OF APPROVAL FOR SUCH USE TYPES INTO A SINGLE CHAPTER; BY ADDING A NEW CHAPTER 27.64 TITLED USE PERMITS TO COMBINE AND CONSOLIDATE THE PROCESS FOR OBTAINING A USE PERMIT IN THE O-3, R-T, B-2, B-5, AND I-3 ZONING DISTRICTS INTO A SINGLE CHAPTER; BY AMENDING CHAPTER 27.69 TO AUTHORIZE CERTAIN SIGNS FOR MOTORIZED VEHICLE FUEL SALES FACILITIES, RESIDENTIAL HEALTH CARE FACILITIES AND NON-RESIDENTIAL HEALTH CARE FACILITIES; AND BY ADDING A NEW CHAPTER 27.72 TITLED HEIGHT AND LOT REQUIREMENTS, TO RELOCATE AND CONSOLIDATE HEIGHT AND LOT REGULATIONS FOR ALL THE ZONING DISTRICTS INTO A SINGLE CHAPTER AND TO INCORPORATE ADDITIONAL HEIGHT AND AREA REGULATIONS FROM CHAPTER 27.71 INTO CHAPTER 27.72;

MISC. NO. 12002 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING SECTIONS 7.7 AND 7.11 OF CHAPTER 3.50, DESIGN STANDARDS FOR SCREENING AND LANDSCAPING, TO MODIFY THE REQUIREMENTS IN SECTION 7.7 REGARDING THE SCREENING OF OUTDOOR STORAGE AREAS OF SALVAGE YARDS AND TO DELETE REFERENCE TO THE SCREENING OF SCRAP PROCESSING OPERATIONS AND VEHICLE BODY REPAIR SHOPS, AND TO EXPAND THE LIST OF AREAS IN SECTION 7.11 OUTSIDE A BUILDING WHICH MUST BE SCREENED - Marvin Krout, Director of Planning, came forward to answer questions about the reformatting and reorganization of a zoning code that is over 30 years old and in drastic need of bringing up to current 21<sup>st</sup> century standards.

Rick Krueger, R.C. Krueger Construction, came forward in support of amending the code to make it simpler. He said to encourage more mixed-use developments, he requested that there be fewer zoning districts with more uses by right in each district. He said the result will be to densify the city over time.

This matter was taken under advisement.

CHANGE OF ZONE 12009 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE ZONING CODE BY AMENDING SECTIONS 27.60.060 AND 27.65.060 TO GRANT THE PLANNING DIRECTOR AUTHORITY TO APPROVE AMENDMENTS TO A PLANNED UNIT DEVELOPMENT OR COMMUNITY UNIT PLAN TO ALLOW A HEIGHT INCREASE NOT TO EXCEED TEN FEET OVER THE MAXIMUM HEIGHT LIMIT FOR A MULTI-FAMILY DWELLING; BY FURTHER AMENDING SECTION 27.65.060 TO GRANT THE PLANNING DIRECTOR AUTHORITY TO APPROVE AMENDMENTS TO A COMMUNITY UNIT PLAN TO ALLOW A PERCENTAGE OF STACKED PARKING STALLS ON A DRIVEWAY BEHIND A GARAGE ATTACHED TO A MULTI-FAMILY DWELLING TO BE USED TOWARD SATISFACTION OF REQUIRED PARKING; AND BY AMENDING SECTION 27.65.090 TO DELETE THE REQUIREMENT THAT THE USE OF SUCH STACKED PARKING STALLS IN SATISFACTION OF REQUIRED PARKING BE APPROVED BY THE PLANNING COMMISSION;

MISC. NO. 12003 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING SECTION 1.2 OF CHAPTER 3.35, DESIGN STANDARDS FOR COMMUNITY UNIT PLANS, TO PROVIDE A MINIMUM SETBACK FOR MULTI-FAMILY DWELLINGS THAT EXCEED THE ZONING DISTRICT HEIGHT ABUTTING A SINGLE OR TWO FAMILY DWELLING AND TO CONDITIONALLY ALLOW ACCESSORY GARAGES AND DRIVEWAYS WITHIN THE SETBACK AREA, AND BY AMENDING SECTION 7.3 OF CHAPTER 3.50, DESIGN STANDARDS FOR MULTI-FAMILY DWELLINGS AND CERTAIN ACCESSORY GARAGES AND DRIVEWAYS WHEN THE MULTI-FAMILY DWELLING EXCEEDS THE ZONING DISTRICT HEIGHT AND ABUTS AN EXISTING OR PLANNED SINGLE OR TWO FAMILY DWELLING - Mike Ekert, Civil Design Group, came forward to state that since buildings are being constructed taller and taller, existing PUDs and CUPs should gain the ability to administratively adjust the height increase. He said garden-level apartments are no longer being done. Other construction factors reveal that trusses between floors require an additional six inches for sprinkler systems and there is a higher demand for nine-foot rather than eight-foot ceilings. He clarified issues with parking requirements.

Marvin Krout, Director of Planning, came forward to answer questions about the notification process. Administrative Amendment approvals are posted on the Planning Department web page and listed on the City Council Agenda. Mr. Krout said careful consideration is given on those rare occasions when something adverse may affect nearby property owners and in this case, notices are sent to nearest property owners.

This matter was taken under advisement.

CHANGE OF ZONE 12014 - APPLICATION OF EIGER CORPORATION FOR A CHANGE OF ZONE FROM B-5 PLANNED REGIONAL BUSINESS DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2 - DaNay Kalkowski, Seacrest & Kalkowski, PC, LLO, 1111 Lincoln Mall, Suite 350, came forward representing Eiger Corp., for a change to revert to the original H-4 zone allowing more appropriate highway-oriented types of uses in the commercial center on the south side of Highway 2. Ms. Kalkowski said calls from neighbors did not net any issues or concerns.

This matter was taken under advisement.

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- APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION ENGINEERING COSTS FOR LINCOLN CITYWIDE DURABLE MARKINGS PROJECT (STATE PROJECT NO. LCLC-5239(8));
- APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION ENGINEERING COSTS FOR LINCOLN CITYWIDE CONTINENTAL PEDESTRIAN CROSSWALKS PROJECT (STATE PROJECT NO. LCLC-5221(3));
- APPROVING SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS TO CHANGE THE FUNDING SOURCE FROM HIGHWAY INFRASTRUCTURE INVESTMENT FUNDS PROVIDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 TO FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CITYWIDE CONTINENTAL PEDESTRIAN CROSSWALKS PROJECT (STATE PROJECT NO. LCLC-5221(3)) - Alicea McClusky, Public Works & Utilities/Engineering Services, came forward to explain the stimulus projects. She described continental crosswalks as visible marking bars that are 2 by 10 feet in length running parallel to traffic. She said the resolutions themselves approve the request to NDOR to reimburse costs related to construction engineering.

This matter was taken under advisement.

- AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO UPDATE REGULATIONS REGARDING PARTICULATE MATTER PERMITTING THRESHOLDS AND DEFINITIONS, PRECURSORS TO OZONE, NATIONAL AMBIENT AIR QUALITY STANDARDS, AND HOW FEES ARE CHARGED FOR DRY CLEANING FACILITIES - Council Member Carroll explained why this resolution will be delayed to July 9 for public hearing and action. He said information was missing from Council packets and from the public website.

Council Chair Hornung welcomed anyone present to speak on this item today as well as on July 9.

This matter was taken under advisement.

- COMP. PLAN AMENDMENT NO. 12001 - APPLICATION OF THE URBAN DEVELOPMENT DIRECTOR TO AMEND THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT THE PROPOSED "DOWNTOWN MASTER PLAN UPDATE" AS A SUBAREA PLAN OF THE COMPREHENSIVE PLAN GENERALLY LOCATED FROM 6TH STREET ON THE WEST TO 19TH STREET ON THE EAST AND FROM H STREET ON THE SOUTH TO R STREET ON THE NORTH TO INCLUDE CHANGES THAT HAVE OCCURRED SINCE THE ADOPTION OF THE DOWNTOWN MASTER PLAN IN 2005 - Dallas McGee, Urban Development, came forward to discuss the Comprehensive Plan. He said the 1970's Lincoln Center Redevelopment Program provided a vision and direction for growth in Downtown and guided many significant developments. This included the conversion of the Old Town District into what is known today as the Historic Haymarket, redevelopment of a mixed-use entertainment district, construction of the Lied Center, upgrading various streetscapes and building public parking facilities. He said in the mid 1980's the Lincoln Center Redevelopment Plan was adopted to allow the use of Tax Increment Financing as a new tool in leveraging private development. In 2004, the City undertook a comprehensive effort to examine Downtown's economic, transportation and land use to identify a vision for future growth. In 2005, the Downtown Master Plan was the result of a public process that sought to prioritize the redevelopment and improved projects in the Greater Downtown area. He said the private development that has taken place in Downtown totals over \$180 million. Public investment to date includes the Pinnacle Bank Arena, Union Plaza Park and the Centennial Mall renovation -- all under way. In 2010, members of the Downtown Lincoln Association and City staff began to identify elements of the Plan that could be updated. Possible updates were narrowed to three key elements: 1) park blocks and the east/west bicycle connection through Downtown; 2) modify the promenade concept proposed to create a Downtown pedestrian loop; 3) refining the primary retail concept on P Street. He also said a proposed trolley concept was looked at to determine if refinement to the route would be beneficial. Mr. McGee said the bikeway proposed on N Street would provide a convenient connection through Downtown -- connecting bikeways from the east in the Billy Wolff Trail and on the west to the Jamaica North Trail. He said an updated promenade would be located on 11<sup>th</sup>, 14<sup>th</sup>, R and N Streets. The 2012 update shortens the primary retail corridor on P Street to an area from 11<sup>th</sup> to Centennial Mall and adds two blocks of 14<sup>th</sup> Street, becoming a "Retail T". A supported long-term vision of a trolley on P and Q Streets has been updated to extend it further east and west to connect to West Haymarket and to Antelope Valley, eliminating a north/south connection. Mr. McGee said Council's adoption of the Plan will bring the 2005 Plan up-to-date and better reflect conditions that have changed over the past seven years. Once adopted, a public process will begin to design both the N Street protected bike lanes and the P Street retail corridor. He said input will continue as plans are developed.

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Tim Steiner, 541 Village Ave., came forward in opposition to the proposed cycle track as it will have safety issues. He said bike riders fare better when treated as drivers of vehicles who share the road.

Bill Schmeekle, Downtown Lincoln Association Chairman of the Board, came forward in support of the Downtown Master Plan Update as the success of retail in the central business district has always been a core interest to DLA.

Terry Uland, DLA President & Director, came forward in support. He said since 2010 in the Downtown, there have been 31 new retailers come into business -- 21 are dining and 10 are shopping.

Angela Tucci, 1570 S. Cotner, came forward as the President of the Lincoln Haymarket Development Corporation in support of the 2012 Downtown Master Plan Update because it provides additional information reflecting changes to the Haymarket area due to the Arena and other projects.

Scott Holmes, Health Department, came forward in support. He said the Plan helps make physical activity the easy choice allowing connectivity between trails for riders and walkers. He said, as we all know, physical activity reduces health risks. Increased bicycling Downtown will decrease air emissions & improve air quality.

Mike Tavlin, CFO for Speedway Properties, came forward in support of the update as there is increased retail on P Street and that transportation is safe.

Robert Boyce, 735 S. 37<sup>th</sup> St., came forward as a lifetime cyclist in opposition to the proposed bikeway on N Street. He said he has commuted to work by bicycle for 36-years, has analyzed bicycle collisions in Lincoln, is a licensed bicycling instructor with the League of American Bicyclists and finds that cycling is already a safe mode of transportation in Downtown Lincoln. He said bicycle education is the key.

Elisabeth Reinkordt, 1723 S. 24<sup>th</sup> St., came forward as a bike commuter in support of providing a bikeway for the "non" hard core rider.

Bradley Walker, 1800 High St., came forward in support of multi-modal transportation connecting trails. He expressed concerns about many unreported accidents involving a bike/vehicle and/or bike/pedestrian.

Dan Parsons, 129 N. 10<sup>th</sup> St., came forward as the owner of a public relations/marketing company in support of an effort to make Lincoln a walk- and bike-friendly city.

Josh Berger, 728 Q St., came forward representing Woodbury Strategic Partners in support of the Downtown Master Plan.

Coby Mach, LIBA, came forward in support and suggested four amendments. He asked that the bike lane be held off until the Pinnacle Bank Arena is up and running due to the flow of traffic on N Street; explore the movement of protected bike lanes one block to the east; find ways to maintain on-street parking; and remove the streetcar idea as it will only lead to further taxation.

Barb Fraser, 3210 Laredo Dr., came forward as chair of the Mayor's Pedestrian and Bicycle Advisory Committee in support of the update of the 2005 Downtown Master Plan. She feels the Plan will strengthen safety for all users.

Rosina Paolini, 1850 Dakota, came forward in support of the Plan which addresses the use of multi-modal transportation. She expressed a safety concern that a bicycle traveling Downtown at 10 mph would be an impediment to vehicular traffic. Ms. Paolini identified good routes for cyclists to travel to get in and out of Downtown for its diverse activities.

Sydney Brown, address not given, came forward as the President of a women's cycling club in support of the proposed bikeway on N Street. She said a bikeway would normalize transportation trips for families.

Jo Tetherow, 3118 Shirley Ct., came forward to comment. As a vehicular driver, she expressed her concerns about the loss of parking and cost of construction/maintenance. She said there is a need for traffic signage and bicycle education.

Ed Swotek, 5340 W. McKelvie Rd., came forward representing DLA in support of a Plan which has been created for all people for generations to come. He said a total of 638 parking stalls will be added and retail is increasing in downtown.

Mr. McGee came forward in rebuttal to clarify the long-term elements. He acknowledged the differing views on the bike lane. He clarified traffic flow analysis findings before & projected after the opening of the Pinnacle Bank Arena and found no impact on significant intersections. If the Arena had an event during the p.m. rush, it would only impact 9<sup>th</sup> and 10<sup>th</sup> Streets. In response to Council Chair Hornung's suggestion to remove the street car, Mr. McGee said there is a benefit to keeping it in the Plan.

Lynn Johnson, Director of Parks & Recreation, came forward to clarify the reasoning for the bike route. He explained the intent to connect with a route south of Downtown and the 14<sup>th</sup> Street alignment is a straight shot.

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David Cary, Planning Dept., came forward to answer questions and clarify that there will not be a full-blown, protected bikeway going all the way south. The Plan proposes a bikeway concept from the University to about K Street.

Council Member Schimek expressed her concerns about bicycle facilities and stated that Centennial Mall is for strolling pedestrians. This matter was taken under advisement.

SPECIAL PERMIT NO. 12019 - APPLICATION OF KINDER PORTER SCOTT FAMILY FOUNDATION TO PRESERVE A LANDMARK (THE LEWIS-SYFORD HOUSE) BY PERMITTING THE UTILIZATION OF THE PROPERTY FOR OFFICE AND EDUCATIONAL USES, WITH REQUESTED WAIVERS OF REAR YARD SETBACK AND PARKING REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT 700 NORTH 16TH STREET;

APPROVING AN AMENDMENT TO THE DEED OF HISTORIC PRESERVATION RIGHT (EASEMENT) REGARDING PRESERVATION OF THE LEWIS SYFORD HOUSE LOCATED AT 700 NORTH 16TH STREET AND THE PREMISES IT IS LOCATED ON TO ALLOW THE ERECTION OF NEW STRUCTURES UPON RECEIPT OF THE CITY OF LINCOLN'S EXPRESS WRITTEN PERMISSION AND TO CLARIFY THE PROCESS FOR OBTAINING SUCH PERMISSION - Cristy Joy, Managing Partner of Archi+Etc., LLC, came forward to explain her client's purpose for productive reuse and choice of location of Lewis-Syford House. She clarified the parking stalls on site, a drive lane to the south and a drop-off lane on the side to the north. The University can provide 15 parking permits for staff to utilize off-site parking. She recognized neighboring structures as being a campus sorority, University student housing and the Catholic Church.

Chrissy McNair, 3745 Calvert, came forward as founder of the FEAT Academy and explain the purpose of the proposed site, the programs taking place and reasoning for use of the Lewis-Syford House. The center will be an alternative to a school setting for individuals with autism and developmental disabilities. It will serve children in kindergarten through 8<sup>th</sup> grade. She said a vision will be to expand services to early childhood, into high-school and eventually all ages. As the site's services grow it will be maintained as a hub that will serve as a training/early childhood intervention facility. As the incidence of autism grows, Ms. McNair said the need for this facility is great in Lincoln and Nebraska overall. She said the owners of the Lewis-Syford House, Kinder Porter Scott Family Foundation, have been very supportive. The proximity to the University is critical to the program's success as it would be a site for practicum studies for students; it is close to the Legislature; the site is easily accessible off the Interstate for families outside of Lincoln; and most importantly, the house provides a natural environment for children to engage in a life-skills situation. She said the proposed facility could be compared to the proven example of the Joshua School in Denver.

Ms. Joy came forward to provide square footage figures. She said the home is 1,500 sq. ft.; the carriage house is 400 sq. ft.; and 3,600 sq. ft. would be provided in the additional two-story building.

Sheila Page, Legislative Aide, State Capitol Room 2028, came forward on behalf of State Senator Colby Coash of District 27, in support of the school. She said autism affects one in 88 children in the United States. Ms. Page said the school will help the University of Nebraska to prepare a skilled and experienced pipeline of workers to fill a growing need for therapists in fields such as Applied Behavior Analysis therapy.

Ann Stebbins-Sidles, 5200 Cavy Rd., came forward in support of the new plans for the Lewis-Syford home. She provided her background involvement in historical and preservation organizations. She quoted from a magazine article stating "buildings aren't meant to be static unless they're museums".

Jordan Berger, 2416 Woodsdale, came forward in support. He explained why the property works for all parties.

Drew Lepinski, 7545 Stevens Ridge Rd., came forward as a physician in support of the FEAT Academy. He said as a father of an autistic son who was home-schooled, the program offers children a chance at a better life.

Tom Huston, Cline Williams Law Firm, 233 S. 13<sup>th</sup> St., Attorney for the applicant, came forward to clarify issues with the property. He said the use of the Lewis-Syford House is in the permitted use category, it is not a variation of use. He said the parking matrix says there must be 12 parking stalls on the property, but doing so would detract from the significance of the site. Mr. Huston said the reasonable solution was to have one stall on site with other stalls being roughly a block away. He said the other issue will be to recess a two-story addition to diminish any visual effect that the addition will have on the historical house. He said the best way to preserve an historical site is to have it occupied with an active use.

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Bob Puschendorf, Deputy State Historical Preservation Officer with the Nebraska State Historical Society, came forward in opposition to the special permit but respects the goals and objectives of the school and its owner. He explained that three of the 10 preservation standards would not be met by this proposal. Mr. Puschendorf said in the sale of the property, a preservation easement was attached to the deed. The enforcement of the easement falls upon the City of Lincoln. The City & the owners now propose to remove one of the most important provisions of that easement which requires the building to be maintained & preserved according to preservation standards. He said the Preservation Office has contacted the City of Lincoln over a period of one year to investigate and inspect the property.

Becky Martin, 338 S. 29<sup>th</sup> St., came forward representing the Preservation Association of Lincoln in opposition to the special permit. She said the Association supports the protection of the preservation easements and encourages the City Council to keep them attached without alteration.

Roxanne Smith, 711 Peach St., came forward in opposition to the special permit and stated that its historic nature should be preserved. She suggested ideas to make the property usable again.

John Strope, 7920 Thornview Road, came forward to encourage Council to do the right thing and fulfill a duty to promise to preserve, to protect and to maintain integrity.

Miki Esposito, Director of Public Works & Utilities, came forward to state that her department is working with the developer to explore options for traffic flow through the driveway.

Rod Confer, City Attorney, came forward to explain the easement granted to the prior owner, which runs with the land. He said the City is the grantee under the easement and has the right to enforce the easement as well make an agreement to revise the terms of the easement.

Tim Sieh, Asst. City Attorney, came forward to present options to Council. He said in the regulations from the Secretary of the Interior, the guidelines previously spoken of are just that -- guidelines -- not to be held against private property owners. Mr. Sieh explained options to enforce the easement.

Marvin Krout, Director of Planning Department, came forward to answer questions. He and another planner took the case to the Preservation Board and then to the Planning Commission. They recommended approval of the special permit & of amending the preservation easement to allow for additional structures. He commented that there are efforts to make changes that will serve the community for the next generation.

Mr. Huston came forward in rebuttal. He discussed designation of standards, land-use concepts and considered the factor of economic impact on the property. Mr. Huston encouraged Council to consider a variety of factors contained in the ordinance. He stated that his client is an economically viable, active user with a very good plan that brings a public benefit. He said on balance, it complies with the ordinance and complies with the requirements of preserving historically significant property.

This matter was taken under advisement.

TOOK BREAK 7:02 P.M.

RECONVENED 7:07 P.M.

**COUNCIL ACTION**

**REPORTS OF CITY OFFICERS**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JUNE 4, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

**PETITIONS & COMMUNICATIONS**

LINCOLN ELECTRIC SYSTEM ANNUAL REPORT FOR 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 05061A - Requested by Horseman's Benevolent & Protection Assn. for an amendment to the Southwest Village Planned Unit Development to amend the site plan to show a horse race course, simulcast facility, barns and accessory buildings to the southwest of 1st Street and West Denton Road; to allow all B-2 zoning district conditional and special permitted uses as permitted uses; and to waive the requirement for 1st Street to be paved prior to the Race Course construction; generally located at Hwy. 77 and West Denton Road.

Change of Zone No. 05068C - Requested by Calruby, LLC, for an amendment to The Woodlands at Yankee Hill Planned Unit Development for expansion of the area of the PUD by approximately 11 acres on property generally located at S. 70th Street and Yankee Hill Road for a Planned Unit Development district designation and approval of a development plan which proposes certain modifications to the Zoning and Land Subdivision Ordinances to allow an additional approximately 57 dwelling units in the underlying R-3 zoned area and a street renaming.

Special Permit No. 1335C - Requested by Dwight and Margaret Wilson for an amendment to the Homestead Park Community Unit Plan for a reduction in the rear yard setback on property generally located at NW 8th Street and Glacier Trail.

Special Permit No. 12025 - Requested by Hy-Vee, Inc. for the sale of alcohol for consumption off the premises on property generally located at N. 52nd Street and O Street (250 N. 52nd Street).

MISCELLANEOUS REFERRALS

SETTING THE HEARING DATE OF MONDAY, JUNE 25, 2012 AT 5:30 P.M. FOR THE APPLICATION OF COUNTRYVIEW STUDIOS, INC. DBA ART & SOUL FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS C LIQUOR LICENSE LOCATED AT 5740 HIDDOTE DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86856 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 25, 2012, 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 Countryview Studios, Inc. dba Art & Soul for the addition of a catering license to its Class C liquor license located at 5740 Hiddote Drive.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, JUNE 25, 2012 AT 5:30 P.M. FOR THE APPLICATION OF LAMI, LLC DBA GUESTHOUSE INN FOR A CLASS I LIQUOR LICENSE LOCATED AT 5250 CORNHUSKER HWY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86857 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 25, 2012, 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 LAMI, LLC dba Guesthouse Inn for a Class I liquor license located at 5250 Cornhusker Hwy.

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

Introduced by Jon Camp

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

LIQUOR RESOLUTIONS

APPLICATION OF BURRITO BUILDERS LINCOLN 101, LLC, DBA PANCHERO'S MEXICAN GRILL FOR A CLASS A LIQUOR LICENSE AT 2910 PINE LAKE ROAD, SUITE N - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86858 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 Burrito Builders Lincoln 101, LLC, dba Panchero's Mexican Grill for a Class "A" liquor license at 2910 Pine Lake Road, Suite N, Lincoln, Nebraska, for the license period ending April 30, 2013, be approved with the condition that:

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

MANAGER APPLICATION OF JEFF BUSCH FOR BURRITO BUILDERS LINCOLN 101, LLC, DBA PANCHERO'S MEXICAN GRILL AT 2910 PINE LAKE ROAD, SUITE N - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86859 WHEREAS, Burrito Builders Lincoln 101, LLC, dba Panchero's Mexican Grill located at 2910 Pine Lake Road, Suite N, Lincoln, Nebraska has been approved for a Retail Class "A" liquor license, and now requests that Jeff Busch be named manager;

WHEREAS, Jeff Busch 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 Jeff Busch 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 & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

**ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

AUTHORIZING THE CITY OF LINCOLN, NEBRASKA TO ENTER INTO AN EQUIPMENT LEASE PURCHASE AGREEMENT NO. LIN2012-05E WITH COMMUNITY FIRST NATIONAL BANK, MANHATTAN, KANSAS IN THE AMOUNT OF \$575,412 FOR THE ACQUISITION OF PLOW TRUCKS FOR THE USE OF THE CITY - CLERK read an ordinance, introduced by DiAnna Schimek, authorizing and approving equipment lease purchase agreement No. LIN2012-05E with Community First National Bank for plow trucks in the amount of \$575,412.00 and an escrow agreement; and related matters, the second time.

AMENDING CHAPTER 8.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO BODY ART ESTABLISHMENTS TO UPDATE REGULATIONS OF HEALTH AND SANITATION TO REFLECT THE CURRENT STATE OF INDUSTRY PRACTICE AND TO CLARIFY PROVISIONS BY AMENDING SECTION 8.08.030 TO REQUIRE AT LEAST ONE PERSON WITH A PRACTITIONER PERMIT TO BE PRESENT AT ALL TIMES THE ESTABLISHMENT IS OPEN; AMENDING SECTION 8.08.100 RELATING TO THE DISPLAY OR POSTING OF THE PRACTITIONER PERMIT; AMENDING SECTION 8.08.200 TO CLARIFY SINK REQUIREMENTS; AMENDING SECTION 8.08.230 TO ALLOW AUTOCLAVED INSTRUMENTS TO BE USED FOR UP TO 90 DAYS FROM THE DATE AUTOCLAVED; AND AMENDING SECTION 8.08.310 TO CHANGE A RECORD KEEPING REQUIREMENT - CLERK read an ordinance, introduced by DiAnna Schimek, amending Chapter 8.08 of the Lincoln Municipal Code relating to Body Art Establishments to update regulations of health and sanitation to reflect the current state of industry practice and to clarify provisions by amending Section 8.08.030 to require at least one person with a practitioner permit to be present at all times the establishment is open; amending Section 8.08.100 relating to the display or posting of the practitioner permit; amending Section 8.08.200 to clarify sink requirements; amending Section 8.08.230 to allow autoclaved instruments to be used for up to 90 days from the date autoclaved; amending Section 8.08.310 to change a record keeping requirement; and repealing Sections 8.08.030, 8.08.100, 8.08.200, 8.08.230 and 8.08.310 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 12008 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE ("ZONING CODE") GENERALLY TO REFORMAT AND STREAMLINE THE ZONING CODE TO REDUCE THE LIST OF OVER 270 DIFFERENT LAND USES DOWN TO 14 USE GROUPS, AND TO ELIMINATE THE POSSIBILITY THAT A USE TYPE IS NOT LISTED BY MAKING THE USE GROUPS ALL-ENCOMPASSING, THEREBY INCREASING THE EMPHASIS ON TREATING LIKE USES IN A SIMILAR MANNER; BY ADDING A NEW CHAPTER 27.02 TO PROVIDE DEFINITIONS; BY ADDING A NEW CHAPTER 27.06 TITLED

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"USE GROUPS" TO CLASSIFY AND COMBINE THE MAIN USES OF BUILDINGS AND/OR PREMISES INTO 14 USE GROUPS BASED UPON FUNCTIONAL AND PHYSICAL USE TYPE CHARACTERISTICS, TO DESIGNATE SPECIFIC USE TYPES WITHIN EACH USE GROUP AS PERMITTED, PERMITTED CONDITIONAL, AND PERMITTED SPECIAL USES WITHIN EACH ZONING DISTRICT PER THE USE GROUP TABLES IN CHAPTER 27.06 AND TO PROVIDE THAT THE MAXIMUM HEIGHT AND MINIMUM LOT REQUIREMENTS WITHIN SAID ZONING DISTRICTS SHALL BE REGULATED IN CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 27.72; BY ADDING A NEW CHAPTER 27.62 TITLED "CONDITIONAL USES" TO RELOCATE AND CONSOLIDATE ALL ZONING DISTRICT TYPES WHICH ARE ALLOWED AS PERMITTED CONDITIONAL USES IN DESIGNATED ZONING DISTRICTS IN CONFORMANCE WITH THE SPECIFIC CONDITIONS OF APPROVAL FOR SUCH USE TYPES INTO A SINGLE CHAPTER; BY ADDING A NEW CHAPTER 27.64 TITLED USE PERMITS TO COMBINE AND CONSOLIDATE THE PROCESS FOR OBTAINING A USE PERMIT IN THE O-3, R-T, B-2, B-5, AND I-3 ZONING DISTRICTS INTO A SINGLE CHAPTER; BY AMENDING CHAPTER 27.69 TO AUTHORIZE CERTAIN SIGNS FOR MOTORIZED VEHICLE FUEL SALES FACILITIES, RESIDENTIAL HEALTH CARE FACILITIES AND NON-RESIDENTIAL HEALTH CARE FACILITIES; AND BY ADDING A NEW CHAPTER 27.72 TITLED HEIGHT AND LOT REQUIREMENTS, TO RELOCATE AND CONSOLIDATE HEIGHT AND LOT REGULATIONS FOR ALL THE ZONING DISTRICTS INTO A SINGLE CHAPTER AND TO INCORPORATE ADDITIONAL HEIGHT AND AREA REGULATIONS FROM CHAPTER 27.71 INTO CHAPTER 27.72 - CLERK read an ordinance, introduced by DiAnna Schimek, amending Title 27 of the Lincoln Municipal Code ("Zoning Code") generally to reformat and streamline the Zoning Code to reduce the list of over 270 different land uses down to 14 Use Groups, and to eliminate the possibility that a use type is not listed by making the use groups all-encompassing, thereby increasing the emphasis on treating like uses in a similar manner; by adding a new Chapter 27.02 to provide definitions; by adding a new Chapter 27.06 titled "Use Groups" to classify and combine the main uses of buildings and/or premises into 14 Use Groups based upon functional and physical use type characteristics, to designate specific use types within each Use Group as permitted, permitted conditional, and permitted special uses within each zoning district per the Use Group Tables in Chapter 27.06 and to provide that the maximum height and minimum lot requirements within said zoning districts shall be regulated in conformance with the requirements of Chapter 27.72; by adding a new Chapter 27.62 titled "Conditional Uses" to relocate and consolidate all zoning district types which are allowed as permitted conditional uses in designated zoning districts in conformance with the specific conditions of approval for such use types into a single chapter; by adding a new Chapter 27.64 titled Use Permits to combine and consolidate the process for obtaining a use permit in the O-3, R-T, B-2, B-5, and I-3 zoning districts into a single chapter; by amending Chapter 27.69 to authorize certain signs for motorized vehicle fuel sales facilities, residential health care facilities and non-residential health care facilities; and by adding a new Chapter 27.72 titled Height and Lot Requirements, to relocate and consolidate height and lot regulations for all the zoning districts into a single chapter and to incorporate additional height and area regulations from Chapter 27.71 into Chapter 27.72, the second time.

MISC. NO. 12002 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING SECTIONS 7.7 AND 7.11 OF CHAPTER 3.50, DESIGN STANDARDS FOR SCREENING AND LANDSCAPING, TO MODIFY THE REQUIREMENTS IN SECTION 7.7 REGARDING THE SCREENING OF OUTDOOR STORAGE AREAS OF SALVAGE YARDS AND TO DELETE REFERENCE TO THE SCREENING OF SCRAP PROCESSING OPERATIONS AND VEHICLE BODY REPAIR SHOPS, AND TO EXPAND THE LIST OF AREAS IN SECTION 7.11 OUTSIDE A BUILDING WHICH MUST BE SCREENED.

CHANGE OF ZONE 12009 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE ZONING CODE BY AMENDING SECTIONS 27.60.060 AND 27.65.060 TO GRANT THE PLANNING DIRECTOR AUTHORITY TO APPROVE AMENDMENTS TO A PLANNED UNIT DEVELOPMENT OR COMMUNITY UNIT PLAN TO ALLOW A HEIGHT INCREASE NOT TO EXCEED TEN FEET OVER THE MAXIMUM HEIGHT LIMIT FOR A MULTI-FAMILY DWELLING; BY FURTHER AMENDING SECTION 27.65.060 TO GRANT THE PLANNING DIRECTOR AUTHORITY TO APPROVE AMENDMENTS TO A COMMUNITY UNIT PLAN TO ALLOW A PERCENTAGE OF STACKED PARKING STALLS ON A DRIVEWAY BEHIND A GARAGE ATTACHED TO A MULTI-FAMILY DWELLING TO BE USED TOWARD SATISFACTION OF REQUIRED PARKING; AND BY AMENDING SECTION 27.65.090 TO DELETE THE REQUIREMENT THAT THE USE OF SUCH STACKED PARKING STALLS IN SATISFACTION OF REQUIRED PARKING BE APPROVED BY THE PLANNING COMMISSION - CLERK read an ordinance, introduced by DiAnna Schimek, amending Title 27 of the Lincoln Municipal Code relating to the Zoning Code by amending Sections 27.60.060 and 27.65.060 to grant the Planning Director authority to approve amendments to a planned unit development or community unit plan to allow a height increase not to exceed ten feet over the maximum height limit for a multi-family dwelling; by further amending Section 27.65.060 to grant the Planning Director authority to

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approve amendments to a community unit plan to allow a percentage of stacked parking stalls on a driveway behind a garage attached to a multi-family dwelling to be used toward satisfaction of required parking; by amending Section 27.65.090 to delete the requirement that the use of such stacked parking stalls in satisfaction of required parking be approved by the Planning Commission; and repealing Sections 27.60.060, 27.65.060 and 27.65.090 of the Lincoln Municipal Code as hitherto existing, the second time.

MISC. NO. 12003 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING SECTION 1.2 OF CHAPTER 3.35, DESIGN STANDARDS FOR COMMUNITY UNIT PLANS, TO PROVIDE A MINIMUM SETBACK FOR MULTI-FAMILY DWELLINGS THAT EXCEED THE ZONING DISTRICT HEIGHT ABUTTING A SINGLE OR TWO FAMILY DWELLING AND TO CONDITIONALLY ALLOW ACCESSORY GARAGES AND DRIVEWAYS WITHIN THE SETBACK AREA, AND BY AMENDING SECTION 7.3 OF CHAPTER 3.50, DESIGN STANDARDS FOR MULTI-FAMILY DWELLINGS AND CERTAIN ACCESSORY GARAGES AND DRIVEWAYS WHEN THE MULTI-FAMILY DWELLING EXCEEDS THE ZONING DISTRICT HEIGHT AND ABUTS AN EXISTING OR PLANNED SINGLE OR TWO FAMILY DWELLING.

CHANGE OF ZONE 12012 - APPLICATION OF LANA PEREZ FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT AND R-4 RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT AND FROM R-4 RESIDENTIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 505 S.W. 1ST STREET AND GENERALLY FROM SALT CREEK WEST OF S.W. 1ST STREET AND NORTH OF J STREET - CLERK read an ordinance, introduced by DiAnna Schimek, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 12014 - APPLICATION OF EIGER CORPORATION FOR A CHANGE OF ZONE FROM B-5 PLANNED REGIONAL BUSINESS DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2 - CLERK read an ordinance, introduced by DiAnna Schimek, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

**PUBLIC HEARING - RESOLUTIONS**

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION ENGINEERING COSTS FOR LINCOLN CITYWIDE DURABLE MARKINGS PROJECT (STATE PROJECT NO. LCLC-5239(8)) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86860

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached 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 engineering costs for Lincoln Citywide Durable Markings Project, Project No. LCLC-5239(8), 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 Alicea McCluskey, Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by DiAnna Schimek

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

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION ENGINEERING COSTS FOR LINCOLN CITYWIDE CONTINENTAL PEDESTRIAN CROSSWALKS PROJECT (STATE PROJECT NO. LCLC-5221(3)) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86861

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached 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 engineering costs for Lincoln Citywide Continental Pedestrian Crosswalks Project, Project No. LCLC-5221(3), 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.

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The City Clerk is directed to return the executed copy of the Agreement to Alicea McCluskey, Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

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

APPROVING SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS TO CHANGE THE FUNDING SOURCE FROM HIGHWAY INFRASTRUCTURE INVESTMENT FUNDS PROVIDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 TO FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR CITYWIDE CONTINENTAL PEDESTRIAN CROSSWALKS PROJECT (STATE PROJECT NO. LCLC-5221(3)) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86862 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Supplemental Agreement No. 1 between the City of Lincoln and the State of Nebraska Department of Roads to change the funding source from Highway Infrastructure Investment Funds provided by the American Recovery and Reinvestment Act of 2009 to Federal Surface Transportation Program Funds for Citywide Continental Pedestrian Crosswalks Project, Project No. LCLC-5221(3), 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 Alicea McCluskey, Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

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

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO UPDATE REGULATIONS REGARDING PARTICULATE MATTER PERMITTING THRESHOLDS AND DEFINITIONS, PRECURSORS TO OZONE, NATIONAL AMBIENT AIR QUALITY STANDARDS, AND HOW FEES ARE CHARGED FOR DRY CLEANING FACILITIES - PRIOR to reading:

CARROLL Moved to Continue Public Hearing with Action on Bill No. 12R-117 three weeks to July 9, 2012.

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

COMP. PLAN AMENDMENT NO. 12001 - APPLICATION OF THE URBAN DEVELOPMENT DIRECTOR TO AMEND THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT THE PROPOSED "DOWNTOWN MASTER PLAN UPDATE" AS A SUBAREA PLAN OF THE COMPREHENSIVE PLAN GENERALLY LOCATED FROM 6TH STREET ON THE WEST TO 19TH STREET ON THE EAST AND FROM H STREET ON THE SOUTH TO R STREET ON THE NORTH TO INCLUDE CHANGES THAT HAVE OCCURRED SINCE THE ADOPTION OF THE DOWNTOWN MASTER PLAN IN 2005 - PRIOR to reading:

HORNUNG Moved to delay Bill No. 12R-118 three weeks for Action Only to July 9, 2012.

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

SPECIAL PERMIT NO. 12019 - APPLICATION OF KINDER PORTER SCOTT FAMILY FOUNDATION TO PRESERVE A LANDMARK (THE LEWIS-SYFORD HOUSE) BY PERMITTING THE UTILIZATION OF THE PROPERTY FOR OFFICE AND EDUCATIONAL USES, WITH REQUESTED WAIVERS OF REAR YARD SETBACK AND PARKING REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT 700 NORTH 16TH STREET (RELATED ITEMS: 12R-121, 12R-123) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

38-4618 WHEREAS, the Kinder Porter Scott Family Foundation, as owner, is proposing to use the premises located at 700 North 16th Street, and legally described as:

The western 175 feet of Lots J and K of Tuttle Subdivision of Lot 1 of SW Little's Subdivision, Lincoln, Lancaster County, Nebraska;

for a school for autistic children which is a permitted use of the premises under its existing R-7 Zoning; and

WHEREAS, however, the proposed use of the premises for a school for autistic children includes rehabilitation of the Lewis-Syford House, an historic landmark, including new foundation, mechanical systems, roof and sprinkler system, reconstruction of the existing carriage house, including new foundation and structural elements, and the construction of a new educational building at the rear of the property designed to meet contemporary code requirements and the education program intention of the private school; and

WHEREAS, such construction work cannot be undertaken without a certificate of appropriateness under Chapter 27.57 of the Zoning Code as well as waivers of the required rear yard setback in the R-7 Zoning District and the required parking for private schools; and

WHEREAS, the Kinder Porter Scott Family Foundation has submitted an application designated as Special Permit No. 12019 requesting the grant of a certificate of appropriateness to undertake the above described work together with requested waivers of the required R-7 Zoning District rear yard setback and parking requirements for private schools; and

WHEREAS, the real property adjacent to the area included within the site plan for this use of the premises and historic landmark building will not be adversely affected; and

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

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

That the application of Kinder Porter Scott Family Foundation, hereinafter referred to as "Permittee", to rehabilitate the Lewis-Syford House, reconstruct the carriage house and construct a new building for use as a school for autistic children, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.400 of the Lincoln Municipal Code upon condition that construction and operation of said premises and historic landmark be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves for historic preservation the use of the Lewis-Syford House and other buildings on the premises for a private school for autistic children with a maximum of 15 students with the requested waivers to the rear yard and off-street parking requirements for a private school, subject to general conformance with the approved site plan and the following conditions:

a. The rear yard is reduced from 30 feet to 15 feet 5 inches and the on-site parking requirement is reduced from 12 stalls to one stall. The Permittee shall provide evidence at the time of Building Permit of the availability to provide 15 off-site parking stalls in a lot or garage within 1200 feet of the property.

b. Architectural details for all proposed repairs to and reconstruction of existing buildings, proposed new construction including signage, and proposed alterations to landscaping or to the proposed site plan must be submitted to and approved by the Historic Preservation Commission as being consistent with the Certificate of Appropriateness deemed to have been granted by approval of this special permit.

c. Provide a survey to verify the site plan and its dimensions.

d. Architectural recording of carriage house construction shall be performed prior to and during its deconstruction at the expense of the Permittee.

e. Contract to provide for archeological investigation/documentation of portion of site proposed for alteration at the expense of the Permittee.

f. Approval by the City Council of the associated request to amend paragraph 7 of the Deed of Historic Preservation Right (Conservation Easement) to allow the erection of new structures on the premises.

2. Before occupying buildings or starting the operation all development and construction shall substantially comply with the approved plans.

3. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

4. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee and the Permittee's successors and assigns. The building official shall report violations to the City Council, which may revoke the special permit or take such other action as may be necessary to gain compliance.

5. The Permittee shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

Seconded by Carroll & LOST by the following vote: AYES: Carroll, Eskridge, Hornung; NAYS: Camp, Cook, Emery, Schimek.  
The resolution, having LOST, was assigned File #38-4618 & was placed on file in the Office of the City Clerk.

APPROVING AN AMENDMENT TO THE DEED OF HISTORIC PRESERVATION RIGHT (EASEMENT) REGARDING PRESERVATION OF THE LEWIS SYFORD HOUSE LOCATED AT 700 NORTH 16TH STREET AND THE PREMISES IT IS LOCATED ON TO ALLOW THE ERECTION OF NEW STRUCTURES UPON RECEIPT OF THE CITY OF LINCOLN'S EXPRESS WRITTEN PERMISSION AND TO CLARIFY THE PROCESS FOR OBTAINING SUCH PERMISSION (RELATED ITEMS: 12R-121, 12R-123) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

38-4619 WHEREAS, Resolution No. A-84981 adopted by the City Council for the City of Lincoln on August 18, 2008 accepted the conveyance of a Deed of Historic Preservation Right (Preservation Easement) from the Nebraska State Historical Society Foundation ("Grantor") to the City of Lincoln, Nebraska ("Grantee") to conserve and protect the architectural features of the Lewis-Syford House on property generally located at 700 North 16th Street and legally described as the west half of Lots J and K, Tuttle Subdivision of Lot 1, Little's Subdivision, Lincoln, Lancaster County, Nebraska; and

WHEREAS, Kinder Porter Scott Family Foundation is the current owner and successor in interest to Nebraska Historical Society Foundation; and

WHEREAS, the Kinder Porter Scott Family Foundation as Grantor and the City of Lincoln, Nebraska as Grantee now desire to amend the Deed of Historic Preservation Right to remove the prohibition against the erection of new structures and instead to allow the erection of new structures upon the Grantor's receipt of express written permission from the Grantee in order to allow the new structure proposed by Grantor in its application for Special Permit No. 12019 to be erected and to further ensure the Grantor's economic ability to preserve the historic character of the Lewis-Syford House and the premises upon which it is located; and

WHEREAS, the Kinder Porter Scott Family Foundation, as Grantor, and the City of Lincoln, Nebraska, as Grantee, further desire to amend the Deed of Historic Preservation Right to correct the omission of the National Registration of Historic Places Registration Form for the Lewis-Syford House as an attachment to the Deed of Historic Preservation Right and to amend paragraph 20 to conform the Deed to the draft Deed of Historic Preservation Right included as part of the record for the City Council, adoption of Ordinance No. 19079 declaring the Lewis-Syford House an historic landmark; and

WHEREAS, the Kinder Porter Scott Family Foundation, as Grantor, and the City of Lincoln, Nebraska, as Grantee, desire to further amend the Deed of Preservation Right to delete the requirement that the Deed and amendments be executed in five counterparts.

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

That on behalf of the City of Lincoln the attached Amendment No. 1 to Deed of Historic Preservation Right, attached hereto marked as Attachment "A", is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is authorized or execute the Amendment No. 1 to the Deed of Historic Preservation Right on behalf of the City of Lincoln, Nebraska.

The City Clerk is directed to file the original Amendment No. 1 to Deed of Historic Preservation Right with the Register of Deeds, filing fees to be paid in advance by the Kinder Porter Scott Family Foundation. This Amendment No. 1 is to be indexed against the West Half of Lots J and K, Tuttle Subdivision of Lot 1, Little's Subdivision, Lincoln, Lancaster County, Nebraska.

The City Clerk is directed to return one fully executed Counterpart of Amendment No. 1 to Deed of Historic Preservation Right to the Nebraska State Historical Society, 1500 R Street, Lincoln, NE 68508.

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

The resolution, having LOST, was assigned File #38-4619 & was placed on file in the Office of the City Clerk.

#### ORDINANCE - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)

CREATING PAVING DISTRICT NO. 2631 IN GLADSTONE FROM 35TH STREET TO 36TH STREET AND IN 36TH STREET FROM GLADSTONE TO HARTLEY STREET AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Carl Eskridge, creating Paving District No. 2631, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and laying of sidewalks, providing for the payment of the cost thereof, designating the property to be

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benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.  
The ordinance, being numbered #19725, is recorded in Ordinance Book #27, Page .

CREATING SANITARY SEWER DISTRICT NO. 1187 FOR THE PURPOSE OF CONSTRUCTING AN 8-INCH DIAMETER SANITARY SEWER IN ALMIRA LANE APPROXIMATELY 925 FEET WEST OF THE WEST RIGHT-OF-WAY LINE OF 70TH STREET, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Carl Eskridge, creating Sewer District No. 1187, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.  
The ordinance, being numbered #19726, is recorded in Ordinance Book #27, Page .

VACATION 12001 - VACATING A PORTION OF 4TH STREET RIGHT-OF-WAY, A PORTION OF R STREET RIGHT-OF-WAY, A PORTION OF THE EAST/WEST ALLEY WITHIN BLOCKS 266, 267, 248 AND ALL OF THE EAST/WEST ALLEY WITHIN BLOCK 249, ORIGINAL PLAT OF LINCOLN, RETAINING TITLE THERETO IN THE CITY OF LINCOLN, DECLARING THE VACATED RIGHT-OF-WAYS SURPLUS AND AUTHORIZING THE CONVEYANCE THEREOF TO THE WEST HAYMARKET JOINT PUBLIC AGENCY - PRIOR to reading:

CARROLL Moved MTA #1 to amend Bill No. 12-59 in the following manner:

1. On page 1, line 2, after the number 267 delete the comma and insert the word and.
2. On page 1, lines 2 and 3, delete the following language: "and all of the east/west alley within block 249".
3. On page 1, line 8, after the number 267 delete the comma and insert the word and.
4. On page 1, lines 8 and 9, delete the following language: "and all of the east/west alley within block 249".

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

CLERK Read an ordinance, introduced by Carl Eskridge, vacating a portion of 4<sup>th</sup> Street right-of-way, a portion of R Street right-of-way, a portion of the east/west alley within Blocks 266, 267, and 248 ~~and all of the east/west alley within Block 249~~, Original Plat of Lincoln, retaining title thereto in the City of Lincoln, Nebraska declaring the vacated right-of-ways surplus and authorizing the conveyance thereof to the West Haymarket Joint Public Agency, the third time.

ESKRIDGE Moved to pass the ordinance as amended.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.  
The ordinance, being numbered #19727, is recorded in Ordinance Book #27, Page .

COMP. PLAN CONFORMANCE NO. 12006 - DECLARING APPROXIMATELY 4.4 ACRES OF PROPERTY GENERALLY LOCATED EAST OF SOUTH 21ST STREET AND M STREET AS SURPLUS (RELATED ITEMS: 12-60, 12-61) (ACTION DATE: 6/18/12) - CLERK read an ordinance, introduced by Carl Eskridge, declaring approximately 4.4 acres of City owned property generally located east of South 21st Street and M Street as surplus, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.  
The ordinance, being numbered #19728, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE NO. 12011 - APPLICATION OF THE URBAN DEVELOPMENT DIRECTOR FOR A CHANGE OF ZONE FROM B-4 LINCOLN CENTER BUSINESS DISTRICT TO P PUBLIC USE DISTRICT AND FROM P PUBLIC USE DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED EAST OF SOUTH 21ST STREET, SOUTH OF N STREET (RELATED ITEMS: 12-60, 12-61) (ACTION DATE: 6/18/12) - CLERK read an ordinance, introduced by Carl Eskridge, 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 third time.

ESKRIDGE Moved to pass the ordinance as read.

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

The ordinance, being numbered #19729, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE NO. 12010 - AMENDING SECTION 27.63.685 OF THE LINCOLN MUNICIPAL CODE RELATING TO SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES TO ALLOW THE CITY COUNCIL TO WAIVE THE 100-FOOT SEPARATION REQUIREMENT SET FORTH IN SUBSECTION 27.63.685(C) UNDER SPECIFIED CONDITIONS - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 27.63.685 of the Lincoln Municipal Code to allow the City Council to waive the 100-foot separation requirement set forth in subsection 27.63.685(c) under specified conditions; and repealing Section 27.63.685 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.

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

The ordinance, having LOST, was assigned File #38-4620 & was placed on file in the Office of the City Clerk.

APPROVING A STARTRAN TRANSPORTATION AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNIVERSITY OF NEBRASKA-LINCOLN FOR THE ROUTE #24 - HOLDREGE INTER-CAMPUS BUS SERVICE ROUTE FOR A FIVE YEAR TERM - CLERK read an ordinance, introduced by Carl Eskridge, approving a StarTran Transportation Agreement between the City of Lincoln and the University of Nebraska-Lincoln for the Route #24 - Holdrege inter-campus bus service route for a five year term, the third time.

ESKRIDGE Moved to pass the ordinance as read.

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

The ordinance, being numbered #19730, is recorded in Ordinance Book #27, Page .

#### ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required)

APPROVING AMENDMENT NO. 3 TO THE VILLAGE GARDENS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN VILLAGE GARDENS DEVELOPMENT COMPANY, LLC, AND THE CITY OF LINCOLN TO AMEND THE TERMS OF THE AGREEMENT WITH RESPECT TO DEVELOPMENT OF APPROXIMATELY 40.68 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 56TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 12R-129, 12-70, 12-71) (ACTION DATE: 7/9/12)

ANNEXATION NO. 12003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 41 ACRES GENERALLY LOCATED AT SOUTH 63RD STREET AND PINE LAKE ROAD (RELATED ITEMS: 12R-129, 12-70, 12-71) (ACTION DATE: 7/9/12) - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 04075C - APPLICATION OF VILLAGE GARDENS DEVELOPMENT COMPANY, LLC, TO AMEND THE VILLAGE GARDENS PLANNED UNIT DEVELOPMENT TO CHANGE THE ZONING FROM AG AGRICULTURE TO R-3 RESIDENTIAL PUD, TO EXPAND THE AREA OF THE PUD BY APPROXIMATELY 41 ACRES, FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION, AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES CERTAIN MODIFICATIONS TO THE ZONING AND LAND SUBDIVISION ORDINANCES TO ALLOW NEIGHBORHOOD GENERAL USES (RELATED ITEMS: 12R-129, 12-70, 12-71) (ACTION DATE: 7/9/12) - CLERK read an ordinance, introduced by Jon Camp, 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 first time.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND HABITAT FOR HUMANITY, INC. FOR THE SALE OF SURPLUS CITY PROPERTY DESCRIBED AS LOTS 3 AND 5, BLOCK 10, OLYMPIC HEIGHTS FIRST ADDITION AND COMMONLY KNOWN AS 2501 AND 2521 NW 52ND STREET - CLERK read an ordinance, introduced by Jon Camp, approving a Real

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Estate Sales Agreement between the City of Lincoln and Lincoln/Lancaster County Habitat for Humanity, Inc. authorizing the sale of City owned property described as Lots 3 and 5, Block 10, Olympic Heights First Addition, more commonly known as 2501 and 2521 NW 52<sup>nd</sup> Street, the first time.

APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT: NEBRASKA INNOVATION CAMPUS, PHASE I, BETWEEN THE CITY OF LINCOLN AND NEBRASKA NOVA LLC, THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA, AND NEBRASKA INNOVATION CAMPUS DEVELOPMENT CORPORATION RELATING TO THE DEVELOPMENT OF PHASE I PROJECTS. (RELATED ITEMS: 12R-130, 12R-131, 12-73, 12-74) (ACTION DATE: 7/9/12)

AMENDING THE FY 11/12 CIP TO AUTHORIZE AND APPROPRIATE \$10,739,724.00 IN TIF FUNDS FOR THE NEBRASKA INNOVATION CAMPUS PHASE I PROJECTS. (RELATED ITEMS: 12R-130, 12R-131, 12-73, 12-74) (ACTION DATE: 7/9/12)

AUTHORIZING THE ISSUANCE OF CITY OF LINCOLN, NEBRASKA INNOVATION CAMPUS PROJECT TAX ALLOCATION BONDS IN AN AMOUNT NOT TO EXCEED \$10,739,724 (RELATED ITEMS: 12R-130, 12R-131, 12-73, 12-74) (ACTION DATE: 7/9/12) - CLERK read an ordinance, introduced by Jon Camp, 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 \$10,739,724 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 Nebraska Innovation Campus Phase I 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 and 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 judgment 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.

APPROVING AN EXCHANGE AGREEMENT BETWEEN THE CITY OF LINCOLN, THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA AND THE NEBRASKA INNOVATION CAMPUS DEVELOPMENT CORPORATION FOR AN EXCHANGE OF A PORTION OF NEBRASKA INNOVATION CAMPUS PROPERTY FOR A PORTION OF CITY OF LINCOLN WASTEWATER SYSTEM PROPERTY TO FACILITATE THE DEVELOPMENT AND OPERATION OF THE NEBRASKA INNOVATION CAMPUS SITE (RELATED ITEMS: 12R-130, 12R-131, 12-73, 12-74) (ACTION DATE: 7/9/12) - CLERK read an ordinance, introduced by Jon Camp, accepting and approving an Exchange Agreement between the City of Lincoln, Nebraska and the Board of Regents of the University of Nebraska for an exchange of a portion of Nebraska Innovation Campus property for a portion of City of Lincoln Wastewater System property to facilitate the development and operation of the Nebraska Innovation Campus Site, the first time.

**RESOLUTIONS - 1<sup>ST</sup> READING - ADVANCE NOTICE**

APPOINTING RACHEL WARMAN TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2013.

REAPPOINTING MARGARET E.S. STINE TO THE CITY PERSONNEL BOARD FOR A TERM EXPIRING JUNE 22, 2017.

REAPPOINTING DR. LAURIE THOMAS LEE AND ED HOFFMAN TO THE CABLE TELEVISION ADVISORY BOARD FOR TERMS EXPIRING JULY 1, 2015.

APPOINTING CAITLYN DO AND CLEOME MULLISON TO THE PARKS AND RECREATION ADVISORY BOARD FOR TERMS EXPIRING JUNE 1, 2013.

REAPPOINTING DALLAS MCGEE TO THE LINCOLN HOUSING AUTHORITY BOARD FOR A TERM EXPIRING JULY 1, 2017.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JUNE 1 - 14, 2012.

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APPROVING A MEMORANDUM OF UNDERSTANDING CONCERNING VOIP SYSTEM BETWEEN LANCASTER COUNTY AND THE CITY OF LINCOLN TO FACILITATE FINANCING OF VOIP EQUIPMENT BY THE CITY AND THE COUNTY.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND NACR FOR THE PURCHASE AND INSTALLATION OF VOICE OVER INTERNET PROTOCOL PHONE SYSTEM.

AMENDING CITY COUNCIL PROCEDURE FOR THE OPEN MICROPHONE SESSION AT CITY COUNCIL MEETINGS TO PROVIDE THAT ANY PERSON WHO APPEARS SHALL BE PERMITTED TO ADDRESS ANY MATTER THAT HAS NOT BEEN PUBLISHED ON THE AGENDA.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE PUBLIC ASSOCIATION OF GOVERNMENT EMPLOYEES TO BE EFFECTIVE AUGUST 18, 2011.

**MISCELLANEOUS BUSINESS - NONE**

**OPEN MICROPHONE - NONE**

**ADJOURNMENT 7:29 P.M.**

**CAMP** Moved to adjourn the City Council meeting of June 18, 2012.  
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

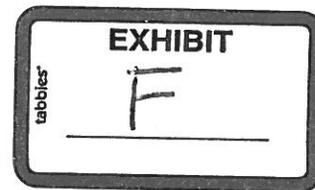
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Joan E. Ross, City Clerk

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Sandy L. Dubas, Office Specialist

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# Lincoln City Attorney Prosecution Division

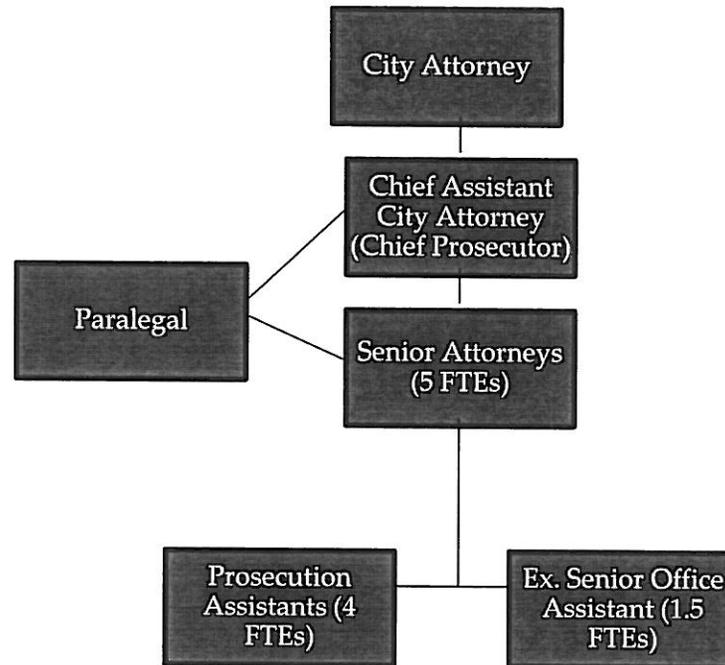
County-City Consolidation Committee  
April 26, 2013

# City Attorney's Office Organization

- 17 Attorneys
- 12 Clerical and Administrative Staff
- Civil Division
  - 11 Attorneys
  - Office Administrator; Paralegal; 4.5 Clerical
- Criminal Division
  - Chief Prosecutor; 5 Senior Attorneys
  - Paralegal; 5.5 Clerical



# Criminal Division



# City Prosecutors

- Specialize in prosecution
- Average City Experience      21.8 years
- Average Salary                      \$112,978
- City Merit System: not at-will employees
- Misdemeanor prosecution not a training ground

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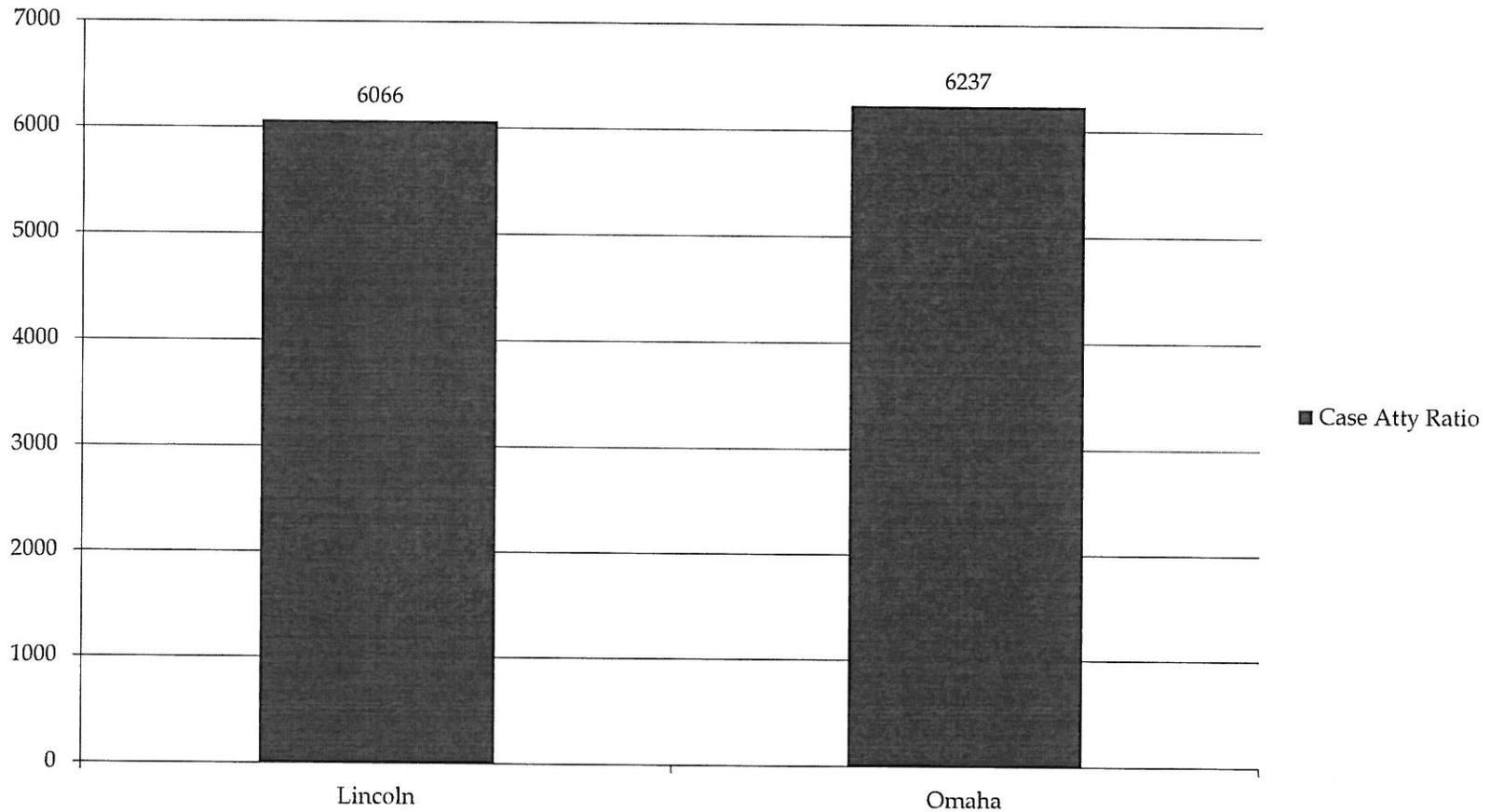
# High Volume Caseload

- About 2/3 of total misdemeanors and traffic charges in Lancaster County Court (29,000/42,000) filed by City
- City ordinance violations
- No jury trials
  - Cases assigned by courtroom



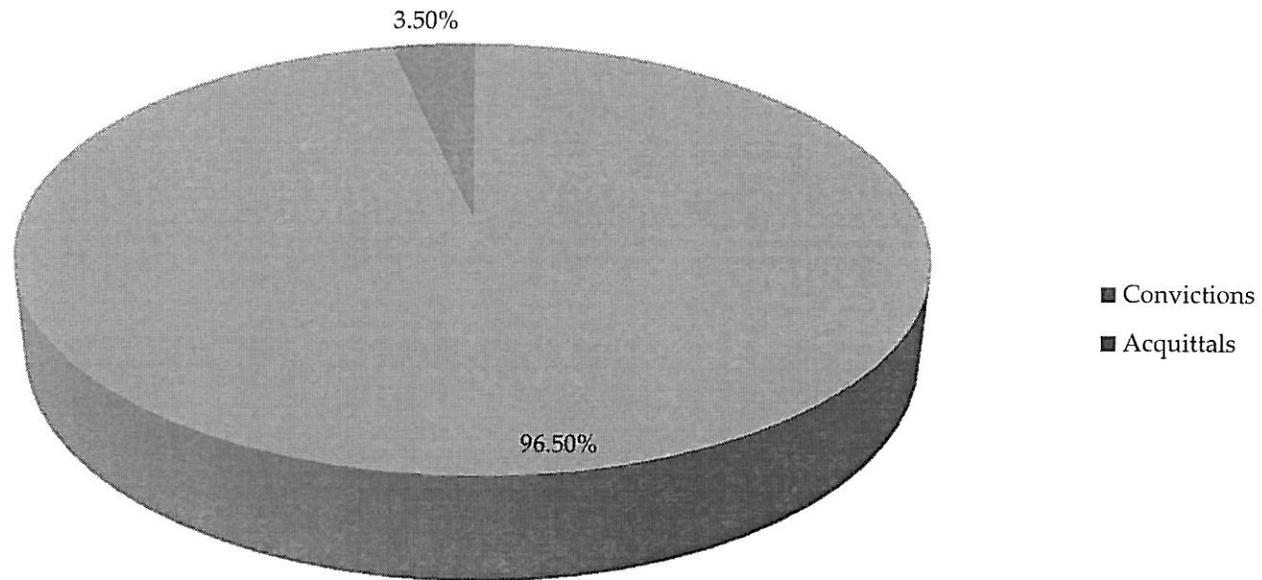
# Annual Caseload

## 6,066 Cases per Prosecutor



# Conviction Rate for Filed Cases = 96.5%

Calendar Year 2012



# Distinct City Interests in Lincoln Municipal Code Ordinance Prosecution

- Cooperation between City Attorney's Civil & Criminal Divisions
  - Zoning violations
  - Building Code enforcement
  - Health Code violations, including Animal Control
- Particular City Issues
  - Watering restrictions
  - Environmental
  - Donation boxes
  - Panhandling
- High Accessibility to Lincoln Citizens, Law Enforcement & Private Attorneys
  - 15,000 walk-ins and telephone calls annually



# Cost of City Prosecution Function

○ Salaries & fringe benefits	\$ 1,300,000
○ Supplies, services, other	100,000
○ Unreimbursed court costs*	<u>90,000</u>
Total	\$ 1,490,000

\* Includes: filing fees, witness fees, blood tests, DMV transcripts, certified copies

City cost per case (\$1.49M/36,398) = \$40.93

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# Current Cooperation between County Attorney and City Attorney in Criminal Prosecution

- City Executive Order
  - Appoints Deputy County Attorneys as Special Assistant City Attorneys
  - Applies to domestic violence, child abuse or neglect, junked and abandoned vehicles outside City limits and Juvenile Court ordinance violations in conjunction with state crimes
  - Also cases in which City Prosecutors have a conflict of interest
  
- Informal cooperation
  - Conflicts of interest
  - Assist each other in meeting staffing needs
  - Court scheduling and dockets
  - Setting mutual policies

