

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, SEPTEMBER 9, 2013 AT 3:00 P.M.**

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

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

**READING OF THE MINUTES**

COOK Having been appointed to read the minutes of the City Council proceedings of August 26, 2013 reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF CHIPOTLE MEXICAN GRILL INC. DBA CHIPOTLE MEXICAN GRILL FOR A CLASS I LIQUOR LICENSE AT 6005 O STREET, SUITE A;

MANAGER APPLICATION OF TIMOTHY W. PETERSON FOR CHIPOTLE MEXICAN GRILL INC. DBA CHIPOTLE MEXICAN GRILL AT 6005 O STREET, SUITE A - Robert Futhey, Fraser Stryker Law Firm, came forward to take the oath and answer questions. This will be the third Chipotle restaurant in Lincoln. Liquor sales make up less than 5% of gross revenue. Mr. Peterson, the manager applicant, has over 9 years experience and has taken all required alcohol service related courses, in addition to the internal companywide training.

Tim Peterson, 6005 O Street, came forward to take the oath and answer questions. This location is near the LPS offices and the new Whole Foods. Anticipated opening is October 9, 2013.

This matter was taken under advisement.

APPLICATION OF MCKENNY'S PUB LLC DBA MCKENNY'S IRISH PUB FOR A CLASS I LIQUOR LICENSE AT 151 N. 8TH STREET;

MANAGER APPLICATION OF JOEL W. SCHOSSOW FOR MCKENNY'S PUB LLC DBA MCKENNY'S IRISH PUB AT 151 N. 8TH STREET e3d- Joel Schossow, 5970 Gunnison Court, came forward to take the oath and answer questions. McKenney's is an Irish pub south of Lazlo's and next to Rodizio Grill in the Haymarket. The primary focus will be on beer sales, but pub food will also be offered. October 1, 2013 is the anticipated opening date.

This matter was taken under advisement.

APPLICATION OF CAREY JOHNSON OIL COMPANY INC. DBA EZ GO #81 FOR A CLASS D LIQUOR LICENSE AT 8411 WINDMILL DRIVE;

MANAGER APPLICATION OF KEVIN BODTKE FOR CAREY JOHNSON OIL COMPANY INC. DBA EZ GO #81 AT 8411 WINDMILL DRIVE - Derek Zimmerman, Baylor Evnen Law Firm, came forward on behalf of applicant to take the oath and answer questions. This second Lincoln location will be near the intersection of 84th and Adams. Mr. Bodtke has extensive retail experience and has passed all required training.

Kevin Bodke took the oath and was available to answer questions.

This matter was taken under advisement.

APPLICATION OF PERSHING CENTER FOR A SPECIAL DESIGNATED LICENSE FOR AN AREA MEASURING APPROXIMATELY 6,853 SQ. FT. AT THE CAPITOL TERRACE OF THE PINNACLE BANK ARENA AND APPROXIMATELY 428,339 SQ. FT. AT THE FESTIVAL SPACE TO THE NORTH OF PINNACLE BANK ARENA AT 400 PINNACLE ARENA DRIVE ON SEPTEMBER 14, 2013 FROM 7:00 A.M. TO 12:00 A.M., SEPTEMBER 19, 2013 FROM 7:00 A.M. TO 2:00 A.M., SEPTEMBER 20, 2013 FROM 7:00 A.M. TO 1:00 A.M., SEPTEMBER 21, 2013 FROM 7:00 A.M. TO 1:00 A.M., OCTOBER 5, NOVEMBER 2, NOVEMBER 16, AND NOVEMBER 29, 2013 FROM 1:00 .M. TO 12:00 A.M. - Tom Lorenz, General Manager of Pershing Center and Pinnacle Bank Arena, came forward to state the Special Designated License is for use of the festival space adjacent to the Arena on Husker game days. These tailgating parking areas were sold as a season long package and include options for a food package. Alcohol is available on premises. In answer to Council questions, Mr. Lorenz replied that the application would be more accurate if it stated "Stadium View Terrace". There is a small tent area with a band where people can get food and purchase alcohol. The impact of alcohol sales has been negligible thus far. At the request of the Lincoln Police Department, the area covered by the SDL has been reduced to 30,000 square feet. People within the area wear wristbands and are monitored. What occurs outside of the designated area is not the responsibility of Arena staff. Discussion followed.

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Teresa J. Meier, City Clerk, replied that there are no other City owned properties that are leased out for tailgating.

Rod Confer, City Attorney, came forward to state that the City owns the real estate, but the Arena and festival space are leased out to SMG and they are therefore eligible to apply for this SDL.

Russ Fosler, Investigator for the Lincoln Police Department, came forward to state that a new map showing only the 30,000 square foot space was submitted. That is the only area that SMG is responsible for; the parking lot is the responsibility of the users. Because the area is leased to SMG, it is deemed to be a private area.

Richard Esquivel, 733 W. Cumming Street, came forward to state that he is not in opposition or in favor of this particular SDL, but it does raise many questions. Lincoln has the opportunity to use the Arena for revenue generation and could consider creating an indoor tailgate party area where admission is charged.

Coby Mach, Lincoln Independent Business Association, came forward to state that his position on this item is neutral but that bar owners are expressing concern that the Arena will act as the largest restaurant in Lincoln. A discussion should occur to discuss the extent to which this does or does not impact other bars and restaurants.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "E" TO CREATE THE CLASSIFICATION OF PAYROLL SPECIALIST;

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "E" BY CHANGING THE TITLE AND PAY RANGE OF PAYROLL SUPERVISOR TO PAYROLL ADMINISTRATOR;

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "N" BY CHANGING THE TITLE OF CUSTOMER SERVICE ASSISTANT II TO CUSTOMER SERVICE ASSISTANT;

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "E" TO ADD ADDITIONAL PAY RANGES E16 TO E20;

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "E" TO CHANGE THE PAY RANGE OF OMBUDSMAN FROM E02 TO E12;

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "N" BY DELETING THE CLASS TITLES OF CUSTOMER SERVICE ASSISTANT I AND PERMIT TECHNICIAN - Doug McDaniel, Director of Personnel, came forward to explain and answer questions about each of these items. On Item 17, a job audit was conducted and it was determined that the current classification was not an accurate reflection of the work performed in the current position. It will result in a 2.75% increase and an annual impact of \$1,362. It is covered by salary savings from unfilled positions in the department. Item 18 is to change the title and the pay range of the Payroll Supervisor, E-11, to Payroll Administrator, E-19. Market data indicated that this class should be elevated. It is a 2.75% increase to the incumbent for a \$1,708 Fiscal Year increase. Salary savings come again from an unfilled position in the department. In answer to Council questions, Mr. McDaniel replied that the incumbent is at their current maximum in pay; once reclassified, they will start at the minimum of the new classification. Being at the maximum of the pay classification is not motivation for conducting an audit. These job positions had not been reviewed for many years and were therefore categorized incorrectly. For Item 19, the department no longer needs two separate classifications in the Water Billing area, so those positions are being moved to a single classification. Item 20 is to place the peak rate higher to correctly classify the Payroll position. Growth into the lower categories is not intended. The payrange for Item 21 has not been changed since 2004. In addition to this, the Ombudsman has taken on additional responsibilities and was being undervalued in its current role. This will have a financial impact of a 2.75% increase by rule and \$1,338 which will be covered by reappropriations within the budget. Discussion followed. Item 22 is to delete two positions that are not anticipated to be used in the future.

This matter was taken under advisement.

APPROVING THE 2013-14 WORK PLAN FOR THE INTERLOCAL AGREEMENT ON STORMWATER MANAGEMENT BETWEEN THE CITY AND LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO ADDRESS STORMWATER QUALITY AND QUANTITY ISSUES - Ben Higgins, Public Works, came forward to state this is an annual work plan that lays out how the City shares funds with the NRD on joint programs and projects. These are related to floodplain or stormwater management, so they are often related to stream stability, water quality or flood control. All City funds are either from the approved operating budget or the general obligation bond already approved in November of 2012. All City projects are shown in the approved CIP.

This matter was taken under advisement.

APPROVING SUPPLEMENT NO. 1 TO THE PRELIMINARY ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE SCHEMMER ASSOCIATES, INC. FOR ADDITIONAL WORK NECESSARY TO COMPLETE THE FEDERAL AID PROJECT NO. HSIP-5227(7), CONTROL NO. 12944, AT NORTH 14TH STREET AND THE EASTBOUND OFF-RAMP TO U.S. HIGHWAY 6 - Thomas Shaffer, Public Works Department, came forward to state that when the City does any preliminary engineering work that is paid for with federal funds, it is required to have Council approval. This supplement is to look at an alternative that has come up during the design process.

Mike Morosin, 1500 N. 15<sup>th</sup> St., came forward to ask that more detail be given on the additional ideas that have come forward so that the public is aware of changes.

Mr. Shaffer returned to state that this project deals with the on ramp where there are a number of rear-end crashes. He described various options that have been discussed and stated that no solution has been decided upon yet. Discussion followed.

This matter was taken under advisement.

### **COUNCIL ACTION**

#### **REPORTS OF CITY OFFICERS**

REPORT FROM THE CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JULY 31, 2013 - CLERK presented said report, which was placed on file in the Office of the City Clerk. **(5-21)**

LES QUARTERLY FINANCIAL REPORT FOR THE SECOND QUARTER OF 2013, APRIL THROUGH JUNE - CLERK presented said report, which was placed on file in the Office of the City Clerk. **(40)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 19, 2013 - CLERK presented said report, which was placed on file in the Office of the City Clerk. **(27-1)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 26, 2013 - CLERK presented said report, which was placed on file in the Office of the City Clerk. **(27-1)**

#### **PETITIONS & COMMUNICATIONS**

INFORMAL PETITION FROM PARK RIDGE APARTMENTS TOO, LLC FOR THE EXTENSION OF WEST E STREET, WEST OF SOUTH FOLSOM STREET - CLERK presented said petition which was referred to the Public Works & Utilities Department on September 9, 2013.

INFORMAL PETITION FOR SANITARY SEWER FOR PROPERTIES GENERALLY LOCATED AT 641 W. SOUTH STREET, 2240 S. FOLSOM CT., 2300 S. FOLSOM CT., AND 2400 S. FOLSOM CT. BY DON KUHLE, SCOTT HOFELING, AND ROBERT BECKER - CLERK presented said petition which was referred to the Public Works & Utilities Department on September 9, 2013.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 13059 to Special Permit No. 621, Normandy Square Community Unit Plan, approved by the Planning Director on August 20, 2013, requested by Steve Martindale, to allow for the reduction of a rear yard setback from 21.4 feet to 12 feet for the reconstruction of a deck, on property generally located at S. 20<sup>th</sup> St. and Old Cheney Rd. (1911 King Arthur Court).  
Administrative Amendment No. 13060 approved by the Planning Director on August 21, 2013, requested by Real Growth, LLC., to rescind Special Permit No. 1697, Ashbrook Community Unit Plan, on property generally located at N. 1<sup>st</sup> St. and W. Belmont Ave.

Administrative Amendment No. 13051 to Use Permit No.130A, Pioneer Woods Commercial Center, approved by the Planning Director on August 26, 2013, requested by Olsson Associates, to increase the floor area by 4,500 square feet for a total of 34,500 square feet for Lot 10, and from 172,000 square feet to 176,500 square feet for the center overall, on property generally located on the northeast corner of S. 70<sup>th</sup> St. and Pioneers Blvd.

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 13016 - Requested by Olsson Associates, from AG Agricultural District to R-3 Residential District on property generally located at S. 91st and Van Dorn Streets.

Special Permit No. 04013A - Requested by Olsson Associates, to amend the existing special permit for a Residential Health Care Facility to increase the number of residents from 158 to 220, to remove the building envelope and to remove the cap on the number of employees and care units on property generally located at S. 33rd Street and Yankee Hill Road.

Special Permit No. 13041 - Requested by Gana Trucking & Excavating, Inc., for soil excavation, on property generally located south of Vine Street, 1/2 mile west of N.W. 27th Street.

Special Permit No. 13042 - Requested by Con Reha, for the expansion of a nonconforming use to allow the construction of a new garage up to 5 feet from the south property line on property generally located at S. 28<sup>th</sup> Street & Royal Court (2928 S. 28th Street).

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF CHIPOTLE MEXICAN GRILL INC. DBA CHIPOTLE MEXICAN GRILL FOR A CLASS I LIQUOR LICENSE AT 6005 O STREET, SUITE A - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-87540 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 Chipotle Mexican Grill Inc. dba Chipotle Mexican Grill for a Class "I" liquor license at 6005 O Street, Suite A, Lincoln, Nebraska, for the license period ending April 30, 2014, be approved with the condition that:

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. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
3. 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 Emery and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MANAGER APPLICATION OF TIMOTHY W. PETERSON FOR CHIPOTLE MEXICAN GRILL INC. DBA CHIPOTLE MEXICAN GRILL AT 6005 O STREET, SUITE A - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-87541 WHEREAS, Chipotle Mexican Grill Inc. dba Chipotle Mexican Grill located at 6005 O Street, Suite A, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Timothy W. Peterson be named manager;

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

APPLICATION OF MCKENNY'S PUB LLC DBA MCKENNY'S IRISH PUB FOR A CLASS I LIQUOR LICENSE AT 151 N. 8TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-87542 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 McKenny's Pub LLC dba McKenny's Irish Pub for a Class "I" liquor license at 151 N. 8th Street, Lincoln, Nebraska, for the license period ending April 30, 2014, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
2. The premises must comply in every respect with all city and state regulations.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF JOEL W. SCHOSSOW FOR MCKENNY'S PUB LLC DBA MCKENNY'S IRISH PUB AT 151 N. 8TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-87543 WHEREAS, McKenny's Pub LLC dba McKenny's Irish Pub located at 151 N. 8<sup>th</sup> Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Joel W. Schossow be named manager;

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

APPLICATION OF CAREY JOHNSON OIL COMPANY INC. DBA EZ GO #81 FOR A CLASS D LIQUOR LICENSE AT 8411 WINDMILL DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-87544 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 Carey Johnson Oil Company Inc. dba EZ Go #81 for a Class "D" liquor license at 8411 Windmill Drive, Lincoln, Nebraska, for the license period ending April 30, 2014, be approved with the condition that:

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

2. The premises must comply in every respect with all city and state regulations.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF KEVIN BODTKE FOR CAREY JOHNSON OIL COMPANY INC. DBA EZ GO #81 AT 8411 WINDMILL DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-87545 WHEREAS, Carey Johnson Oil Company Inc. dba EZ Go #81 located at 8411 Windmill Drive, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Kevin Bodtke be named manager;

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

APPLICATION OF PERSHING CENTER FOR A SPECIAL DESIGNATED LICENSE FOR AN AREA MEASURING APPROXIMATELY 6,853 SQ. FT. AT THE CAPITOL TERRACE OF THE PINNACLE BANK ARENA AND APPROXIMATELY 428,339 SQ. FT. AT THE FESTIVAL SPACE TO THE NORTH OF PINNACLE BANK ARENA AT 400 PINNACLE ARENA DRIVE ON SEPTEMBER 14, 2013 FROM 7:00 A.M. TO 12:00 A.M., SEPTEMBER 19, 2013 FROM 7:00 A.M. TO 2:00 A.M., SEPTEMBER 20, 2013 FROM 7:00 A.M. TO 1:00 A.M., SEPTEMBER 21, 2013 FROM 7:00 A.M. TO 1:00 A.M., OCTOBER 5, NOVEMBER 2, NOVEMBER 16, AND NOVEMBER 29, 2013 FROM 1:00 .M. TO 12:00 A.M. - PRIOR to reading:

EMERY Moved to amend the application of Pershing Center for a Special Designated License in the following manner:

1. On lines 5-6, delete "cover an area measuring approximately 6,853 sq. ft. at the Capitol Terrace" and insert in lieu thereof "Stadium View Terrace".

2. On line 6, delete "428,339 sq. ft." and insert in lieu thereof "30,000 square feet as approved by the State Liquor Commission and the Lincoln Police Department".

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

CLERK Read the following amended resolution, introduced by Doug Emery, who moved its adoption for approval as amended:

A-87546 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 Pershing Center for a Special Designated License to cover ~~an area measuring approximately 6,853 sq. ft. at the Capitol Terrace~~ Stadium View Terrace of the Pinnacle Bank Arena and approximately ~~428,339 sq. ft.~~ 30,000 square feet as approved by the State Liquor Commission and the Lincoln Police Department at the Festival Space

to the north of Pinnacle Bank Arena located at 400 Pinnacle Arena Drive, Lincoln, Nebraska, on September 14, 2013 from 7:00 a.m. to 12:00 a.m., September 19, 2013 from 7:00 a.m. to 2:00 a.m., September 20, 2013 from 7:00 a.m. to 1:00 a.m., September 21, 2013 from 7:00 a.m. to 1:00 a.m., October 5, November 2, November 16, and November 29, 2013 from 1:00 p.m. to 12:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

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.
5. Any food sold shall be provided by a licensed and inspected establishment.

Introduced by Doug Emery

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

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

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "E" TO CREATE THE CLASSIFICATION OF PAYROLL SPECIALIST - CLERK read an ordinance, introduced by Roy Christensen, amending Section 1 of Ordinance No. 19906 passed August 12, 2013, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "E," to create the job classification of "Payroll Specialist", the second time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "E" BY CHANGING THE TITLE AND PAY RANGE OF PAYROLL SUPERVISOR TO PAYROLL ADMINISTRATOR - CLERK read an ordinance, introduced by Roy Christensen, amending Section 1 of Ordinance No. 19906 passed August 12, 2013, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "E," by amending Classification Code 1130 to create a new job classification "Payroll Administrator" by renaming the current Class Title "Payroll Supervisor" as "Payroll Administrator," and amending the pay range of said classification from (E11) to (E19), the second time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "N" BY CHANGING THE TITLE OF CUSTOMER SERVICE ASSISTANT II TO CUSTOMER SERVICE ASSISTANT - CLERK read an ordinance, introduced by Roy Christensen, amending Section 1 of Ordinance No. 19909 passed August 12, 2013, relating to the pay schedules of employees whose classification are assigned to the pay range which is prefixed by the letter "N," by changing the current job classification of "Customer Service Assistant II" to "Customer Service Assistant", the second time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "E" TO ADD ADDITIONAL PAY RANGES E16 TO E20 - CLERK read an ordinance, introduced by Roy Christensen, amending Ordinance No. 19906, passed August 12, 2013, relating to schedules of pay ranges for employees of the City of Lincoln whose classification are assigned to a pay range which is prefixed by the letter "E," by adding additional pay ranges E16 to E20, the second time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "E" TO CHANGE THE PAY RANGE OF OMBUDSMAN FROM E02 TO E12 - CLERK read an ordinance, introduced by Roy Christensen, amending Section 1 of Ordinance No. 19906 passed August 12, 2013, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "E," by changing the pay range for the job classification "Ombudsman" from (E02) to (E12), the second time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "N" BY DELETING THE CLASS TITLES OF CUSTOMER SERVICE ASSISTANT I AND PERMIT TECHNICIAN - CLERK read an ordinance, introduced by Roy Christensen, amending Section 1 of Ordinance No. 19909 passed August 12, 2013, relating to the pay schedules of employees whose classification are assigned to the pay range which is prefixed by the letter "N," by deleting the job classification of "Customer Service Assistant I" and "Permit Technician", the second time.

PUBLIC HEARING - RESOLUTIONS

REAPPOINTING DOUG BIGGERSTAFF TO THE EXAMINING BOARD OF PLUMBERS FOR A TERM EXPIRING SEPTEMBER 4, 2016 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87547 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of Doug Biggerstaff to the Examining Board of Plumbers for a term expiring September 4, 2016, is hereby approved.

Introduced by Roy Christensen

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

APPOINTING JOHN P. NEAL TO THE CABLE ADVISORY BOARD FOR A TERM EXPIRING JULY 1, 2014 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87548 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointment of John P. Neal to the Cable Advisory Board for a term expiring July 1, 2014, is hereby approved.

Introduced by Roy Christensen

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

APPROVING THE 2013-14 WORK PLAN FOR THE INTERLOCAL AGREEMENT ON STORMWATER MANAGEMENT BETWEEN THE CITY AND LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO ADDRESS STORMWATER QUALITY AND QUANTITY ISSUES - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87549 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the attached Fiscal Year 2013 - 2014 Work Plan for the Interlocal Agreement on Stormwater Management between the City of Lincoln and the Lower Platte South Natural Resources District, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. Said Fiscal Year 2013 - 2014 Work Plan establishes a framework and division of responsibilities for addressing stormwater quality and quantity in the City between the City of Lincoln and the Lower Platte South Natural Resources District and authorizes the use of appropriated monies in accordance with the terms and conditions contained in said Fiscal Year 2013 - 2014 Work Plan.

The City Clerk is directed to transmit a certified copy of the executed original Resolution and Fiscal Year 2013 - 2014 Work Plan for the Interlocal Agreement on Stormwater Management to Ben Higgins, Public Works and Utilities Department, for transmittal to the Lower Platte South Natural Resources District.

Introduced by Roy Christensen

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

APPROVING SUPPLEMENT NO. 1 TO THE PRELIMINARY ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE SCHEMMER ASSOCIATES, INC. FOR ADDITIONAL WORK NECESSARY TO COMPLETE THE FEDERAL AID PROJECT NO. HSIP-5227(7), CONTROL NO. 12944, AT NORTH 14TH STREET AND THE EASTBOUND OFF-RAMP TO U.S. HIGHWAY 6 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87550 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the attached Preliminary Engineering Services Agreement Supplement No. 1 between the City of Lincoln and The Schemmer Associates, Inc. to establish responsibilities and fees for additional engineering services necessary to complete the responsibilities for Federal Aid Project for City Project No. 702671, Safety Project at North 14th Street and the eastbound off-ramp to U.S. Highway 6, NDOR Project No. HSIP-5227(7), Control No. 12944, in accordance with the terms and conditions contained in said Supplement No. 1, 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 Craig Aldridge, Engineering Services, Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Roy Christensen

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

APPOINTING BOB CALDWELL, SHARON WHERRY AND MICHAEL STROUP TO THE PINNACLE BANK ARENA ADVISORY COMMITTEE FOR TERMS EXPIRING AUGUST 31, 2017 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87551 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointments of Bob Caldwell, Sharon Wherry and Michael Stroup to the Pinnacle Bank Arena Advisory Committee for terms expiring August 31, 2017, are hereby approved.

Introduced by Roy Christensen

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

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APPOINTING DAVID MCBRIDE AND JAMES O'HANLON TO THE PINNACLE BANK ARENA ADVISORY COMMITTEE FOR TERMS EXPIRING AUGUST 31, 2015 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87552 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointments of David McBride and James O'Hanlon to the Pinnacle Bank Arena Advisory Committee for terms expiring August 31, 2015, are hereby approved.

Introduced by Roy Christensen

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

APPOINTING MIKE AYARS AND THOMAS BALL TO THE PINNACLE BANK ARENA ADVISORY COMMITTEE FOR TERMS EXPIRING AUGUST 31, 2016 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87553 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointments of Mike Ayars and Thomas Ball to the Pinnacle Bank Arena Advisory Committee for terms expiring August 31, 2016, are hereby approved.

Introduced by Roy Christensen

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

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

AMENDING SECTION 27.06.180 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE MANUFACTURE, PROCESSING, STORAGE AND DISTRIBUTION USE GROUP BY AMENDING THE MANUFACTURING, PROCESSING, STORAGE AND DISTRIBUTION USE GROUP TABLE TO SHOW OUTDOOR VEHICLE STORAGE AS A PERMITTED USE IN THE B-4, I-1 AND I-3 ZONING DISTRICTS AND TO SHOW OPEN STORAGE AS A PERMITTED USE IN THE I-3 ZONING DISTRICT - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Section 27.06.180 of the Lincoln Municipal Code relating to the Manufacture, Processing, Storage and Distribution Use Group by amending the Manufacturing, Processing, Storage and Distribution Use Group Table to show outdoor vehicle storage as permitted use in the B-4, I-1 and I-3 zoning districts and to show open storage as a permitted use in the I-3 zoning district; and repealing Section 27.06.180 of the Lincoln Municipal Code as hitherto existing, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19913**, is recorded in Ordinance Book #28, Page .

VACATION NO. 13001 - VACATING THE SOUTH 10 FEET OF J STREET BETWEEN S. 5TH AND S. 6<sup>TH</sup> STREETS, THE WEST 10 FEET OF S. 6TH STREET BETWEEN J AND H STREETS AND THE NORTH 17 FEET OF G STREET BETWEEN S. 4TH AND S. 6TH STREETS - CLERK read an ordinance, introduced by Leirion Gaylor Baird, vacating the south 10 feet of J Street between S. 5<sup>th</sup> and S. 6<sup>th</sup> Streets, the west 10 feet of S. 6<sup>th</sup> Street between J and H Streets and the north 17 feet of G Street between S. 4<sup>th</sup> and S. 6<sup>th</sup> Streets and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19914**, is recorded in Ordinance Book #28, Page .

AMENDING SECTION 9.20.050 OF THE LINCOLN MUNICIPAL CODE RELATING TO DISTURBING THE PEACE TO CLARIFY THAT THE PENALTY FOR SUCH OFFENSE INCLUDES THE OPTION OF BOTH A FINE AND IMPRISONMENT IN THE COUNTY JAIL - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Section 9.20.050 of the Lincoln Municipal Code, relating to disturbing the peace to clarify that the penalty for such offense includes the option of both a fine and imprisonment in the county jail; and repealing Section 9.20.050 of the Lincoln Municipal Code as hitherto existing, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19915**, is recorded in Ordinance Book #28, Page .

**RESOLUTION - FOR ACTION ONLY**

REQUIRING COUNCIL APPROVAL FOR ACQUISITION OF BLIGHTED RESIDENTIAL PROPERTY USING COMMUNITY IMPROVEMENT FINANCING WHERE THE VALUE OF SUCH PROPERTY EXCEEDS \$50,000 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-87554 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the City Council, by adoption of the Capital Improvement Program (CIP) on Schedule 5 of Bill No. 13R-182, hereby authorizes the acquisition of all necessary right-of-way, easements, or other interest in land, by purchase if possible, but condemnation if necessary, for those projects included within the first two years of said CIP except that where acquisition of blighted



residential property is included in such projects and the funding source for such acquisition is Community Improvement Financing, no such acquisition is authorized where the value of said property at the time of purchase by the City exceeds \$50,000 unless authorized by a separate resolution of the City Council.

Introduced by Trent Fellers

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

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

APPROVING A SUBLEASE AGREEMENT BETWEEN GOODWILL INDUSTRIES AND THE CITY OF LINCOLN FOR THE SUBLEASE BY GOODWILL OF 160 SQUARE FEET OF SPACE AT 1111 O STREET FOR PURPOSES OF WORKFORCE INVESTMENT ACT SERVICES AND THE AMERICAN JOB CENTER FOR A FOUR YEAR TERM OF OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2017 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Sublease Agreement between the City of Lincoln, Nebraska and Goodwill Industries for the sublease of space at 1111 O Street, Lincoln, Lancaster County, Nebraska for a term of October 1, 2013 through September 30, 2017, whereby the City of Lincoln is subleasing space to Goodwill Industries for the purposes of Workforce Investment Act Services and the American Job Center, the first time.

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

REAPPOINTING DOUG BIGGERSTAFF TO THE WATER CONDITIONING BOARD OF EXAMINERS FOR A TERM EXPIRING SEPTEMBER 4, 2016.

SPECIAL PERMIT 1219L - APPLICATION OF BRYAN MEDICAL CENTER TO EXPAND A NON-RESIDENTIAL HEALTH CARE FACILITY FOR RENOVATION AND EXPANSION OF THE EXISTING EMERGENCY DEPARTMENT WITH REQUESTS TO REDUCE THE REQUIRED FRONT YARD SETBACK FROM 25 FEET TO 6 FEET ON S. 48TH STREET AND TO MODIFY THE REQUIRED FRONT YARD SETBACK FROM 33.8 FEET TO 0 FEET ON SUMNER STREET ON PROPERTY GENERALLY LOCATED AT 48TH AND SUMNER STREETS.

APPROVING THE 2013-2014 CITY TAX RATE OF .31580 PER \$100.00 OF ASSESSED VALUATION.

APPROVING A MULTI-YEAR CONTRACT BETWEEN BRYAN COLLEGE OF HEALTH SCIENCES AND THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR NURSING STUDENTS TO RECEIVE FIELD AND CLINICAL TRAINING AT THE HEALTH DEPARTMENT FOR A TERM OF SEPTEMBER 1, 2013 THROUGH AUGUST 31, 2016.

APPROVING TWO CONTRACT AGREEMENTS BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, THE LINCOLN LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND DIAMOND VOGEL AND SHERWIN WILLIAMS PAINT COMPANY FOR THE SUPPLY AND DELIVERY OF PAINT AND RELATED PRODUCTS THROUGH LOCAL INTER-GOVERNMENTAL COOPERATIVE PURCHASING, PURSUANT TO THE UNIVERSITY OF NEBRASKA RFP #2135-13-7215, FOR A THREE YEAR TERM.

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

APPROVING AMENDMENT NO. 1 FOR A THREE YEAR EXTENSION OF AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN WATER SYSTEM AND THE STATE OF NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE REVIEW OF PLANS FOR CONSTRUCTION OF NEW AND REPLACEMENT DISTRIBUTION MAINS.

APPROVING THREE CONTRACT AGREEMENTS BETWEEN THE CITY OF LINCOLN AND CARQUEST AUTO PARTS, LINCOLN TRUCK CENTER, AND FACTORY MOTOR PARTS FOR THE ANNUAL SUPPLY OF AUTOMOTIVE MAINTENANCE AND REPAIR PARTS TO STARTRAN, PURSUANT TO BID NO. 13-151, FOR TWO YEAR TERMS WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM.

**MISCELLANEOUS BUSINESS - NONE**

**OPEN MICROPHONE**

Jane Svoboda, no address given, came forward to share her thoughts on various issues.

This matter was taken under advisement.

Richard Esquivel, 733 W. Cumming Street, came forward to state that an ordinance was passed that required dilapidated buildings be repaired or the City would take over that responsibility. He questioned the practice of buying these types of properties and turning them over to private companies.

This matter was taken under advisement.

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Mike Morosin, 1500 N. 15<sup>th</sup> St., came forward to state his concerns regarding a court case he was involved in.  
This matter was taken under advisement.

**ADJOURNMENT 4:33 P.M.**

CAMP            Moved to adjourn the City Council meeting of September 9, 2013.  
                  Seconded by Christensen & carried by the following vote: AYES: Camp,  
Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

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Teresa J. Meier, City Clerk

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Amy Hana Huffman, Office Specialist