

AGENDA

MONDAY, NOVEMBER 5, 2012, 3:00 P.M.

BOARD OF EQUALIZATION

**DOWNTOWN BUSINESS IMPROVEMENT DISTRICT
CORE OVERLAY IMPROVEMENT DISTRICT
MAINTENANCE IMPROVEMENT DISTRICT**

- 1) ELECTION OF CHAIR
- 2) ANNOUNCE: The Open Meetings Law is posted by the Northwest Door of the Chamber.
- 3) READING OF OPENING STATEMENT BY CHAIR PERSON

CITY CLERK READS ITEMS 4, 5 AND 6 INTO THE RECORD
- 4) DOWNTOWN BUSINESS IMPROVEMENT DISTRICT generally bounded by H, 6th, R and 17th Streets.
- 5) CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY generally bounded by Centennial Mall, M, 9th and Q Streets.
- 6) DOWNTOWN MAINTENANCE DISTRICT generally extending from 7th Street on the west to 17th Street on the east and from R Street on the north, to M Street on the south and shall in addition thereto include the properties abutting on the west side of 7th Street from N Street to R Street; the properties abutting on the east side of 17th Street from Q Street to M Street; the properties abutting on the north side of R Street from 7th Street to 10th Street and the properties abutting the south side of M Street from 8th Street to 17th Street. In addition, the district shall include properties abutting both sides of 13th Street from M Street to Lincoln Mall and all of Cornhusker Square.
- 7) REMARKS BY/QUESTIONS OF URBAN DEVELOPMENT DEPARTMENT STAFF
- 8) PUBLIC TESTIMONY
- 9) VOTING SESSION
- 10) ADJOURNMENT (Sine Die or must set another date and time)

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**THE MINUTES OF THE BOARD OF EQUALIZATION HELD
MONDAY, NOVEMBER 5, 2012 AT 3:00 P.M.**

The Board of Equalization met at 3:00 p.m. in the City Council Chambers of the County-City Building in Lincoln, Nebraska as required by law.

Members Present: Jon Camp, Eugene Carroll, Jonathan Cook, Doug Emery, Carl Eskridge, Adam Hornung, DiAnna Schimek.

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.

CLERK Our first order of business is to elect a chair.

CARROLL I nominate Adam Hornung.

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

HORNUNG Took the Chair and proceeded with the reading of the procedures to be followed for public hearing on matters presented to the Board, with a brief explanation of the procedures.

PUBLIC HEARING

DOWNTOWN BUSINESS IMPROVEMENT DISTRICT GENERALLY BOUNDED BY H, 6TH, R AND 17TH STREETS;

CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY GENERALLY BOUNDED BY CENTENNIAL MALL, M, 9TH AND Q STREETS;

DOWNTOWN MAINTENANCE DISTRICT GENERALLY EXTENDING FROM 7TH STREET ON THE WEST TO 17TH STREET ON THE EAST AND FROM R STREET ON THE NORTH, TO M STREET ON THE SOUTH AND SHALL IN ADDITION THERETO INCLUDE THE PROPERTIES ABUTTING ON THE WEST SIDE OF 7TH STREET FROM N STREET TO R STREET; THE PROPERTIES ABUTTING ON THE EAST SIDE OF 17TH STREET FROM Q STREET TO M STREET; THE PROPERTIES ABUTTING ON THE NORTH SIDE OF R STREET FROM 7TH STREET TO 10TH STREET AND THE PROPERTIES ABUTTING THE SOUTH SIDE OF M STREET FROM 8TH STREET TO 17TH STREET. IN ADDITION, THE DISTRICT SHALL INCLUDE PROPERTIES ABUTTING BOTH SIDES OF 13TH STREET FROM M STREET TO LINCOLN MALL AND ALL OF CORNHUSKER SQUARE - Ron Cane, Urban Development Department, came forward as the staff person who prepared the proposed assessments. He said the costs being assessed are for the time period of September 1, 2011 through August 31, 2012 and that he would answer any questions.

VOTING SESSION

DOWNTOWN BUSINESS IMPROVEMENT DISTRICT generally bounded by H, 6th, R and 17th Streets.

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

CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY generally bounded by Centennial Mall, M, 9th and Q Streets.

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

DOWNTOWN MAINTENANCE DISTRICT generally extending from 7th Street on the west to 17th Street on the east and from R Street on the north, to M Street on the south and shall in addition thereto include the properties abutting on the west side of 7th Street from N Street to R Street; the properties abutting on the east side of 17th Street from Q Street to M Street; the properties abutting on the north side of R Street from 7th Street to 10th Street and the properties abutting the south side of M Street from 8th Street to 17th Street. In addition, the district shall include properties abutting both sides of 13th Street from M Street to Lincoln Mall and all of Cornhusker Square.

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

ADJOURNMENT

3:06 P.M.

CARROLL Moved to adjourn Sine Die the Board of Equalization meeting.

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

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**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, NOVEMBER 5, 2012 AT 3:00 P.M.**

The Meeting was called to order at 3:06 p.m. Present: Council Chair Hornung; Council Members: Camp, Carroll, Cook, Emery, Eskridge, Schimek; Deputy City Clerk, Teresa J. Meier.

READING OF THE MINUTES

ESKRIDGE Having been appointed to read the minutes of the City Council proceedings of October 29, 2012 reported having done so, found same correct. Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

PUBLIC HEARING

APPLICATION OF NORTH AMERICAN MARTYRS CATHOLIC CHURCH FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 40 FEET BY 18 FEET IN THE PARKING LOT AT 1101 ISAAC DRIVE ON NOVEMBER 18, 2012 FROM 12:00 P.M. TO 4:00 P.M. - Patrick Hagedorn, 5524 NW Fairway Drive, came forward to answer questions about his church's first fundraiser for their school.

This matter was taken under advisement.

APPLICATION OF IRONHORSE LLC DBA CASK FOR A CLASS C LIQUOR LICENSE AT 728 Q STREET, SUITE B;
MANAGER APPLICATION OF KEVIN BLAZEK FOR IRONHORSE LLC DBA CASK AT 728 Q STREET, SUITE B - Mike Shafer, Member of Ironhorse LLC, 7911 S. 78th St., came forward to take oath and answer questions about his small, upscale bar.
Kevin Blazek, Manager of Cask, 10012 S. 202nd St., came forward to take oath and answer questions.

This matter was taken under advisement

COMP. PLAN CONFORMANCE 12015 - DECLARING TWO PARCELS OF PROPERTY CONSISTING OF APPROXIMATELY 1.52 ACRES GENERALLY LOCATED SOUTH OF LINE DRIVE BETWEEN NORTH 3RD STREET AND NORTH 7TH STREET AS SURPLUS PROPERTY - David Landis, Director of Urban Development, came forward to clarify the declaration of surplus property in the north part of the West Haymarket project. He explained that the land trade will allow the City to acquire a piece of property for development of the Breslow Ice Center.

This matter was taken under advisement.

AMENDING SECTION 2.76.155 OF THE LINCOLN MUNICIPAL CODE RELATING TO LONGEVITY PAY TO DELETE LONGEVITY PAY PAID TO EMPLOYEES IN PAY RANGES PREFIXED BY "E" WHO REACH FIVE YEARS OF SERVICE AFTER AUGUST 15, 2012 - Doug McDaniel, Personnel Director, came forward to explain changes derived from the recently passed LCEA contract.

This matter was taken under advisement.

AMENDING SECTION 2.76.380 OF THE LINCOLN MUNICIPAL CODE RELATING TO SICK LEAVE WITH PAY TO ADD LANGUAGE TO CLARIFY THE PAYOUT PROVISIONS UPON RETIREMENT, DEATH, OR REDUCTION IN FORCE FOR EMPLOYEES IN PAY RANGES PREFIXED BY "A" AND "C" AND TO ADD LANGUAGE RELATING TO SICK LEAVE PAYOUT UPON RESIGNATION FOR UNREPRESENTED EMPLOYEES IN PAY RANGES PREFIXED BY "E" - Doug McDaniel, Personnel Director, came forward to explain changes and answer questions.

This matter was taken under advisement.

AMENDING CHAPTER 3.24 OF THE LINCOLN MUNICIPAL CODE RELATING TO OCCUPATION TAXES BY AMENDING §3.24.080 TO ELIMINATE THE APPLICATION OF THE TELECOMMUNICATION OCCUPATION TAX TO TELECOMMUNICATION EQUIPMENT AND CERTAIN TELECOMMUNICATION SERVICES; AND, TO CLARIFY THAT THE TELECOMMUNICATION OCCUPATION TAX CONTINUES TO APPLY TO PRIVATE COMMUNICATION SERVICES; AMENDING §3.24.100 TO REQUIRE COMPANIES TO REPORT TELECOMMUNICATION SERVICES REVENUES BY CATEGORIES; AND, AMENDING §3.24.150 TO REMOVE THE REFERENCES TO THE FINANCE DEPARTMENT PROVIDING WRITTEN INTERPRETATIONS OF THE APPLICABILITY OF THE TELECOMMUNICATION OCCUPATION TAX - Steve Huggenberger, Assistant City Attorney, came forward to clarify the modification of services and explain that this legislation will bring the ordinance in line with state statutes. In response to Council questions, Mr. Huggenberger said he estimates that the amendment will decrease about \$800,000 in City revenue annually.

This matter was taken under advisement.

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APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND BRYAN MEDICAL CENTER TO PROVIDE LAB SERVICES TO EMPLOYEES FOR A FOUR YEAR TERM OF NOVEMBER 1, 2012 THROUGH OCTOBER 31, 2016 - Doug McDaniel, Personnel Director, came forward to explain the contract which comes through Risk Management Department to provide services to employees who experience high-risk exposure to blood-borne pathogens.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO AGREEMENT FOR COMPUTER EQUIPMENT, PERIPHERALS, AND RELATED SERVICES, WSCA/NASPO MASTER PRICE AGREEMENT NUMBER B27164 BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND HEWLETT PACKARD COMPANY TO EXTEND THE TERM FOR AN ADDITIONAL TWO-YEAR TERM FROM SEPTEMBER 1, 2012 THROUGH AUGUST 31, 2014 - Bob Walla, Assistant Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO AGREEMENT FOR COMPUTER EQUIPMENT, PERIPHERALS, AND RELATED SERVICES, WSCA/NASPO MASTER PRICE AGREEMENT NUMBER B27160 BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND DELL MARKETING, L.P. TO EXTEND THE TERM FOR AN ADDITIONAL TWO-YEAR TERM FROM SEPTEMBER 1, 2012 THROUGH AUGUST 31, 2014 - Bob Walla, Assistant Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND SOUTHEAST COMMUNITY COLLEGE TO PROVIDE CLINICAL TRAINING FOR NURSING, MEDICAL ASSISTANT, MEDICAL CODING STUDENTS AND DENTAL ASSISTANT STUDENTS AT THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR A PERIOD OF NOVEMBER 1, 2012 THROUGH OCTOBER 31, 2015 - Judy Halstead, Health Department Director, came forward to explain that the agreement is a learning experience for students and its term period is three years at no cost to the City.

This matter was taken under advisement.

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA ON BEHALF OF THE COLLEGE OF NURSING TO PROVIDE CLINICAL TRAINING FOR PUBLIC HEALTH STUDENTS AT THE HEALTH DEPARTMENT FOR A TERM OF JULY 1, 2012 THROUGH JUNE 30, 2015 - Judy Halstead, Health Department Director, came forward to answer questions about the four-year agreement with UNL.

This matter was taken under advisement.

APPROVING A SERVICE CONTRACT BETWEEN THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH LIFESPAN HEALTH UNIT, NEBRASKA COLON CANCER PROGRAM, AND THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR THE COLON CANCER (FOBT) PROJECT FOR A TWO YEAR TERM FROM SEPTEMBER 17, 2012 THROUGH JUNE 30, 2014 IN AN AMOUNT OF \$50,000.00 - Judy Halstead, Health Department Director, came forward to explain that the Health Department works in partnership with local pharmacies to make FOBT kits available. She said there are no obligated City dollars for this project.

This matter was taken under advisement.

SPECIAL PERMIT NO. 1118A - APPLICATION OF VINDONALE, INC. TO AMEND THE SPECIAL PERMIT FOR HISTORIC PRESERVATION OF THE TIFERETH HOUSE TO WAIVE THE PARKING REQUIREMENT FOR AN EXISTING LANDMARK USED AS APARTMENTS ON PROPERTY GENERALLY LOCATED AT 344 SOUTH 18TH STREET - Michael Rierden, 645 M St., came forward representing the applicant asking for elimination of the parking requirement. Mr. Rierden said the owner, Mike Hughes, has owned this property since the early 1990's and during that time discovered there was little, if any, desire for parking. Most of the tenants are grad students or downtown employees who don't even own a car. Mr. Rierden said the property owner has secured assurances from various property owners in the area and tenant parking needs can be made available on an as-needed basis.

Mike Hughes, Vindonale, Inc., owner of the property, was on hand for questioning.

Ed Zimmer, Planning Department, came forward to provide history of the property and answer questions. Mr. Zimmer said that upon review by the Planning Department, Preservation & Planning Commissions, it was made clear that a condition was being imposed upon a property that was better left to the owner and his tenants. In response to Council questions, Mr. Zimmer clarified standards for special permits.

This matter was taken under advisement.

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS (NDOR) TO ALLOW THE STATE TO PROVIDE \$400,000 IN DISTRICT MAINTENANCE FUNDS FOR THE REPAIR AND RESURFACING OF SELECTED STATE HIGHWAYS IN FISCAL YEAR 2013 - Thomas Shafer, Public Works & Utilities, came forward to identify repair/resurfacing projects. The location of Sun Valley Boulevard, north of West O Street, will have milling to remove two inches of road surface followed by the application of two inches of asphalt. The location of Cornhusker Highway will have concrete repairs from 52nd Street to 84th Street. Mr. Shafer responded to questions about lane closures, traffic disruptions and sporting events.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

AFFIDAVIT OF MAILING FOR THE WEED ABATEMENT ASSESSMENTS FOR THE 2012 CALENDAR YEAR - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON OCTOBER 22, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR THE TIME PERIOD NOVEMBER 30, 2011 THROUGH SEPTEMBER 30, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED SEPTEMBER 30, 2012 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87075 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended September 30, 2012, \$62,483.25 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 Doug Emery

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 19, 2012 AT 5:30 P.M. FOR THE APPLICATION OF RED HERRING CONCEPTS, LLC DBA LEAD BELLY FOR A CLASS CK LIQUOR LICENSE LOCATED AT 301 N. 8TH STREET, SUITE 100 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87076 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 19, 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 Red Herring Concepts, LLC dba Lead Belly for a Class CK liquor license located at 301 N. 8th Street, Suite 100.

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

Introduced by Doug Emery

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

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REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 04075D - Requested by Olsson Associates for an amendment to the Village Gardens Planned Unit Development for expansion of the area of the PUD by approximately 2 acres; for a change of zone from AG Agriculture District to R-3 Residential District PUD on property generally located at South 62nd Street and Blanchard Boulevard; for a Planned Unit Development District designation of said property; and for approval of a development plan which proposes modifications to the Zoning Ordinance and Land Subdivision Ordinance to allow single family residential dwellings on the underlying R-3 zoned area.
Use Permit No. 11001A - Requested by Olsson Associates for an amendment to increase the building area from 11,350 square feet to 23,310 square feet on property generally located at West A Street and Highway 77.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 12039 to Use Permit No. 132B, The Humane Society at Willowbrook Shopping Center, approved by the Planning Director on October 24, 2012 requested by Capital Humane Society to show a fenced dog run area with enhanced landscape screening within the 100 ft. setback to buildings and 75 ft. setback to parking areas adjacent to Highway 2 on property generally located near South 70th Street and Highway 2.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF NORTH AMERICAN MARTYRS CATHOLIC CHURCH FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 40 FEET BY 18 FEET IN THE PARKING LOT AT 1101 ISAAC DRIVE ON NOVEMBER 18, 2012 FROM 12:00 P.M. TO 4:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87077

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 North American Martyrs Catholic Church for a Special Designated License to cover an outdoor area measuring approximately 40 feet by 18 feet in the parking lot at 1101 Isaac Drive, Lincoln, Nebraska, on November 18, 2012, between the hours of 12:00 p.m. and 4:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

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

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

Introduced by Jon Camp

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

APPLICATION OF XELA, INC. DBA LEGENDS BAR AND GRILL FOR A CLASS C LIQUOR LICENSE AT 8300 NORTHWOODS DRIVE - PRIOR to reading:

CAMP Moved to Delay Action two weeks with Continued Public Hearing to November 19, 2012.

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

MANAGER APPLICATION OF JASON VON KAENEL FOR XELA, INC. DBA LEGENDS BAR AND GRILL AT 8300 NORTHWOODS DRIVE - PRIOR to reading:

CAMP Moved to Delay Action two weeks with Continued Public Hearing to November 19, 2012.

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

APPLICATION OF IRONHORSE LLC DBA CASK FOR A CLASS C LIQUOR LICENSE AT 728 Q STREET, SUITE B - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87078 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 Ironhorse LLC dba Cask for a Class "C" liquor license at 728 Q Street, Suite B, 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 Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

MANAGER APPLICATION OF KEVIN BLAZEK FOR IRONHORSE LLC DBA CASK AT 728 Q STREET, SUITE B - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-87079 WHEREAS, Ironhorse LLC dba Cask located at 728 Q Street, Suite B, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Kevin Blazek be named manager;

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

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

COMP. PLAN CONFORMANCE 12015 - DECLARING TWO PARCELS OF PROPERTY CONSISTING OF APPROXIMATELY 1.52 ACRES GENERALLY LOCATED SOUTH OF LINE DRIVE BETWEEN NORTH 3RD STREET AND NORTH 7TH STREET AS SURPLUS PROPERTY - CLERK read the following ordinance, introduced by Jonathan Cook, declaring two City owned parcels of land totaling approximately 1.52 acres generally located south of Line Drive between North 3rd Street and North 7th Street as surplus and authorizing the conveyance thereof to the West Haymarket Joint Public Agency, the second time.

AMENDING SECTION 2.76.155 OF THE LINCOLN MUNICIPAL CODE RELATING TO LONGEVITY PAY TO DELETE LONGEVITY PAY PAID TO EMPLOYEES IN PAY RANGES PREFIXED BY "E" WHO REACH FIVE YEARS OF SERVICE AFTER AUGUST 15, 2012 - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 2.76.155 of the Lincoln Municipal Code relating to longevity pay to delete longevity pay paid to employees in pay ranges prefixed by "E" who reach five years of service after August 15, 2012; and repealing Section 2.76.155 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 2.76.380 OF THE LINCOLN MUNICIPAL CODE RELATING TO SICK LEAVE WITH PAY TO ADD LANGUAGE TO CLARIFY THE PAYOUT PROVISIONS UPON RETIREMENT, DEATH, OR REDUCTION IN FORCE FOR EMPLOYEES IN PAY RANGES PREFIXED BY "A" AND "C" AND TO ADD LANGUAGE RELATING TO SICK LEAVE PAYOUT UPON RESIGNATION FOR UNREPRESENTED EMPLOYEES IN PAY RANGES PREFIXED BY "E." - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 2.76.380 of the Lincoln Municipal Code relating to Sick Leave with Pay to add language to clarify the payout provisions upon retirement, death, or reduction in force for employees in pay ranges prefixed by "A" and "C", and to add language relating to sick leave payout upon resignation for unrepresented employees in pay ranges prefixed by "E"; and repealing Section 2.76.380 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 3.24 OF THE LINCOLN MUNICIPAL CODE RELATING TO OCCUPATION TAXES BY AMENDING §3.24.080 TO ELIMINATE THE APPLICATION OF THE TELECOMMUNICATION OCCUPATION TAX TO TELECOMMUNICATION EQUIPMENT AND CERTAIN TELECOMMUNICATION SERVICES; AND, TO CLARIFY THAT THE TELECOMMUNICATION OCCUPATION TAX CONTINUES TO APPLY TO PRIVATE COMMUNICATION SERVICES; AMENDING §3.24.100 TO REQUIRE COMPANIES TO REPORT TELECOMMUNICATION SERVICES REVENUES BY CATEGORIES; AND, AMENDING §3.24.150 TO REMOVE THE REFERENCES TO THE FINANCE DEPARTMENT PROVIDING WRITTEN INTERPRETATIONS OF THE APPLICABILITY OF THE TELECOMMUNICATION OCCUPATION TAX - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 3.24 of the Lincoln Municipal Code relating to occupation taxes by amending Section 3.24.080 to eliminate the application of the telecommunication occupation tax to telecommunication equipment and certain telecommunication services, and to clarify that the telecommunication occupation tax continues to apply to private communication services; amending Section 3.24.100 to require companies to report telecommunication services revenues by categories; amending Section 3.24.150 to remove the references to the Finance Department providing written interpretations of the applicability of the telecommunication occupation tax; and repealing Sections 3.24.080, 3.24.100, and 3.24.150 of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND BRYAN MEDICAL CENTER TO PROVIDE LAB SERVICES TO EMPLOYEES FOR A FOUR YEAR TERM OF NOVEMBER 1, 2012 THROUGH OCTOBER 31, 2016 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87080 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the Agreement between the City of Lincoln, Lancaster County and Bryan Medical Center for lab services to employees for a four year term from November 1, 2012 through October 31, 2016, upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jonathan Cook

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

APPROVING AN AMENDMENT TO AGREEMENT FOR COMPUTER EQUIPMENT, PERIPHERALS, AND RELATED SERVICES, WSCA/NASPO MASTER PRICE AGREEMENT NUMBER B27164 BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND HEWLETT PACKARD COMPANY TO EXTEND THE TERM FOR AN ADDITIONAL TWO-YEAR TERM FROM SEPTEMBER 1, 2012 THROUGH AUGUST 31, 2014 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87081 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the Amendment to Agreement for Computer Equipment, Peripherals, and Related Services, WSCA/NASPO Master Price Agreement Number B27164 between the City of Lincoln, Lancaster County, Lincoln-Lancaster County Public Building Commission and Hewlett Packard Company to extend the term for an additional two-year term from September 1, 2012 through August 31, 2014, upon the terms and conditions as set forth in said Amendment to Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jonathan Cook

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

APPROVING AN AMENDMENT TO AGREEMENT FOR COMPUTER EQUIPMENT, PERIPHERALS, AND RELATED SERVICES, WSCA/NASPO MASTER PRICE AGREEMENT NUMBER B27160 BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND DELL MARKETING, L.P. TO EXTEND THE TERM FOR AN ADDITIONAL TWO-YEAR TERM FROM SEPTEMBER 1, 2012 THROUGH AUGUST 31, 2014 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87082 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the Amendment to Agreement for Computer Equipment, Peripherals, and Related Services, WSCA/NASPO Master Price Agreement Number B27160 between the City of Lincoln, Lancaster County, Lincoln-Lancaster County Public Building Commission and Dell Marketing, L.P. to extend the term for an additional two-year

term from September 1, 2012 through August 31, 2014, upon the terms and conditions as set forth in said Amendment to Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jonathan Cook

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

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND SOUTHEAST COMMUNITY COLLEGE TO PROVIDE CLINICAL TRAINING FOR NURSING, MEDICAL ASSISTANT, MEDICAL CODING STUDENTS AND DENTAL ASSISTANT STUDENTS AT THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR A PERIOD OF NOVEMBER 1, 2012 THROUGH OCTOBER 31, 2015 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87083 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and Southeast Community College to provide clinical training for nursing, medical assistant, medical coding students and dental assistant students at the Lincoln-Lancaster County Health Department for a period of November 1, 2012 through October 31, 2015, upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to send a copy of this Resolution and one fully executed Agreement to Judy Halstead, Lincoln-Lancaster County Health Department Director for transmittal to Southeast Community College.

Introduced by Jonathan Cook

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

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA ON BEHALF OF THE COLLEGE OF NURSING TO PROVIDE CLINICAL TRAINING FOR PUBLIC HEALTH STUDENTS AT THE HEALTH DEPARTMENT FOR A TERM OF JULY 1, 2012 THROUGH JUNE 30, 2015 - CLERK read the following resolution, introduced by , who moved its adoption:

A-87084 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department and the Board of Regents of the University of Nebraska on behalf of the College of Nursing to provide clinical training for public health students at the Lincoln-Lancaster County Health Department for a period of July 1, 2012 through June 30, 2015, upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to send a copy of this Resolution and one fully executed Agreement to Judy Halstead, Lincoln-Lancaster County Health Department Director for transmittal to the University of Nebraska College of Nursing.

Introduced by Jonathan Cook

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

APPROVING A SERVICE CONTRACT BETWEEN THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH LIFESPAN HEALTH UNIT, NEBRASKA COLON CANCER PROGRAM, AND THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR THE COLON CANCER (FOBT) PROJECT FOR A TWO YEAR TERM FROM SEPTEMBER 17, 2012 THROUGH JUNE 30, 2014 IN AN AMOUNT OF \$50,000.00 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87085 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and the Nebraska Department of Health and Human Services, Division of Public Health Lifespan Health Unit, Nebraska Colon Cancer Program for the Colon Cancer (FOBT) Project for a two year term from September 17, 2012 through June 30, 2014, in an amount of \$50,000, upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to send a copy of this Resolution and one fully executed Agreement to Judy Halstead, Lincoln-Lancaster County Health Department Director for transmittal to Nebraska Health and Human Services.

Introduced by Jonathan Cook

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

SPECIAL PERMIT NO. 1118A - APPLICATION OF VINDONALE, INC. TO AMEND THE SPECIAL PERMIT FOR HISTORIC PRESERVATION OF THE TIFEREETH HOUSE TO WAIVE THE PARKING REQUIREMENT FOR AN EXISTING LANDMARK USED AS APARTMENTS ON PROPERTY GENERALLY LOCATED AT 344 SOUTH 18TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87086 WHEREAS, Vindonale, Inc. has submitted an application designated as Special Permit No. 1118A to amend the special permit for Historic Preservation of the Tifereth Israel Synagogue to eliminate the required parking stalls for the designated landmark used as a multi-family dwelling on property generally located at South 18th Street and L Street, legally described as:
Lot 1, Cariotto Estates, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for the multi-family use of the Tifereth Israel Synagogue 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 Vindonale, Inc., hereinafter referred to as "Permittee", to amend the special permit for Historic Preservation of the Tifereth Israel Synagogue to eliminate the required parking stalls for the multi-family dwelling use of the landmark on 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 said multi-family dwelling be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit eliminates the required parking stalls under Special Permit No. 1118 for use of the Tifereth Israel Synagogue as a multi-family dwelling.
2. All privately-owned improvements shall be permanently maintained by the Permittee.
3. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters 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 run with the land and be binding upon the Permittee, its successors and assigns.
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.
6. The site plan as approved by this resolution voids and supersedes all previously approved site plans, however, the terms, conditions and requirements in all resolutions approving previous permits shall remain in full force and effect except as specifically amended by this resolution.

Introduced by Jonathan Cook

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

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS (NDOR) TO ALLOW THE STATE TO PROVIDE \$400,000 IN DISTRICT MAINTENANCE FUNDS FOR THE REPAIR AND RESURFACING OF SELECTED STATE HIGHWAYS IN FISCAL YEAR 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87087 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 Project No. RD-D1(1026), CN 13177, City Project Nos. 540026 and 701847, for State funds in the amount of \$400,000 in District Maintenance Funds for the repair and resurfacing of selected State highways in

fiscal year 2013, 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 copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Jonathan Cook

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

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

APPROVING THE ALLOCATION OF \$748,000 ANNUALLY OF CAPITAL IMPROVEMENTS FUNDS APPROPRIATED IN THE FY 2012 - 13 AND FY 2013 - 14 BUDGET TO CERTAIN PROJECTS WITHIN THE PARKS AND RECREATION DEPARTMENT - PRIOR to reading:

COOK Moved MTA #1 to amend Bill No. 12-137 in the following manner:

1. On page 1, line 9, insert a new Section 2 to read as follows:

Section 2. That a transfer of appropriations within the Parks and Recreation Department in the amount of \$35,000 from the Parks Landscape Program (Account No. 409320.6137) and \$40,040.00 from the Street Tree Replace/Contractual Trim fund (Account No. 409318.6137) to Parks/Forestry/Unclassified Salaries (Account No. 09010.5022) in the amount of \$75,040.00 is hereby approved.

2. Renumber the subsequent Section numbers accordingly.

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

CLERK Read an ordinance, introduced by Eugene Carroll, approving the transfer of unspent and unencumbered appropriations to certain capital improvement projects within the Parks and Recreation Department, the third time.

CARROLL Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19800, is recorded in Ordinance Book #28, Page .

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required) - NONE

RESOLUTIONS - 1ST 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 OCTOBER 16-31, 2012.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND CORNHUSKER PLACE OF LINCOLN-LANCASTER COUNTY, INC. FOR THE PROVISION OF PROTECTIVE CUSTODY SERVICES FOR THOSE INDIVIDUALS WITH ALCOHOL AND DRUG ABUSE PROBLEMS AND FOR SPACE FOR THE LINCOLN POLICE DEPARTMENT TO CONDUCT CHEMICAL TESTING AND RELATED SERVICES FOR A THREE-YEAR TERM FROM OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2016.

APPOINTING DOUGLAS MCDANIEL TO THE LINCOLN-LANCASTER COUNTY EMS OVERSIGHT AUTHORITY BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2015.

ADOPTING THE LES RATE SCHEDULES PROVIDING FOR A SYSTEM AVERAGE RATE INCREASE OF 2.6%, EFFECTIVE JANUARY 1, 2013. (ACTION DATE: 12/3/12)

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2013, TO BECOME EFFECTIVE JANUARY 1, 2013. (ACTION DATE: 12/3/12)

APPROVING THE SELECTION OF PAVERS COMPANIES 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. LCLC-5228(4), LINCOLN CITYWIDE RESURFACING PROJECT.

APPROVING THE SELECTION OF UNITED CONTRACTORS 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. STPN-BRR-TMT-5267(1), SW 40TH STREET VIADUCT PROJECT.

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APPROVING THE SELECTION OF UNITED CONTRACTORS 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. LCLC-5231(13), 27TH STREET VIADUCT REPAIR PROJECT.

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE - NONE

ADJOURNMENT 3:45 P.M.

CAMP Moved to adjourn the City Council meeting of November 5, 2012.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

Teresa J. Meier, Deputy City Clerk

Sandy L. Dubas, Office Specialist