

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, OCTOBER 8, 2012 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Hornung; Council Members: Camp, Carroll, Cook, Emery, Eskridge, Schimek; City Clerk, Joan E. Ross.

Council Chair Hornung announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

CAMP Having been appointed to read the minutes of the City Council proceedings of October 1, 2012 reported having done so, found same correct. Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

**PUBLIC HEARING**

APPLICATION OF TALEXMO LLC DBA WOODEES BAR FOR A CLASS C LIQUOR LICENSE AT 2001 WEST O STREET;

MANAGER APPLICATION OF HEATHER M. PAVICH FOR TALEXMOR LLC DBA WOODEES BAR AT 2001 WEST O STREET - Heather Pavich, 7372 Mercy Lane, Hickman, came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF NEBRASKA CVS PHARMACY, LLC, DBA CVS PHARMACY #8294 FOR A CLASS C LIQUOR LICENSE AT 4808 O STREET;

MANAGER APPLICATION OF DON D. WESTERLIN FOR NEBRASKA CVS PHARMACY, LLC, DBA CVS PHARMACY #8294 AT 4808 O STREET - Kevin Merfeld, 8233 Russwood Circle, came forward as representative for CVS Pharmacy and to take oath & answer questions. Mr. Merfeld said CVS is expanding its liquor license to a Class C.

Rod Confer, City Attorney, came forward to clarify answers to Council's questions about the manager.

This matter was taken under advisement.

APPLICATION OF RICKETY CRICKET LLC DBA N STREET DRIVE IN FOR A CLASS C LIQUOR LICENSE AT 1801 O STREET;

MANAGER APPLICATION OF JAMIE Q. TALLMAN FOR RICKETY CRICKET LLC DBA N STREET DRIVE IN AT 1801 O STREET - Jamie Tallman, 3227 E. Pershing Road, came forward to take oath and answer questions. He said N Street Drive In has been in business for 49 years. Mr. Tallman said the Class C liquor license will streamline their business and allow them to do samplings and tastings.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "N" BY CREATING THE CLASSIFICATION OF "FIRE AIR TECHNICIAN" - Doug McDaniel, Personnel Director, came forward to answer questions about the newly created position in the Fire Department to handle the specific duties of the contained breathing apparatus of firefighters.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "E" TO BE EFFECTIVE AUGUST 16, 2012 - Doug McDaniel, Personnel Director, came forward to answer questions and explain the "E" Class components of Personnel.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR A COMMUNICATIONS CENTER TO CONTINUE TO SERVE THE COMMUNICATIONS NEEDS OF THE LINCOLN POLICE DEPARTMENT, LINCOLN FIRE & RESCUE, LANCASTER COUNTY SHERIFF'S OFFICE, AND THOSE RURAL FIRE/EMS AGENCIES WITH

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MEMBERSHIP IN THE LANCASTER COUNTY MUTUAL AID ASSOCIATION - Rod Confer, City Attorney, came forward to discuss issues with the agreement. Because negotiations are still in progress, Mr. Confer requested that Council place this item on indefinite pending.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, AND LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND OFFICEMAX NORTH AMERICA, INC. FOR DIGITAL PRINT AND COPY SERVICES FOR UNIT PRICING UNDER WSCA/STATE OF UTAH CONTRACT NO. MA041 FOR A TERM FROM THE DATE OF EXECUTION THROUGH MARCH 31, 2014 WITH THE OPTION TO RENEW FOR TWO ADDITIONAL 12-MONTH TERMS - Bob Walla, Assistant Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

APPROVING THREE CONTRACT AGREEMENTS BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, AND LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND MIDWEST ROOFING, INC., SPRAGUE ROOFING COMPANY, AND WEATHERCRAFT COMPANY OF LINCOLN FOR UNIT PRICING MISCELLANEOUS ROOFING SERVICES BID NO. 12-186 FOR FOUR YEAR TERMS - Bob Walla, Assistant Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

APPROVING SIX CONTRACT AGREEMENTS BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, AND LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND PAVERS, INC., CATHER & SON'S CONST., INC., SCHMIEDING CONCRETE, INC., K2 CONSTRUCTION, WALTON CONSTRUCTION CO., INC., AND DICKEY & BURHAM INC. FOR UNIT PRICING CONTRACT FOR PAVEMENT BID NO. 12-187 FOR FOUR YEAR TERMS - Bob Walla, Assistant Purchasing Agent, came forward to answer questions. He clarified that vendors have varying prices for specific work. He added that they also try to spread out the work. Mr. Walla said an advantage to these six agreements is that insurance and bonding is already complete up to \$25,000.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, AND LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND DAVID WOOD CONSTRUCTION, INC. FOR UNIT PRICING MISCELLANEOUS PAINTING SERVICES BID NO. 12-189 FOR A FOUR YEAR TERM - Bob Walla, Assistant Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN CITY EMPLOYEES ASSOCIATION (LCEA) TO BE EFFECTIVE AUGUST 16, 2012 THROUGH AUGUST 31, 2014 - Doug McDaniel, Personnel Director, came forward to answer questions and highlight details for the two-year contract.

Council Member Camp clarified Steps, Pay Ranges and potential pay increases for various employees.

In response to Council Member Schimek's questions, Council Chair Hornung explained contract changes and online attachments for public viewing.

This matter was taken under advisement.

**COUNCIL ACTION**

**REPORTS OF CITY OFFICERS**

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED AUGUST 31, 2012 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-87034 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended August 31, 2012, \$69,195.32 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Carl Eskridge

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

RESOLUTION APPROVING THE CITY OF LINCOLN'S INVESTMENT ACTIVITY REPORT FROM THE CITY TREASURER FOR THE THIRD QUARTER, FISCAL YEAR 2011-2012 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-87035 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Investment Activity report and attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Carl Eskridge

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

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS AUGUST 31, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON SEPTEMBER 24, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

#### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, OCTOBER 22, 2012 AT 3:00 P.M. FOR THE APPLICATION OF BLOCK 21, LLC DBA COURTYARD BY MARRIOTT FOR A CLASS C LIQUOR LICENSE LOCATED AT 808 R STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-87036 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 22, 2012, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Block 21, LLC dba Courtyard by Marriott for a Class C liquor license located at 808 R Street.

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

Introduced by Carl Eskridge

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 22, 2012 AT 3:00 P.M. FOR THE APPLICATION OF LAMI ENTERPRISES, LLC DBA BOTTOMS UP FOR A CLASS I LIQUOR LICENSE LOCATED AT 815 O STREET, SUITE 1 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-87037 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 22, 2012, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of LAMI Enterprises, LLC dba Bottoms Up for a Class I liquor license located at 815 O Street, Suite 1.

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

Introduced by Carl Eskridge

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 22, 2012 AT 3:00 P.M. FOR THE APPLICATION OF HENRY MAC, LLC DBA HENRY'S ON SOUTH FOR A CLASS C LIQUOR LICENSE LOCATED AT 2110 WINTHROP ROAD - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-87038 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 22, 2012, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Henry Mac, LLC dba Henry's on South for a Class C liquor license located at 2110 Winthrop Road.

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

Introduced by Carl Eskridge

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

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REFERRALS TO THE PLANNING DEPARTMENT:

SPECIAL PERMIT NO. 1118A - REQUESTED BY VINDONDALE, INC. FOR AN AMENDMENT TO ALTER AN EXISTING HISTORIC LANDMARK INTO APARTMENTS WITH A REQUEST TO WAIVE THE PARKING REQUIREMENT ON PROPERTY GENERALLY LOCATED AT SOUTH 18TH STREET AND L STREET (344 SOUTH 18TH STREET).

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

ADMINISTRATIVE AMENDMENT NO. 12044 TO SPECIAL PERMIT NO. 05008, WEST VAN DORN HEIGHTS, APPROVED BY THE PLANNING DIRECTOR ON SEPTEMBER 21, 2012 REQUESTED BY ESP, INC. TO COMBINE LOT 1, BLOCK 5 AND OUTLOT A INTO A SINGLE BUILDABLE LOT WITH BUILDING ENVELOPES IDENTIFIED FOR ONE FUTURE DWELLING UNIT AND FOR RECREATIONAL BUILDINGS AND A NOTE THAT THE REMAINDER OF THE LOT IS TO HAVE CONTINUED AGRICULTURAL USES AND TO BE RESERVED FOR FUTURE RESIDENTIAL DEVELOPMENT ON PROPERTY GENERALLY LOCATED AT SW 70TH STREET AND WEST VAN DORN STREET.

ADMINISTRATIVE AMENDMENT NO. 12040 TO PRE-EXISTING SPECIAL PERMIT NO. 40 APPROVED BY THE PLANNING DIRECTOR ON SEPTEMBER 25, 2012 REQUESTED BY EDWARD'S STONE TO ADD BUILDINGS FOR A STONE CUTTING OPERATION TO PROCESS STONE QUARRIED ONSITE AND INITIAL CONSTRUCTION OF 9,000 SQUARE FEET WITH FUTURE EXPANSION TO A TOTAL OF 25,000 SQUARE FEET WITH ASSOCIATED PAVED PARKING STALLS ON PROPERTY GENERALLY LOCATED AT S. 54TH STREET AND WITTSTRUCK ROAD.

WAIVER NO. 12015 APPROVED BY THE PLANNING DIRECTOR ON SEPTEMBER 27, 2012 REQUESTED BY GEANINE BORDOGNA TO EXTEND THE TIME FOR TWO YEARS TO INSTALL SIDEWALKS FOR PARK PLACE ESTATES 5TH ADDITION. THE IMPROVEMENTS SHALL BE COMPLETED BY SEPTEMBER 27, 2014. PROPERTY IS GENERALLY LOCATED NEAR VAN DORN STREET AND NORMAL BOULEVARD.

ADMINISTRATIVE AMENDMENT NO. 12050 TO USE PERMIT NO. 64A, KENSINGTON OFFICE PARK, APPROVED BY THE PLANNING DIRECTOR ON SEPTEMBER 28, 2012 REQUESTED BY KENSINGTON CORPORATION TO INCREASE THE SQUARE FOOTAGE FROM 5,400 TO 7,200 SQUARE FEET AND TO REDUCE THE SQUARE FOOTAGE ON LOT 5 BY 1,800 SQUARE FEET ON PROPERTY GENERALLY LOCATED AT SOUTH 14TH STREET AND OLD CHENEY ROAD.

ADMINISTRATIVE AMENDMENT NO. 12043 TO USE PERMIT NO. 97A, ASPEN COMMERCIAL CENTER, APPROVED BY THE PLANNING DIRECTOR ON OCTOBER 1, 2012 REQUESTED BY OLSSON ASSOCIATES TO AMEND THE SITE PLAN TO SHOW A REVISED LOT LAYOUT FOR LOTS 1-4 WITH A REALLOCATION OF APPROVED FLOOR AREA AS REFLECTED IN THE REVISED LAND USE TABLE BUT WITH NO INCREASE IN THE OVERALL TOTAL AMOUNT OF FLOOR AREA OR TRIP GENERATION ON PROPERTY GENERALLY LOCATED NEAR SOUTH 56TH STREET AND PINE LAKE ROAD.

ADMINISTRATIVE AMENDMENT NO. 12045 TO PRE-EXISTING USE PERMIT NO. 9S, EDGEWOOD/VANDERVOORT, APPROVED BY THE PLANNING DIRECTOR ON OCTOBER 1, 2012 REQUESTED BY OLSSON ASSOCIATES TO SHOW A REVISED LOT LAYOUT FOR LOT 9; TO ADJUST THE SETBACK BETWEEN LOT 9 AND THE BOUNDARY OF THE USE PERMIT FROM 50 FEET TO 45 FEET; TO REVISE THE LANGUAGE SO IT MORE CLEARLY STATES THAT SIGNS ARE AS ALLOWED BY THE ZONING CODE; AND TO NOTE THAT THE RESTRICTION ON BUILDING FOOTPRINT DOES NOT APPLY TO DECKS, PATIOS AND LOADING DOCKS, ON PROPERTY GENERALLY LOCATED NEAR SOUTH 56TH STREET AND HIGHWAY 2.

**MISCELLANEOUS REFERRALS - NONE**

**LIQUOR RESOLUTIONS**

APPLICATION OF TALEXMO LLC DBA WOODEES BAR FOR A CLASS C LIQUOR LICENSE AT 2001 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87039

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 Talexmo LLC dba Woodees Bar for a Class "C" liquor license at 2001 West O Street, Lincoln, Nebraska, for the license period ending October 31, 2013, be approved with the condition that the premises must comply in every respect with all city and state regulations.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF HEATHER M. PAVICH FOR TALEXMOR LLC DBA WOODEES BAR AT 2001 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87040 WHEREAS, Talexmor LLC dba Woodees Bar located at 2001 West O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Heather M. Pavich be named manager;

WHEREAS, Heather M. Pavich 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 Heather M. Pavich 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.

APPLICATION OF NEBRASKA CVS PHARMACY, LLC, DBA CVS PHARMACY #8294 FOR A CLASS C LIQUOR LICENSE AT 4808 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87041 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 Nebraska CVS Pharmacy, LLC dba CVS Pharmacy #8294 for a Class "C" liquor license at 4808 O Street, Lincoln, Nebraska, for the license period ending October 31, 2013, be approved with the condition that:

1. The on premises consumption of alcohol shall be limited to samplings of 2 ounces or less of any alcoholic beverage.

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 DON D. WESTERLIN FOR NEBRASKA CVS PHARMACY, LLC, DBA CVS PHARMACY #8294 AT 4808 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87042 WHEREAS, Nebraska CVS Pharmacy, LLC dba CVS Pharmacy #8294 located at 4808 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Don D. Westerlin be named manager;

WHEREAS, Don D. Westerlin 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 Don D. Westerlin 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.

APPLICATION OF RICKETY CRICKET LLC DBA N STREET DRIVE IN FOR A CLASS C LIQUOR LICENSE AT 1801 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87043 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 Rickety Cricket LLC dba N Street Drive In for a Class "C" liquor license at 1801 O Street, Lincoln, Nebraska, for the license period ending October 31, 2013, be approved with the condition that:

1. The on premises consumption of alcohol shall be limited to samplings of 2 ounces or less of any alcoholic beverage.
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 JAMIE Q. TALLMAN FOR RICKETY CRICKET LLC DBA N STREET DRIVE IN AT 1801 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87044 WHEREAS, Rickety Cricket LLC dba N Street Drive In located at 1801 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Jamie Q. Tallman be named manager;

WHEREAS, Jamie Q. Tallman 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 Jamie Q. Tallman 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)

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "N" BY CREATING THE CLASSIFICATION OF "FIRE AIR TECHNICIAN" - CLERK read an ordinance, introduced by Doug Emery, amending Section 1 of Ordinance No. 18972 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N," by creating the job classification of "Fire Air Technician", the second time.

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

#### PUBLIC HEARING - RESOLUTIONS

APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR A COMMUNICATIONS CENTER TO CONTINUE TO SERVE THE COMMUNICATIONS NEEDS OF THE LINCOLN POLICE DEPARTMENT, LINCOLN FIRE & RESCUE, LANCASTER COUNTY SHERIFF'S OFFICE, AND THOSE RURAL FIRE/EMS AGENCIES WITH MEMBERSHIP IN THE LANCASTER COUNTY MUTUAL AID ASSOCIATION. (8/20/12 - P.H. CON'T TO 9/10/12) (9/10/12 - CON'T P.H. TO 9/17/12) (9/17/12 - P.H. CON'T TO 9/24/12) (9/24/12 - CON'T P.H. TO 10/8/12) - PRIOR to reading:

CARROLL Moved to place Bill No. 12R-194 on Indefinite Pending and to have P.H. when removed from Pending.

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, AND LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND OFFICEMAX NORTH AMERICA, INC. FOR DIGITAL PRINT AND COPY SERVICES FOR UNIT PRICING UNDER WSCA/STATE OF UTAH CONTRACT NO. MA041 FOR A TERM FROM THE DATE OF EXECUTION THROUGH MARCH 31, 2014 WITH THE OPTION TO RENEW FOR TWO ADDITIONAL 12-MONTH TERMS - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87045 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the Contract Agreement between the City of Lincoln, Lancaster County, and Lincoln-Lancaster County Public Building Commission and OfficeMax North America, Inc. to provide Digital Print and Copy Services for unit pricing under WSCA/State of Utah Contract No. MA041, for a term from the date of execution through March 31, 2014 with the option to renew for two additional 12 month terms, upon the terms and conditions as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Doug Emery

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

APPROVING THREE CONTRACT AGREEMENTS BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, AND LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND MIDWEST ROOFING, INC., SPRAGUE ROOFING COMPANY, AND WEATHERCRAFT COMPANY OF LINCOLN FOR UNIT PRICING MISCELLANEOUS ROOFING SERVICES BID NO. 12-186 FOR FOUR YEAR TERMS - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87046 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the three attached Contact Agreements between the City of Lincoln, Lancaster County, and the Lincoln-Lancaster County Public Building Commission and Midwest Roofing, Inc., Sprague Roofing Company, and Weathercraft Company of Lincoln for unit pricing Miscellaneous Roofing Services, pursuant to Bid No. 12-186, for four-year terms, upon the terms as set forth in said Contract Agreements, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Doug Emery

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

APPROVING SIX CONTRACT AGREEMENTS BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, AND LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND PAVERS, INC., CATHER & SON'S CONST., INC., SCHMIEDING CONCRETE, INC., K2 CONSTRUCTION, WALTON CONSTRUCTION CO., INC., AND DICKEY & BURHAM INC. FOR UNIT PRICING CONTRACT FOR PAVEMENT BID NO. 12-187 FOR FOUR YEAR TERMS - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87047 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the six attached Contact Agreements between the City of Lincoln, Lancaster County, and the Lincoln-Lancaster County Public Building Commission and Pavers, Inc., Cather & Son's Const., Inc., Schmieding Concrete, Inc., K2 Construction, Walton Construction Co., Inc., and Dickey & Burham Inc., for unit pricing Contract for Pavement, pursuant to Bid No. 12-187, for four-year terms, upon the terms as set forth in said Contract Agreements, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Doug Emery

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, AND LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND DAVID WOOD CONSTRUCTION, INC. FOR UNIT PRICING MISCELLANEOUS PAINTING SERVICES BID NO. 12-189 FOR A FOUR YEAR TERM - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87048 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the attached Contact Agreement between the City of Lincoln, Lancaster County, and the Lincoln-Lancaster County Public Building Commission and David Wood Construction, Inc. for unit pricing Miscellaneous Painting Services, pursuant to Bid No. 12-189, for a four-year term, upon the terms as set forth in said Contract Agreements, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Doug Emery

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

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN CITY EMPLOYEES ASSOCIATION (LCEA) TO BE EFFECTIVE AUGUST 16, 2012 THROUGH AUGUST 31, 2014 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87049 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the attached labor contract between the City of Lincoln and the Lincoln City Employees Association (LCEA), to be effective August 16, 2012 through August 31, 2014, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

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

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

VACATION 12005 - VACATING A 50' BY 30' RIGHT-OF-WAY STUB IN THE NORTHWEST CORNER OF LOT 1, BLOCK 2, THOMASBROOK ADDITION, GENERALLY LOCATED ON THE EAST SIDE OF SOUTH 56TH STREET AT THE INTERSECTION OF LILLIBRIDGE STREET - CLERK read an ordinance, introduced by Eugene Carroll, vacating a 50' by 30' right-of-way stub dedicated in the final plat of Thomasbrook Addition, generally located on the east side of South 56<sup>th</sup> Street east of the intersection of Lillibridge Street and South 56<sup>th</sup> Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19786**, is recorded in Ordinance Book #27, Page .

AMENDING CHAPTER 5.41 OF THE LINCOLN MUNICIPAL CODE RELATING TO SALVAGE, RECYCLING AND COMPOSTING OPERATIONS BY AMENDING SECTION 5.41.050 TO INCREASE RELATED PERMIT FEES; AND AMENDING SECTION 5.41.060 TO INCREASE THE ANNUAL OCCUPATION TAX LEVIED ON SALVAGE OPERATIONS OR COMMERCIAL COMPOSTING OPERATIONS - CLERK read an ordinance, introduced by Eugene Carroll, amending Chapter 5.41 of the Lincoln municipal Code relating to Salvaging, Recycling and Composting Operations by amending Sections 5.41.050 and 5.41.060 to incrementally increase related permit fees and the occupation tax imposed on salvage operations and commercial composting operations, respectively, to cover the costs of providing required services to business and industry and to protect the health of the residents of the City; and repealing Sections 5.41.050 and 5.41.060 of the Lincoln Municipal Code as hitherto existing, the third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19787**, is recorded in Ordinance Book #27, Page .

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION BY AMENDING SECTION 8.06.145 TO INCREASE THE PERMIT FEE FOR OPEN BURNING; AMENDING SECTION 8.08.060 TO INCREASE THE PERMIT FEES FOR A BODY ART ESTABLISHMENT; AMENDING SECTION 8.08.150 TO INCREASE THE PERMIT FEES FOR A BODY ART PRACTITIONER; AMENDING SECTION 8.08.350 TO ESTABLISH A REINSTATEMENT FEE OF \$190 FOR A BODY ART ESTABLISHMENT PERMIT AND A SET REINSTATEMENT FEE OF \$40 FOR A PRACTITIONER PERMIT; AMENDING SECTION 8.14.037 TO INCREASE THE PERMIT FEES ASSOCIATED WITH CHILD CARE PROGRAMS; AMENDING SECTION 8.14.150 TO ESTABLISH A SET REINSTATEMENT FEE OF \$110 FOR A PERMIT ASSOCIATED WITH CHILD CARE PROGRAMS; AMENDING SECTION 8.20.050 TO ADOPT THE UPDATED NEBRASKA FOOD CODE; AMENDING SECTION 8.20.150 TO INCREASE THE PERMIT FEES ASSOCIATED WITH FOOD ESTABLISHMENTS; AMENDING SECTION 8.20.170 TO ESTABLISH A REINSTATEMENT FEE OF \$240 FOR PERMITS ASSOCIATED WITH FOOD SERVICE; AMENDING SECTION 8.24.150 TO INCREASE THE PERMIT FEE FOR A VARIANCE TO THE PROVISIONS OF LMC SECTION 8.24.090 RELATING TO NOISE DISTURBANCES; AMENDING SECTION 8.38.090 TO INCREASE THE PERMIT FEE FOR THE OPERATION OF A CLASS A OR CLASS B SWIMMING POOL; AND AMENDING SECTION 8.40.070 TO INCREASE THE PERMIT FEES ASSOCIATED WITH THE OPERATION OF SPA FACILITIES - CLERK read an ordinance, introduced by Eugene Carroll, amending Title 8 of the Lincoln Municipal Code relating to Health and Sanitation by amending Section 8.06.145 to increase the permit fee for open burning; amending Section 8.08.060 to increase the permit fees for a body art establishment; amending Section 8.08.150 to increase the permit fees for a body art practitioner; amending Section 8.08.350 to establish a reinstatement fee of \$190 for a body art establishment permit and a set reinstatement fee of \$40 for a practitioner permit; amending Section 8.14.037 to increase the permit fees associated with child care programs; amending Section 8.14.150 to establish a set reinstatement fee of \$110 for a permit associated with child care programs; amending Section 8.20.050 to adopt the updated Nebraska Food Code; amending Section 8.20.150 to increase the permit fees associated with food establishments; amending Section 8.20.170 to establish



a reinstatement fee of \$240 for permits associated with food service; amending Section 8.24.150 to increase the permit fee for a variance to the provisions of LMC Section 8.24.090 relating to noise disturbances; amending Section 8.38.090 to increase the permit fee for the operation of a Class A or Class B swimming pool; amending Section 8.40.070 to increase the permit fees associated with the operation of spa facilities; and repealing Sections 8.06.145, 8.08.060, 8.08.150, 8.08.350, 8.14.037, 8.14.150, 8.20.050, 8.20.150, 8.20.170, 8.24.150, 8.38.090, and 8.40.070 of the Lincoln Municipal Code as hitherto existing, the third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19788**, is recorded in Ordinance Book #27, Page .

AMENDING TITLE 24 OF THE LINCOLN MUNICIPAL CODE RELATING TO PLUMBING AND SEWERS BY AMENDING SECTION 24.38.070 TO INCREASE THE PERMIT FEES ASSOCIATED WITH ON-SITE WASTEWATER TREATMENTS SYSTEMS - CLERK read an ordinance, introduced by Eugene Carroll, amending Section 24.38.070 of the Lincoln Municipal Code relating to fees for On-site Wastewater Treatment Systems to incrementally increase said fees to cover costs of providing required services to business and industry and to protect the health of the residents of the City; and repealing Section 24.38.070 of the Lincoln Municipal Code as hitherto existing, the third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19789**, is recorded in Ordinance Book #27, Page .

AMENDING CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE, SOLID WASTES, TO CLARIFY THAT AN OCCUPATION TAX WILL NOT BE CHARGED ON RECYCLABLES MANAGED THROUGH A LICENSED MATERIALS RECOVERY FACILITY - CLERK read an ordinance, introduced by Eugene Carroll, amending Section 8.32.150 of the Lincoln Municipal Code to clarify that recyclables destined for a licensed Materials Recovery Facility are not subject to the occupation tax imposed on refuse haulers; and repealing Section 8.32.150 of the Lincoln Municipal Code as hitherto existing, the third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19790**, is recorded in Ordinance Book #27, Page .

AMENDING CHAPTER 24.42 OF THE LINCOLN MUNICIPAL CODE RELATING TO REGULATION OF PROPERTY TRANSFERS WITH ON-SITE SYSTEMS TO INCREASE THE FEES FOR REQUIRED SERVICES OF REVIEWING PRIVATE INDUSTRY PROPERTY TRANSFER REPORTS AND CONDUCTING INSPECTIONS, PROVIDING CONSULTATIVE ASSISTANCE, AND ENFORCEMENT - CLERK read an ordinance, introduced by Eugene Carroll, amending Section 24.42.110 of the Lincoln Municipal Code to increase fees associated with the regulation of property transfers with on-site wastewater treatment systems; and repealing Section 24.42.110 of the Lincoln Municipal Code as hitherto existing, the third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19791**, is recorded in Ordinance Book #27, Page .

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

CAMP Moved to delay Action on Bill No. 12-129 one week to October 15, 2012.

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

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

VACATION 12001 - VACATING VARIOUS RIGHTS-OF-WAY IN THE WEST HAYMARKET AREA GENERALLY BOUNDED BY U STREET ON THE NORTH, L STREET ON THE SOUTH, 4TH STREET ON THE WEST AND 7TH STREET ON THE EAST, RETAINING TITLE THERETO IN THE CITY OF LINCOLN, DECLARING THE VACATED RIGHTS-OF-WAY SURPLUS AND AUTHORIZING THE CONVEYANCE THEREOF TO THE WEST HAYMARKET JOINT PUBLIC AGENCY - CLERK read an ordinance, introduced by Eugene Carroll, vacating various rights-of-way in the West

Haymarket area generally bounded by U Street on the north, L Street on the south, 4<sup>th</sup> Street on the west and 7<sup>th</sup> Street on the east, retaining title thereto in the City of Lincoln, Nebraska, declaring the vacated rights-of-way surplus and authorizing the conveyance thereof to the West Haymarket Joint Public Agency, the third time.

CARROLL Moved to pass the ordinance as read.  
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.  
The ordinance, being numbered #19792, is recorded in Ordinance Book #27, Page .

**RESOLUTION - FOR ACTION ONLY**

Manager application of Michael L. Starkey for Whitehead Oil Company dba U-Stop #3 at 610 South 10th Street (10/1/12 - Due to tie vote, held over for Action to 10/8/12) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87050 WHEREAS, Whitehead Oil Company dba U-Stop #3 located at 610 South 10<sup>th</sup> Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Michael L. Starkey be named manager;

WHEREAS, Michael L. Starkey 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 Michael L. Starkey be approved as manager of this business for said licensee provided there be no business or personal alcohol related offenses by the applicant within the first year after approval.

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, Schimek; NAYS: Hornung.

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

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

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

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 16 - 30, 2012.

**MISCELLANEOUS BUSINESS - NONE**

OPEN MICROPHONE

Jane Svoboda, no address given, came forward to speak on various issues.  
This matter was taken under advisement.

Mike Morosin, 1500 N. 15<sup>th</sup> St., came forward to talk about his issues and  
an upcoming appearance in Lancaster County Court.  
This matter was taken under advisement.

Council Member Cook exited the Council Chambers.

ADJOURNMENT 6:15 P.M.

CAMP Moved to adjourn the City Council meeting of October 8, 2012.  
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll,  
Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Cook.  
So ordered.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Office Specialist

REGULAR MEETING  
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