

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 12, 2011 AT 3:00 P.M.**

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

Council Chair Carroll 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 29, 2011 reported having done so, found same correct.

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

EXPRESSION OF APPRECIATION

Mayor Chris Beutler came forward to present the Medallion of the City to Councilwoman Jayne L. Snyder in honor of her leadership and years of service to the City of Lincoln. Mayor Beutler stated, on behalf of the citizens of Lincoln, he would like Jayne to accept a small token of appreciation that is given to people who profoundly affect the city.

Jayne Snyder came forward to graciously accept the Medallion. She talked about her passion and desire to serve the City of Lincoln. She stated that "I say to my friends, it is not about me, but it is about what I can do for the citizens of Lincoln". She shared that she felt very privileged to be able to serve on the Council for two years and wished everyone the best of luck and thanked them.

Council Chair Carroll read the following letter of appreciation:

"WHEREAS, Jayne Snyder has announced her retirement from the position of City of Lincoln Councilwoman; and

WHEREAS, it is appropriate for the City Council, on behalf of the citizens of the City of Lincoln, to publicly express their appreciation and gratitude for Jayne's untiring service and numerous contributions to make the City of Lincoln great and to cause said appreciation and gratitude to be forever made a part of the records of the official proceedings of the City Council.

NOW, THEREFORE, LET IT BE KNOWN by the City Council of the City of Lincoln, Nebraska, on behalf of the citizens of the City of Lincoln, that sincere appreciation and gratitude is extended to Jayne Snyder for dedicated service.

DATED this 12th day of September, 2011

BY THE LINCOLN CITY COUNCIL OF LINCOLN, NEBRASKA"

PUBLIC NOTICE OF VACANCY OF COUNCIL SEAT

Council Chair Carroll made a Public Announcement of a Vacancy of the Council Seat which will be completed on May of 2013 as a Public Notice.

PUBLIC HEARING

APPOINTING HERB FRIEDMAN AND MARTHAELLEN FLORENCE TO THE LIBRARY BOARD FOR TERMS EXPIRING AUGUST 31, 2018 AND AUGUST 31, 2013, RESPECTIVELY - Mia Harris, President of the Library Board of Trustees, came forward to introduce the candidates for the Library Board vacancies. Herb Friedman came forward and the Council thanked him for his commitment to be on the Library Board.

Just prior to the end of public hearing, Council Chair Carroll recognized that Marthaellen Florence was present in the audience and invited her to come forward for questioning regarding her appointment to the Library Board.

Ms. Florence came forward to answer Council questions and to accept her appointment to the Library Board.

Council Chair Carroll thanked Ms. Florence for volunteering to serve on the Library Board.

This matter was taken under advisement.

APPLICATION OF DOZO SUSHI GRILL LOUNGE LLC DBA DOZO SUSHI GRILL LOUNGE FOR A CLASS I LIQUOR LICENSE AT 151 NORTH 8TH STREET, SUITE 100;

MANAGER APPLICATION OF WEIJAY WANG FOR DOZO SUSHI GRILL LOUNGE LLC DBA DOZO SUSHI GRILL LOUNGE AT 151 NORTH 8TH STREET, SUITE 100 - Weijay Wang, 151 North 8th Street, Suite 100, came forward to take the oath and to answer questions.

Council Member Emery questioned the applicant as far as being a sidewalk café and indicated to Mr. Wang that he needed to complete a separate application for that and Mr. Wang indicated he understood that. Discussion followed.

This matter was taken under advisement.

APPLICATION OF BRACKHAN DANCE DIRECTIVE LLC DBA DELRAY BALLROOM FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 23 FEET BY 142 FEET TO THE SOUTH OF 817 R STREET ON SEPTEMBER 17, 2011, FROM 8:00 A.M. TO 8:00 P.M.;

APPEAL OF BRACKHAN DANCE DIRECTIVE LLC DBA DELRAY BALLROOM FOR A SPECIAL EVENT PERMIT

TO USE A PORTION OF THE RIGHT-OF-WAY MEASURING APPROXIMATELY 23 FEET BY 142 FEET TO THE SOUTH OF 817 R STREET ON SEPTEMBER 17, 2011, FROM 8:00 A.M. TO 8:00 P.M. - Shelly Fritz, 817 R Street, came forward to answer questions.

Rod Confer, City Attorney, came forward to explain the Special Event application. He stated that this Special Event application needed to be completed because the DelRay Ballroom needs extra space before the Washington football game to host the Washington University fans. The space that she wants to use is the alleyway behind the DelRay Ballroom, which is a public space; therefore, she needs to have a Special Event permit. The difficulty is that Special Event permits are not allowed in that area on football Saturdays. Urban Development Department has agreed to enter into a lease for one day with the DelRay Ballroom and this lease will give exclusive control of the area to DelRay Ballroom for that day. The Special Event application will no longer be necessary. The application for the Special Designated License is conditional on the lease being approved. The Law Department is drafting a lease.

Council Chair Carroll questioned Ms. Fritz and she responded that she understood the process.

Rod Confer indicated the Special Event permit would need to be denied or withdrawn by the Council and the lease will take affect. Discussion followed.

Dave Landis, Urban Development Department, came forward stating this is a one time situation. Mr. Landis explained that this area is not an alley commonly used by vehicles and that this area is next to the Haymarket Garage. The area is a broad concrete space that connects two streets, but it is not used other than by garbage trucks. There is not going to be vehicular or pedestrian conflict. This area belongs to the Parking Department and it may be discussed to use this space on an ongoing basis through an auction process for "tail-gators" that might want to rent this area from the City.

This matter was taken under advisement.

AMENDING CHAPTERS 2.62, 2.65, AND 2.66 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, BY AMENDING SECTIONS 2.62.045, 2.65.045, AND 2.66.045 RELATING TO THE OPERATION OF THE DEFERRED RETIREMENT OPTION PLAN (DROP) TO PROVIDE THAT FIRE FIGHTER MEMBERS SHALL RECEIVE A 13TH CHECK DURING DROP PARTICIPATION; AND AMENDING SECTIONS 2.62.140, 2.65.140, AND 2.66.107 RELATING TO COST OF LIVING ADJUSTMENTS TO PROVIDE THAT FIRE FIGHTERS' \$15,000 CREDIT TOWARD THE PURCHASE OF A COST-OF-LIVING ADJUSTMENT BE REDUCED BY THE SUM OF 13TH CHECK PAYMENTS RECEIVED AS A DROP PARTICIPANT; AMENDING SECTIONS 2.62.090, 2.65.090, AND 2.66.085 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE REVIEW PERIOD FOR DISABILITY RETIREMENT BENEFITS FOR THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, FROM THREE TO FIVE YEARS; AMENDING SECTION 4.62.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN INVESTMENT BOARD TO PROVIDE STAGGERED TERMS FOR MEMBERS ELECTED BY THE POLICE AND FIRE DEPARTMENTS; AMENDING SECTION 4.64.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO DISABILITY PENSION APPLICATIONS; PROCEDURE AND APPEAL TO ALLOW EXAMS TO INCLUDE THOSE PERFORMED BY MEDICAL PROFESSIONALS OTHER THAN PHYSICIANS OR PSYCHIATRISTS; AMENDING SECTION 2.76.380 OF THE LINCOLN MUNICIPAL CODE RELATING TO SICK LEAVE WITH PAY TO PROVIDE THAT UNREPRESENTED "M" EMPLOYEES COINCIDE WITH "M" LABOR CONTRACT CHANGES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AS OF AUGUST 18, 2011; AMENDING SECTION 2.78.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO MANAGEMENT COMPENSATION PLAN ANNUAL LEAVE TO CLARIFY WHEN NEW VACATION HOURS GO INTO EFFECT EACH YEAR FOR "M" EMPLOYEES NOT REPRESENTED BY LABOR CONTRACT AND DIRECTORS; AMENDING SECTION 2.78.027 OF THE LINCOLN MUNICIPAL CODE RELATING TO MANAGEMENT COMPENSATION PLAN LONGEVITY PAY TO PROVIDE THAT UNREPRESENTED "M" EMPLOYEES COINCIDE WITH "M" LABOR CONTRACT CHANGES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AS OF AUGUST 18, 2011 - John Cripe, Classification and Compensation Manager of the Personnel Department, came forward to speak on these items. Mr. Cripe stated that the items appear to be fairly comprehensive, but they are actually fairly simple. Last year the code was amended to allow someone to select a Cost of Living Adjustment (COLA) and pay us for the entire amount. The contribution for the 13th check is \$15,000. He said we have had no one select that type of payment. He said we overlooked the possibility of someone wanting to go through the DROP program and not select the COLA program, so we agreed at negotiations to allow them to continue to take the DROP payment during the period of the 13th check payment. If they selected the COLA, we would subtract any DROP payments or 13th check payments. So it is a net zero and it is something talked about in negotiations and the City is in favor of this.

The next item covers the ongoing discussions and problems with disabilities. There is a three year review process, so if somebody is hurt on the job or has an illness and has the opportunity to return to duty, three years has not been enough time for someone to get better and return to the police or fire service and/or determine as the ordinance reads to determine permanent or total disability from their occupation. The request is to extend the time frame from three years to five years.

The next item is that all of the union employees on the Personnel Policy Board come on and go off at the same time; their terms are not staggered. This item would stagger their terms at three and five years.

The next item is pension related regarding the accumulation of medical records and documentation for people who are presumed to be disabled. This will expand the definition of what medical documentation the pension administration needs to be able to accumulate for those reviews. No decision is made by the City, there is a committee that makes the decision, but the data is gathered for the presentation.

The next three items are contract changes based on changes to the "M" contract you previously approved.

Item 24 is to increase family sick leave from 60 to 80 hours to go along with the contract that was negotiated for "M" represented employees.

Item 25 refers to when vacation pay starts and/or accumulates; Mr. Cripe clarified it was the 15th of the month and this amendment would change it to the

first pay period in January.

Item 26 refers to the longevity pay plan. It is the same longevity pay plan that is in the union contract.

Mike Morosin, 1500 N 15th Street, came forward asking about the DROP Program. He questioned if the money is getting a different interest rate than what the pension interest rate would be? He indicated he understand the \$15,000 contribution maximum. It is the 13th check a lot of people do not understand. Can everybody participate in it? Are employees eligible for merit raises once they enter this DROP Program and do they raise the maximum? If somebody enters this program and then chooses not to retire, what happens? Can employees participate in the DROP Program still be working and draw some of the pension money?

Council Member Camp asked that Mr. Morosin's questions be addressed.

John Cripe came forward and stated that the pension is based on the highest compensation of one year. The DROP Program is designed for employees eligible for retirement. Employees may select early retirement, which is a deferred retirement option plan. If an employee signs up for that plan, retirement is required at the end of the five years or sooner. Pension is frozen at that time. The reason it is left open is if somebody is killed or disabled on duty, then they can forfeit their DROP account and go through the process of determining if it was duty related. The money stays in the pension account and it must be withdrawn at the end of the five year period. The 13th check is actually in place of what would be a COLA payment and it is paid to all retirees, not just the employees in the DROP Program. It is set every year by ordinance and is paid at the end of September.

Council Member Camp questioned the \$15,000 credit and asked if it is the maximum amount?

John Cripe stated if their purchase is a real COLA, then the City would contribute \$15,000 and they would not receive a 13th check. So while they are in the DROP program receiving the COLA the City will deduct that from the \$15,000 if they go on to a real COLA.

This matter was taken under advisement.

CREATING A BUSINESS IMPROVEMENT DISTRICT FOR THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF CERTAIN PUBLIC FACILITIES AND IMPROVEMENTS WITHIN THE AREA GENERALLY LOCATED ALONG HAVELOCK AVENUE FROM CORNHUSKER HIGHWAY ON THE WEST TO 64TH STREET ON THE EAST AND PROVIDING FOR SPECIAL ASSESSMENTS TO BE IMPOSED WITHIN THE DISTRICT - Dave Landis, Urban Development Department, came forward to discuss the Havelock BID. The total amount of square footage that is covered in Havelock is 3,497 frontage feet. The maintenance is \$3.35 a foot, that is the capped amount of maintenance and the total cost is about \$11,500 maximum. The street scape is being paid for by TIF. It leaves us with some continuing responsibilities for maintenance. He showed pictures of the projected street scape. It is smaller than the other business improvement districts that have been created in downtown, North 48 and 27th street, but we have a strong board waiting to take responsibility. The following have had a long history of being helpful in this area: Denise Otto, Pinnacle Bank; David Koll, Isles Pub and Pizza; Roger Fletcher, Engine House Café; Tam Spence, The Vickorage; Sue Kovar, Havelock Furniture; and Rich O'Hare, The Cosmic Cow. They asked for the creation of this Havelock Business Improvement District.

Council Member Emery asked if it were to sign yet?

Mr. Landis stated that we were not to the sign, but indicated he would give the status of the sign. First we wanted to do the sign with TIF money and it can't be done, because it is outside the area. Then we wanted to do it with CBG money, but that has to be low to moderate income money and there isn't a low and moderate income purpose. We found some money in an old HUG Program 20 to 25 years old, in which we have made a loan that was repaid to us so we have loan proceeds. The program has gone out of existence at the Federal Government level, so we thought we could use for this purpose. We contacted the Housing and Urban Development of the United States government if we could use these monies for the Havelock area and we were told we could not. We have reached out to the Federal Level and have not received a response. The money does not have an assigned purpose, it does not have existing Federal Charter, but the Federal Government doesn't want to release the money.

Doug Kerns, 6120 Havelock Avenue, came forward as a representative for the Havelock Business Association and the Havelock Business Improvement Board supporting the creation of the Havelock Business Improvement District. He thanked Mr. Michael for the work that he has done on behalf of the Havelock BID and also thanked Mr. Landis. He asked for council support in favor of the establishment of the BID.

This matter was taken under advisement.

AUTHORIZING AND SUPPORTING THE APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM OF THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO ASSIST WITH FUNDING THE CONSTRUCTION OF THE STONEBRIDGE TRAIL CONNECTING THE ALVO ROAD TRAIL NEAR 14TH AND ALVO ROAD WITH THE 14TH STREET TRAIL NEAR 14TH AND HUMPHREY - Terry Genrich, Parks and Recreation Department, came forward to answer questions.

Council Member Camp asked what the cost estimation for the City was in getting this transportation enhancement?

Mr. Genrich stated that he believes the match is set at \$115,000/\$120,000. He said they are going to be receiving approximately \$550,000 from the Federal Government if they approve our application. Discussion followed.

Mr. Genrich stated that 20% is what the required match is.

Council Member Camp asked if the application is not approved what is the next step.

Mr. Genrich indicated there are other options. This project is to continue a trail as 14th Street is being redone from Superior North to Alvo Road

and as 14th is redone, they are going to be building a trail along the westside of that up to Humphrey. This trail will go from Humphrey east and than east about two blocks and then it will go north through the neighborhood association. The north end of that association there is actually and underpass that was built when Alvo Road was redone so that as Lincoln's growth continues on north of there the trail will connect to that and this project will not stop there. It will actually go back west and connect with the trail completed along Alvo Road that connects the Kooser Elementary School.

This matter was taken under advisement.

AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM FOR THE RECONSTRUCTION OF THE SHERIDAN STREET BRIDGES NEAR SOUTH 33RD STREET - Thomas Shafer and Devin Biesecker, Public Works and Utilities Department, came forward to answer questions. Discussion followed.

Council Member Emery asked if this will also take care of the south side of the bridge where mud is coming across?

Devin Biesecker indicated that this would just be a project to replace the bridges, but that could probably easily be addressed during a construction project.

Council Member Emery indicated he was contacted by a concerned individual who stated that a young person was riding a bicycle, came around the corner and took a spill in the mud. He was concerned about a liability issue.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING DAVE SKIPTON AND WILBER DASENBROCK TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 1, 2014 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86483 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of Dave Skipton and Wilber Dasenbrock to the Air Pollution Control Advisory Board for three-year terms expiring September 1, 2014 are hereby approved.

Introduced by: Carl Eskridge

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

REAPPOINTING GERARD FINNEGAN JR. TO THE POLICE AND FIRE PENSION PLAN INVESTMENT BOARD FOR A FIVE-YEAR TERM EXPIRING SEPTEMBER 1, 2016 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86484 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Gerard Finnegan Jr. to the Police and Fire Pension Plan Investment Board for a five-year term expiring September 1, 2016 is hereby approved.

Introduced by Carl Eskridge

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

REAPPOINTING RICHARD BOUCHER, PATTE L. NEWMAN AND ANDREA SNOWDEN TO THE CHARTER REVISION COMMISSION FOR TERMS EXPIRING JULY 15, 2015 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86485 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of Richard Boucher, Patte L. Newman and Andrea Snowden to the Charter Revision Commission for terms expiring July 15, 2015 are hereby approved.

Introduced by Carl Eskridge

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

APPOINTING PERRY PIRSCH AND JAMES SCHAFFER TO THE CHARTER REVISION COMMISSION FOR A TERM EXPIRING JULY 15, 2015 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86486 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointments of Perry Pirsch and James Schaffer to the Charter Revision Commission for terms expiring July 15, 2015 are hereby approved.

Introduced by Carl Eskridge

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

APPOINTING SCOTT SANDQUIST TO THE BOARD OF ZONING APPEALS FOR A TERM EXPIRING AUGUST 24, 2015 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86487 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Scott Sandquist to the Board of Zoning Appeals for a term expiring on August 24, 2015 is hereby approved.

Introduced by Carl Eskridge

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

APPOINTING KAREN BUTCHER TO THE LINCOLN-LANCASTER COUNTY EMS OVERSIGHT AUTHORITY BOARD FOR A FOUR-YEAR TERM EXPIRING SEPTEMBER 1, 2015 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86488 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Karen Butcher to the Lincoln-Lancaster County EMS Oversight Authority Board for a four-year term expiring September 1, 2015 is hereby approved.

Introduced by Carl Eskridge

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

APPOINTING HERB FRIEDMAN AND MARTHAELLEN FLORENCE TO THE LIBRARY BOARD FOR TERMS EXPIRING AUGUST 31, 2018 AND AUGUST 31, 2013, RESPECTIVELY - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86489 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointments of Herb Friedman and Marthaellen Florence to the Library Board for terms expiring on August 31, 2018 and August 31, 2013, respectively, are hereby approved.

Introduced by: Carl Eskridge

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

REQUEST OF PUBLIC WORKS TO SET A PUBLIC HEARING DATE OF MONDAY, SEPTEMBER 26, 2011 AT 5:30 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:
11-143

To provide authority to create & order construction under special assessment district new sidewalks within the City of Lincoln -
This item was approved by City Council.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 22, 2011 - 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 29, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JULY 31, 2011 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86490 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That during the month ended July 31, 2011, \$75,594.32 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 Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS ON JULY 31, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, OCTOBER 10, 2011 AT 3:00 P.M. FOR THE APPLICATION OF R & W BBQ INC. DBA DICKEY'S BARBEQUE PIT FOR A CLASS A LIQUOR LICENSE LOCATED AT 2662 CORNHUSKER HWY, SUITE 9 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86496 BE IT RESOLVED by the City Council, of the City of Lincoln:

That a hearing date is hereby set for Monday, October 10, 2011 at 3:00 p.m. or as soon thereafter as possible in that City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Application of R & W BBQ Inc. Dba Dickey's Barbeque Pit for a Class A liquor license located at 2662 Cornhusker Highway, Suite 9.

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 11045 to Use Permit No. 154d, Wilderness Hills Commercial Center, approved by the Planning Director on August 26, 2011, requested by Olsson Associates, to allow additional uses in the Town Center of the use permit, except those with drive-thru facilities. The land use table was also amended to clarify the allowed uses throughout the center. Property is generally located at S. 27th St. and Yankee Hill Road.

REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 11032 - Requested by Kappa Foundation, from R-2 Residential District to R-6 Residential District, on property generally located at Holdrege Street and Idylwild Drive (3611 Holdrege Street).

Change of Zone No. 11033 - Requested by Olsson Associates, from I-1 Industrial District, I-3 Employment Center District, B-2 Planned Neighborhood Business District, and R-5 Residential District to P Public Use District; from I-3 Employment Center District, B-2 Planned Neighborhood Business District, R-3 Residential District and R-5 Residential District to H-3 Highway Commercial District; from B-2 Planned Neighborhood Business District and R-3 Residential District to R-5 Residential District; on property generally located at N. 33rd Street and Folkways Circle.

Change of Zone No. 11035 - Requested by Bob Stephens, from R-3 Residential District to R-5 Residential District, on property generally located at N 24th Street and Dodge Street.

Special Permit No. 11021 - Requested by Kappa Foundation, for a Parking Lot, with a request to waive the front yard setback from 25' to 20' for the parking lot located in the R-2 zoned area, on property generally located at Idylwild Drive and Starr Street.

Special Permit No. 11023 - Requested by Bob Stephens, Magic Hills Community Unit Plan, for Four Apartment Buildings with approximately 96 units and a clubhouse, on property generally located at N. 24th Street and Dodge Street. The Planning Commission Action Is Final Action, Unless Appealed to the City Council.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF DOZO SUSHI GRILL LOUNGE LLC DBA DOZO SUSHI GRILL LOUNGE FOR A CLASS I LIQUOR LICENSE AT 151 NORTH 8TH STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86491 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 Dozo Sushi Grill Lounge LLC dba Dozo Sushi Grill Lounge for a Class "I" liquor license at 151 North 8th Street, Suite 100, Lincoln, Nebraska, for the license period ending April 30, 2012, 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. 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 Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

MANAGER APPLICATION OF WEIJAY WANG FOR DOZO SUSHI GRILL LOUNGE LLC DBA DOZO SUSHI GRILL LOUNGE AT 151 NORTH 8TH STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86492 WHEREAS, Dozo Sushi Grill Lounge LLC dba Dozo Sushi Grill Lounge located at 151 North 8th Street, Suite 100, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Weijay Wang be named manager;

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

APPLICATION OF BRACKHAN DANCE DIRECTIVE LLC DBA DELRAY BALLROOM FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 23 FEET BY 142 FEET TO THE SOUTH OF 817 R STREET ON SEPTEMBER 17, 2011, FROM 8:00 A.M. TO 8:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86493

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 Brackhan Dance Directive, LLC dba DelRay Ballroom for a Special Designated License to cover an area measuring approximately 23 feet by 142 feet to the south of 817 R Street, Lincoln, Nebraska, on September 17, 2011 between the hours of 8:00 a.m. and 8:00 p.m., be approved with the condition that the premise 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 Jon Camp

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

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

AMENDING CHAPTERS 2.62, 2.65, AND 2.66 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, BY AMENDING SECTIONS 2.62.045, 2.65.045, AND 2.66.045 RELATING TO THE OPERATION OF THE DEFERRED RETIREMENT OPTION PLAN (DROP) TO PROVIDE THAT FIRE FIGHTER MEMBERS SHALL RECEIVE A 13TH CHECK DURING DROP PARTICIPATION; AND AMENDING SECTIONS 2.62.140, 2.65.140, AND 2.66.107 RELATING TO COST OF LIVING ADJUSTMENTS TO PROVIDE THAT FIRE FIGHTERS' \$15,000 CREDIT TOWARD THE PURCHASE OF A COST-OF-LIVING ADJUSTMENT BE REDUCED BY THE SUM OF 13TH CHECK PAYMENTS RECEIVED AS A DROP PARTICIPANT - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapters 2.62, 2.65, and 2.66 of the Lincoln Municipal Code relating to the Police and Fire Pension Plans A, B and C, respectively, by amending Sections 2.62.045, 2.65.045, and 2.66.045 relating to the operation of the Deferred Retirement Option Plan (DROP) to provide that Fire Fighter members shall receive a 13th check during DROP participation; amending Sections 2.62.140, 2.65.140, and 2.66.107 relating to Cost of Living Adjustments to provide that Fire Fighters' \$15,000 credit toward the purchase of a cost-of-living adjustment be reduced by the sum of 13th check payments received as a DROP participant; and repealing Sections 2.62.045, 2.62.140, 2.65.045, 2.65.140, 2.66.045, and 2.66.107 of th Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTIONS 2.62.090, 2.65.090, AND 2.66.085 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE REVIEW PERIOD FOR DISABILITY RETIREMENT BENEFITS FOR THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, FROM THREE TO FIVE YEARS, THE FIRST TIME - CLERK read an ordinance, introduced by Carl Eskridge, amending Sections 2.62.090, 2.65.090, and 2.66.085 of the Lincoln Municipal Code to increase the review period for Disability Retirement Benefits for the Police and Fire Pension Plans A, B and C, respectively, from three to five years; and repealing Sections 2.62.090, 2.65.090, and 2.66.085 of the Lincoln Municipal code as hitherto existing, the second time.

AMENDING SECTION 4.62.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN INVESTMENT BOARD TO PROVIDE STAGGERED TERMS FOR MEMBERS ELECTED BY THE POLICE AND FIRE DEPARTMENTS - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 4.62.010 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan Investment Board to provide staggered terms for members elected by the Police and Fire departments; and repealing Section 4.62.010 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 4.64.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO DISABILITY PENSION APPLICATIONS; PROCEDURE AND APPEAL TO ALLOW EXAMS TO INCLUDE THOSE PERFORMED BY MEDICAL PROFESSIONALS OTHER THAN PHYSICIANS OR PSYCHIATRISTS - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 4.64.020 of the Lincoln Municipal Code relating to Disability Pension Applications; Procedure and Appeal to allow exams to include those performed by medical professionals other than physicians or psychiatrists; and repealing Section 4.64.020 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 PROVIDE THAT UNREPRESENTED "M" EMPLOYEES COINCIDE WITH "M" LABOR CONTRACT

CHANGES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AS OF AUGUST 18, 2011 - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 2.76.380 of the Lincoln Municipal Code relating to Sick Leave with Pay to provide that unrepresented "M" employees coincide with "M" Labor Contract changes and making the changes retroactively effective as of August 18, 2011; and repealing Section 2.76.380 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 2.78.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO MANAGEMENT COMPENSATION PLAN ANNUAL LEAVE TO CLARIFY WHEN NEW VACATION HOURS GO INTO EFFECT EACH YEAR FOR "M" EMPLOYEES NOT REPRESENTED BY LABOR CONTRACT AND DIRECTORS, THE FIRST TIME - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 2.78.020 of the Lincoln Municipal Code relating to Management Compensation Plan Annual Leave to clarify when new vacation hours go into effect each year for "M" employees not represented by Labor Contract and Directors; and repealing Section 2.78.020 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 2.78.027 OF THE LINCOLN MUNICIPAL CODE RELATING TO MANAGEMENT COMPENSATION PLAN LONGEVITY PAY TO PROVIDE THAT UNREPRESENTED "M" EMPLOYEES COINCIDE WITH "M" LABOR CONTRACT CHANGES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AS OF AUGUST 18, 2011 - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 2.78.027 of the Lincoln Municipal Code relating to Management Compensation Plan Longevity Pay to Provide that unrepresented "M" employees coincide with "M" Labor Contract changes and making the changes retroactively effective as of August 18, 2011; and repealing Section 2.78.027 of the Lincoln Municipal Code as hitherto existing, the second time.

CREATING A BUSINESS IMPROVEMENT DISTRICT FOR THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF CERTAIN PUBLIC FACILITIES AND IMPROVEMENTS WITHIN THE AREA GENERALLY LOCATED ALONG HAVELOCK AVENUE FROM CORNHUSKER HIGHWAY ON THE WEST TO 64TH STREET ON THE EAST AND PROVIDING FOR SPECIAL ASSESSMENTS TO BE IMPOSED WITHIN THE DISTRICT - CLERK read an ordinance, introduced by Carl Eskridge, creating a business improvement district under the authority of the Business Improvement District Act (Neb.Rev.Stat. § 19-4015 et seq.) to be known as the Havelock Business Improvement District for the purpose of providing specified maintenance, repair and reconstruction of certain public facilities and improvements within the area of Havelock Avenue from Cornhusker Highway on the west to 64th Street on the east; providing for special assessments to be imposed within the district based upon the benefits conferred; and providing maximum limits upon such assessments, the second time.

PUBLIC HEARING - RESOLUTIONS

AUTHORIZING AND SUPPORTING THE APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM OF THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO ASSIST WITH FUNDING THE CONSTRUCTION OF THE STONEBRIDGE TRAIL CONNECTING THE ALVO ROAD TRAIL NEAR 14TH AND ALVO ROAD WITH THE 14TH STREET TRAIL NEAR 14TH AND HUMPHREY - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86494 WHEREAS, the City of Lincoln through its Parks and Recreation Department intends to apply to the State of Nebraska Department of Roads for financial assistance from the Transportation Enhancement Program for the purpose of constructing the Stonebridge Trail; and

WHEREAS, the project includes construction of a trail connection between the Alvo Road Trail, near 14th and Alvo Road, with the 14th Street Trail, near 14th and Humphrey, through the Stonebridge neighborhood; and

WHEREAS, the total estimated cost of the project is \$675,297, with \$135,060 identified in the CIP budget with funds coming from impact fees and \$540,237 being provided by the Transportation Enhancement Program grant; and

WHEREAS, the City of Lincoln has available a minimum of 20% of the project cost and has the financial capability to operate and maintain the completed facility in a safe and attractive manner for public use; and

WHEREAS, the City of Lincoln wishes to express its support for the project and its willingness to commit to the cost of operation and maintenance of the trail in a safe and attractive manner for the public; and

WHEREAS, the proposed application and supporting documents were made available for public review at a properly announced meeting of the City Council.

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

That the City of Lincoln hereby expresses its support for the application being made by its Parks and Recreation Department to the State of Nebraska Department of Roads for financial assistance from the Transportation Enhancement Program for the purpose of constructing the project described above and known as the Stonebridge Trail and its commitment to the on-going maintenance of the trail.

The City Clerk is directed to transmit a certified copy of this resolution to the Parks and Recreation Department for inclusion with the application to the State of Nebraska Department of Roads.

Introduced by Carl Eskridge

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

AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM FOR THE RECONSTRUCTION OF THE SHERIDAN STREET BRIDGES NEAR SOUTH 33RD STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86495 WHEREAS, the City of Lincoln, Nebraska has proposed to apply for

assistance from the TRANSPORTATION ENHANCEMENT PROGRAM for the purpose of constructing the Sheridan Street Bridges near 33rd Street and

WHEREAS, the project includes the construction of two new bridges along Sheridan Blvd. over the Rock Island Bike Trail just west of 33rd Street, and

WHEREAS, the City of Lincoln, Nebraska has available a minimum of 20% of the project cost, currently estimated at \$1,876,319, and has the financial capability to operate and maintain the completed facility in a safe and attractive manner for public use; and

WHEREAS, the proposed application and supporting documents were made available for public review at a properly announced meeting of the City of Lincoln City Council.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works and Utilities is hereby authorized to proceed with submittal of the application for Transportation Enhancement funding for the reconstruction of the Sheridan Street Bridges near South 33rd Street.

Introduced by Carl Eskridge

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

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

AMENDING CHAPTER 14.56 OF THE LINCOLN MUNICIPAL CODE RELATING TO WORKS OF ART BY AMENDING SECTION 14.56.030 TO RESERVE THE RIGHT TO DETERMINE THE APPROPRIATENESS OF PLACING ART WORK ON CITY OWNED PROPERTY; AMENDING SECTION 14.56.040 TO CHANGE THE APPROVAL PROCESS FOR PLACEMENT OF ART WORK ON CITY OWNED PROPERTY; AMENDING SECTION 14.56.070 TO AUTHORIZE THE DIRECTOR OF PARKS AND RECREATION TO SUPERVISE INSTALLATION AND MAINTENANCE OF ART WORK ON CITY OWNED PROPERTY OUTSIDE OF STREET RIGHT-OF-WAY; AMENDING SECTION 14.56.090 TO MOVE THE AUTHORITY TO SUSPEND OR REVOKE A LICENSE AGREEMENT FROM THE CITY COUNCIL TO THE MAYOR; AMENDING SECTION 14.56.100 TO CHANGE INSURANCE REQUIREMENTS; AMENDING SECTION 14.56.110 TO CHANGE THE LENGTH OF LICENSE AGREEMENTS; AMENDING SECTION 14.56.120 TO CHANGE THE APPLICATION FEE; ADDING A NEW SECTION NUMBERED 14.56.130 TO REQUIRE THE MAYOR TO DEVELOP ONE OR MORE MASTER PLANS FOR ART WORK ON CITY OWNED PROPERTY; ADDING A NEW SECTION NUMBERED 14.56.140 TO CALL FOR APPROVAL OF PUBLIC ART MASTER PLANS BY THE CITY COUNCIL; AND ADDING A NEW SECTION NUMBERED 14.56.150 TO PROVIDE FOR REVIEW OF MASTER PLANS - Clerk read an ordinance, introduced by Adam Hornung, amending Chapter 14.56 of the Lincoln Municipal Code relating to Works of Art by amending Section 14.56.030 to reserved the right to determine the appropriateness of placing art work on City owned property; amending Sections 14.56.040 and 14.56.050 to change the approval process for placement of art work on City owned property; amending Section 14.56.070 to authorize the Director of Parks and Recreation to supervise installation and maintenance of art work on City owned property outside of street right-of-way; amending Section 14.56.090 to move the authority to suspend or revoke a license agreement from the City Council to the Mayor; amending Section 14.56.100 to change insurance requirements; amending Section 14.56.110 to change the length of license agreements; amending Section 14.56.120 to change the application fee; adding a new section numbered 14.56.130 to require the Mayor to develop one or more master plans for art work on City owned property; adding a new section numbered 14.56.140 to call for approval of public art master plans by the City Council; adding a new section numbered 14.56.150 to provide for review of master plans; and repealing Sections 14.56.030, 14.56.040, 14.56.050, 14.56.070, 14.56.090, 14.56.100, 14.56.110, and 14.56.120 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 11026 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE, THE ZONING CODE, BY ADDING A NEW SECTION NUMBERED 27.03.225 TO ADD THE DEFINITION OF "FARM WINERY"; AMENDING SECTION 27.07.040 TO ALLOW FARM WINERIES AS A PERMITTED SPECIAL USE IN THE AG AGRICULTURE DISTRICT; AMENDING SECTION 27.63.680 TO ALLOW A FARM WINERY OPERATING UNDER A PERMITTED SPECIAL USE TO BE LOCATED WITHIN 100 FEET OF A RESIDENTIAL DISTRICT; AMENDING SECTION 27.63.685 TO PROVIDE THAT A SPECIAL PERMIT OR AMENDMENT THERETO SHALL NOT BE REQUIRED FOR INTERIOR EXPANSIONS OF AN EXISTING LICENSED FARM WINERY; AND ADDING A NEW SECTION NUMBERED 27.63.810 TO PROVIDE CONDITIONS FOR GRANTING A SPECIAL PERMIT TO ALLOW A FARM WINERY IN THE AG AGRICULTURE DISTRICT - Clerk read an ordinance, introduced by Adam Hornung, amending Title 27 of the Lincoln Municipal Code, the Zoning Code, by adding a new section numbered 27.03.225 to add the definition of "farm winery"; amending Section 27.07.040 to allow farm wineries as permitted special use in the AG Agriculture District; amending Section 27.63.680 to allow a farm winery operating under a permitted special use to be located within 100 feet of a residential district; amending Section 27.63.685 to provide that a special permit or amendment thereto shall not be required for interior expansions of an existing licensed farm winery; adding a new section numbered 27.63.810 to provide conditions for granting a special permit to allow a farm winery in the AG Agriculture District; and repealing Sections 27.07.040, 27.63.680, and 27.63.685 of the Lincoln Municipal Code as hither to existing, the first time.

CHANGE OF ZONE 11030 - APPLICATION OF BRAD ALDERMAN, DDS, FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON APPROXIMATELY 3.6 ACRES GENERALLY LOCATED AT WEST A STREET AND U.S. HIGHWAY 77 - Clerk read an ordinance, introduced by Adam Hornung, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the district established and shown thereon, the first time.

MISC. NO. 11004 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE, THE LAND SUBDIVISION ORDINANCE BY AMENDING SECTION 26.11.060 TO PROVIDE THAT THE PLANNING DIRECTOR SHALL WITHIN TEN (10) DAYS FOLLOWING RECEIPT OF ALL REQUIRED CITY DEPARTMENT APPROVALS OR REPORTS NOTIFY THE SUBDIVIDER OF APPROVAL, CONDITIONAL APPROVAL OR DISAPPROVAL OF A FINAL PLAT; AMENDING SECTION 26.19.010 TO ALLOW UTILITY PROVIDER RELEASE OF EASEMENT AND LIEN HOLDER CONSENT AND SUBORDINATION SIGNATURE BLOCKS AND ACKNOWLEDGMENTS TO BE ATTACHED TO FINAL PLATS ON SEPARATE 8 1/2" X 11" SHEETS; AND AMENDING SECTION 26.19.035 TO REVISE THE ADDITIONAL INFORMATION REQUIRED TO BE SUBMITTED WITH A FINAL PLAT - Clerk read an ordinance, introduced by Adam Hornung, amending Title 26 of the Lincoln Municipal Code, the Land Subdivision Ordinance by amending Section 26.11.060 to provide that the Planning Director shall within ten (10) days following receipt of all required city department approvals or reports notify the subdivider of approval, conditional approval or disapproval of a final plat; amending Section 26.19.010 to allow utility provider release of easement and lien holder consent and subordination signature blocks and acknowledgments to be attached to final plats on separate 8 1/2" x 11" sheets; amending Section 26.19.035 to revise the additional information required to be submitted with a final plat; and repealing Sections 26.11.060, 26.19.010, and 26.19.035 of the Lincoln Municipal Code as hitherto existing, the first time.

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

CHANGE OF ZONE 11027 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTIONS 27.25.020, 27.27.020, 27.28.020, 27.31.030, 27.37.020, 27.41.020, 27.43.020, AND 27.45.020 TO ALLOW ADULT CARE CENTERS AS A PERMITTED USE IN THE O-1 OFFICE DISTRICT, O-3 OFFICE PARK DISTRICT, R-T RESIDENTIAL TRANSITION DISTRICT, B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT; B-5 PLANNED REGIONAL BUSINESS DISTRICT, H-2 HIGHWAY BUSINESS DISTRICT, H-3 HIGHWAY COMMERCIAL DISTRICT AND H-4 GENERAL COMMERCIAL DISTRICT, RESPECTIVELY - CLERK read an ordinance, introduced by Doug Emery amending Title 27 of the Lincoln Municipal Code by amending Sections 27.25.020, 27.27.020, 27.28.020, 27.31.030, 27.37.020, 27.41.020, 27.43.020, and 27.45.020 to allow adult care centers as a permitted use in the O-1 Office District, O-3 Office Park District, R-T Residential Transition District, B-2 Planned Neighborhood Business District; B-5 Planned Regional Business District, H-2 Highway Business District, H3 Highway Commercial District and H-4 General Commercial District, respectively; and repealing Sections 27.25.020, 27.27.020, 27.28.020, 27.31.030, 27.37.020, 27.41.020, 27.43.020, and 27.45.020 of the Lincoln Municipal code as hitherto existing, the third time.

EMERY Moved to pass the ordinance as read.
Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.
The ordinance, being numbered **#19608**, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE 11029 - AMENDING SECTION 27.45.025 OF THE LINCOLN MUNICIPAL CODE TO ALLOW HOTELS AND MOTELS IN THE H-4 GENERAL COMMERCIAL DISTRICT AS A PERMITTED CONDITIONAL USE - CLERK read an ordinance, introduced by Doug Emery, amending Section 27.45.025 of the Lincoln Municipal Code to allow hotels and motels in the H-4 General Commercial District as a permitted conditional use; and repealing Section 27.45.025 of the Lincoln Municipal Code as hitherto existing, the third time.

EMERY Moved to pass the ordinance as read.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.
The ordinance, being numbered **#19609**, 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 Doug Emery, amending Chapter 5.41 of the Lincoln Municipal Code relating to Salvaging, Recycling and Composting Operations by amending Section 5.41.050 to increase related permit fees; amending Section 5.41.060 to increase the annual occupation tax levied on salvage operations or commercial composting operations; and repealing Sections 5.41.050 and 5.41.060 of the Lincoln Municipal Code as hitherto existing, the third time.

EMERY Moved to pass the ordinance as read.
Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge; NAYS: Hornung.
The ordinance, being numbered **#19610**, 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 INITIAL PERMIT FEE FOR A BODY ART PRACTITIONER; AMENDING SECTION 8.14.037 TO INCREASE THE PERMIT FEES ASSOCIATED WITH CHILD CARE PROGRAMS; AMENDING SECTION 8.20.150 TO INCREASE THE PERMIT FEES ASSOCIATED WITH FOOD ESTABLISHMENTS; 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 - PRIOR to reading:

HORNUNG Asked to split the question to vote on 8.06.145, 8.08.060 and 8.08.150 at one time, then vote on 8.14.037 and 8.20.150 at one time, vote on 8.24.150 and 8.24.090 at one time and vote on 8.38.090 and 8.40.070 at one time. Or we can just vote on them all separately.

EMERY Or you might not get a second.

HORNUNG I don't need a second.

CARROLL He asked to split the question so no second is required. Carroll inquired with the City Attorney if they all stood on their own.

CONFER Confirmed they did.

CARROLL Stated they would vote on them all separately.

CLERK Read an ordinance, introduced by Doug Emery, 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 8.14.037 to increase the permit fees associated with food establishments; 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, 8.14.037, 8.20.150, 8.24.150, 8.38.090, and 8.40.070 of the Lincoln Municipal Code as hitherto existing, the third time.

EMERY Moved to pass the ordinance as read.

Seconded by Hornung.

Section 8.06.145 was carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

Section 8.08.060 was carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

Section 8.08.150 was carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

Section 8.14.037 was carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge; NAYS: Hornung.

Section 8.20.150 was carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge; NAYS: Hornung.

Section 8.24.150 was carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

Section 8.38.090 was carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge; NAYS: Hornung.

Section 8.40.070 was carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

The ordinance, being numbered #19611, 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 TREATMENT SYSTEMS - CLERK read an ordinance, introduced by Doug Emery, amending Section 24.38.070 to increase the permit fees associated with on-site wastewater treatment systems; and repealing Section 24.38.070 of the Lincoln Municipal code as hitherto existing, the third time.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered #19612, 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 Doug Emery, 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.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered #19613, is recorded in Ordinance Book #27, Page .

REGULAR MEETING
September 12, 2011
Page 484

AMENDING CHAPTER 8.44 OF THE LINCOLN MUNICIPAL CODE RELATING TO WATER WELLS TO INCREASE THE FEES FOR PROVIDING REQUIRED SERVICES OF WATER WELL INSPECTIONS, SAMPLING, CONSULTATIVE ASSISTANCE AND ENFORCEMENT - PRIOR to reading:

EMERY Moved MTA #1 to amend Bill No. 11-130 in the following manner:
1. On page 1, Line 18, strike "\$110.00".
2. On page 1, between line 18 and 19, insert the following:
Permits issued for the period of January 1, 2012
to December 31, 2012 \$85.00.
Permits issued for any period beginning
on or after January 2013. \$110.00.

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

CLERK Read an ordinance, introduced by Doug Emery, amending Section 8.44.070 to increase the annual water well permit fee and the water well construction permit fee; and repealing Section 8.44.070 of the Lincoln Municipal Code as hitherto existing, the third time.

EMERY Moved to pass the ordinance as amended.
Seconded Cook and carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge; NAYS: Camp, Hornung.

The ordinance, being numbered **#19614**, is recorded in Ordinance Book #27, Page .

HEARING ON THE APPEAL OF A DENIAL OF A SPECIAL EVENT PERMIT

APPEAL OF BRACKHAN DANCE DIRECTIVE LLC DBA DELRAY BALLROOM FOR A SPECIAL EVENT PERMIT TO USE A PORTION OF THE RIGHT-OF-WAY MEASURING APPROXIMATELY 23 FEET BY 142 FEE TO THE SOUTH OF 817 R STREET ON SEPTEMBER 17, 2011, FROM 8:00 A.M. TO 8:00 P.M. -

COOK Moved to deny the appeal.
Seconded by Eskridge & denied by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to September 19, 2011.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

UPCOMING RESOLUTIONS

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR A COMBINED WEED CONTROL PROGRAM TO PROVIDE FOR ABATEMENT AND CONTROL OF NOXIOUS WEEDS, COMMON WEEDS AND WORTHLESS VEGETATION WITHIN THE LIMITS OF THE CITY - PRIOR to reading:

COOK Moved to have Bill No. 11R-224 Placed on Pending w/ P.H. and Action on 10/03/2011.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

CAMP Moved to approve the remainder of the resolutions to have Public Hearing on September 19, 2011.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

ADJOURNMENT 3:59 P.M.

CAMP Moved to adjourn the City Council meeting of September 12, 2011.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

Teresa J. Meier, Deputy City Clerk

Brenda J. Coufal, Senior Office Assistant

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 12, 2011 AT 3:00 P.M.**

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

Council Chair Carroll 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 29, 2011 reported having done so, found same correct.

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

EXPRESSION OF APPRECIATION

Mayor Chris Beutler came forward to present the Medallion of the City to Councilwoman Jayne L. Snyder in honor of her leadership and years of service to the City of Lincoln. Mayor Beutler stated, on behalf of the citizens of Lincoln, he would like Jayne to accept a small token of appreciation that is given to people who profoundly affect the city.

Jayne Snyder came forward to graciously accept the Medallion. She talked about her passion and desire to serve the City of Lincoln. She stated that "I say to my friends, it is not about me, but it is about what I can do for the citizens of Lincoln". She shared that she felt very privileged to be able to serve on the Council for two years and wished everyone the best of luck and thanked them.

Council Chair Carroll read the following letter of appreciation:

"WHEREAS, Jayne Snyder has announced her retirement from the position of City of Lincoln Councilwoman; and

WHEREAS, it is appropriate for the City Council, on behalf of the citizens of the City of Lincoln, to publicly express their appreciation and gratitude for Jayne's untiring service and numerous contributions to make the City of Lincoln great and to cause said appreciation and gratitude to be forever made a part of the records of the official proceedings of the City Council.

NOW, THEREFORE, LET IT BE KNOWN by the City Council of the City of Lincoln, Nebraska, on behalf of the citizens of the City of Lincoln, that sincere appreciation and gratitude is extended to Jayne Snyder for dedicated service.

DATED this 12th day of September, 2011

BY THE LINCOLN CITY COUNCIL OF LINCOLN, NEBRASKA"

PUBLIC NOTICE OF VACANCY OF COUNCIL SEAT

Council Chair Carroll made a Public Announcement of a Vacancy of the Council Seat which will be completed on May of 2013 as a Public Notice.

PUBLIC HEARING

APPOINTING HERB FRIEDMAN AND MARTHAELLEN FLORENCE TO THE LIBRARY BOARD FOR TERMS EXPIRING AUGUST 31, 2018 AND AUGUST 31, 2013, RESPECTIVELY - Mia Harris, President of the Library Board of Trustees, came forward to introduce the candidates for the Library Board vacancies. Herb Friedman came forward and the Council thanked him for his commitment to be on the Library Board.

Just prior to the end of public hearing, Council Chair Carroll recognized that Marthaellen Florence was present in the audience and invited her to come forward for questioning regarding her appointment to the Library Board.

Ms. Florence came forward to answer Council questions and to accept her appointment to the Library Board.

Council Chair Carroll thanked Ms. Florence for volunteering to serve on the Library Board.

This matter was taken under advisement.

APPLICATION OF DOZO SUSHI GRILL LOUNGE LLC DBA DOZO SUSHI GRILL LOUNGE FOR A CLASS I LIQUOR LICENSE AT 151 NORTH 8TH STREET, SUITE 100;

MANAGER APPLICATION OF WEIJAY WANG FOR DOZO SUSHI GRILL LOUNGE LLC DBA DOZO SUSHI GRILL LOUNGE AT 151 NORTH 8TH STREET, SUITE 100 - Weijay Wang, 151 North 8th Street, Suite 100, came forward to take the oath and to answer questions.

Council Member Emery questioned the applicant as far as being a sidewalk café and indicated to Mr. Wang that he needed to complete a separate application for that and Mr. Wang indicated he understood that. Discussion followed.

This matter was taken under advisement.

APPLICATION OF BRACKHAN DANCE DIRECTIVE LLC DBA DELRAY BALLROOM FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 23 FEET BY 142 FEET TO THE SOUTH OF 817 R STREET ON SEPTEMBER 17, 2011, FROM 8:00 A.M. TO 8:00 P.M.;

APPEAL OF BRACKHAN DANCE DIRECTIVE LLC DBA DELRAY BALLROOM FOR A SPECIAL EVENT PERMIT

TO USE A PORTION OF THE RIGHT-OF-WAY MEASURING APPROXIMATELY 23 FEET BY 142 FEET TO THE SOUTH OF 817 R STREET ON SEPTEMBER 17, 2011, FROM 8:00 A.M. TO 8:00 P.M. - Shelly Fritz, 817 R Street, came forward to answer questions.

Rod Confer, City Attorney, came forward to explain the Special Event application. He stated that this Special Event application needed to be completed because the DelRay Ballroom needs extra space before the Washington football game to host the Washington University fans. The space that she wants to use is the alleyway behind the DelRay Ballroom, which is a public space; therefore, she needs to have a Special Event permit. The difficulty is that Special Event permits are not allowed in that area on football Saturdays. Urban Development Department has agreed to enter into a lease for one day with the DelRay Ballroom and this lease will give exclusive control of the area to DelRay Ballroom for that day. The Special Event application will no longer be necessary. The application for the Special Designated License is conditional on the lease being approved. The Law Department is drafting a lease.

Council Chair Carroll questioned Ms. Fritz and she responded that she understood the process.

Rod Confer indicated the Special Event permit would need to be denied or withdrawn by the Council and the lease will take affect. Discussion followed.

Dave Landis, Urban Development Department, came forward stating this is a one time situation. Mr. Landis explained that this area is not an alley commonly used by vehicles and that this area is next to the Haymarket Garage. The area is a broad concrete space that connects two streets, but it is not used other than by garbage trucks. There is not going to be vehicular or pedestrian conflict. This area belongs to the Parking Department and it may be discussed to use this space on an ongoing basis through an auction process for "tail-gators" that might want to rent this area from the City.

This matter was taken under advisement.

AMENDING CHAPTERS 2.62, 2.65, AND 2.66 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, BY AMENDING SECTIONS 2.62.045, 2.65.045, AND 2.66.045 RELATING TO THE OPERATION OF THE DEFERRED RETIREMENT OPTION PLAN (DROP) TO PROVIDE THAT FIRE FIGHTER MEMBERS SHALL RECEIVE A 13TH CHECK DURING DROP PARTICIPATION; AND AMENDING SECTIONS 2.62.140, 2.65.140, AND 2.66.107 RELATING TO COST OF LIVING ADJUSTMENTS TO PROVIDE THAT FIRE FIGHTERS' \$15,000 CREDIT TOWARD THE PURCHASE OF A COST-OF-LIVING ADJUSTMENT BE REDUCED BY THE SUM OF 13TH CHECK PAYMENTS RECEIVED AS A DROP PARTICIPANT;

AMENDING SECTIONS 2.62.090, 2.65.090, AND 2.66.085 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE REVIEW PERIOD FOR DISABILITY RETIREMENT BENEFITS FOR THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, FROM THREE TO FIVE YEARS;

AMENDING SECTION 4.62.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN INVESTMENT BOARD TO PROVIDE STAGGERED TERMS FOR MEMBERS ELECTED BY THE POLICE AND FIRE DEPARTMENTS;

AMENDING SECTION 4.64.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO DISABILITY PENSION APPLICATIONS; PROCEDURE AND APPEAL TO ALLOW EXAMS TO INCLUDE THOSE PERFORMED BY MEDICAL PROFESSIONALS OTHER THAN PHYSICIANS OR PSYCHIATRISTS;

AMENDING SECTION 2.76.380 OF THE LINCOLN MUNICIPAL CODE RELATING TO SICK LEAVE WITH PAY TO PROVIDE THAT UNREPRESENTED "M" EMPLOYEES COINCIDE WITH "M" LABOR CONTRACT CHANGES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AS OF AUGUST 18, 2011;

AMENDING SECTION 2.78.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO MANAGEMENT COMPENSATION PLAN ANNUAL LEAVE TO CLARIFY WHEN NEW VACATION HOURS GO INTO EFFECT EACH YEAR FOR "M" EMPLOYEES NOT REPRESENTED BY LABOR CONTRACT AND DIRECTORS;

AMENDING SECTION 2.78.027 OF THE LINCOLN MUNICIPAL CODE RELATING TO MANAGEMENT COMPENSATION PLAN LONGEVITY PAY TO PROVIDE THAT UNREPRESENTED "M" EMPLOYEES COINCIDE WITH "M" LABOR CONTRACT CHANGES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AS OF AUGUST 18, 2011 - John Cripe, Classification and Compensation Manager of the Personnel Department, came forward to speak on these items. Mr. Cripe stated that the items appear to be fairly comprehensive, but they are actually fairly simple. Last year the code was amended to allow someone to select a Cost of Living Adjustment (COLA) and pay us for the entire amount. The contribution for the 13th check is \$15,000. He said we have had no one select that type of payment. He said we overlooked the possibility of someone wanting to go through the DROP program and not select the COLA program, so we agreed at negotiations to allow them to continue to take the DROP payment during the period of the 13th check payment. If they selected the COLA, we would subtract any DROP payments or 13th check payments. So it is a net zero and it is something talked about in negotiations and the City is in favor of this.

The next item covers the ongoing discussions and problems with disabilities. There is a three year review process, so if somebody is hurt on the job or has an illness and has the opportunity to return to duty, three years has not been enough time for someone to get better and return to the police or fire service and/or determine as the ordinance reads to determine permanent or total disability from their occupation. The request is to extend the time frame from three years to five years.

The next item is that all of the union employees on the Personnel Policy Board come on and go off at the same time; their terms are not staggered. This item would stagger their terms at three and five years.

The next item is pension related regarding the accumulation of medical records and documentation for people who are presumed to be disabled. This will expand the definition of what medical documentation the pension administration needs to be able to accumulate for those reviews. No decision is made by the City, there is a committee that makes the decision, but the data is gathered for the presentation.

The next three items are contract changes based on changes to the "M" contract you previously approved.

Item 24 is to increase family sick leave from 60 to 80 hours to go along with the contract that was negotiated for "M" represented employees.

Item 25 refers to when vacation pay starts and/or accumulates; Mr. Cripe clarified it was the 15th of the month and this amendment would change it to the

first pay period in January.

Item 26 refers to the longevity pay plan. It is the same longevity pay plan that is in the union contract.

Mike Morosin, 1500 N 15th Street, came forward asking about the DROP Program. He questioned if the money is getting a different interest rate than what the pension interest rate would be? He indicated he understand the \$15,000 contribution maximum. It is the 13th check a lot of people do not understand. Can everybody participate in it? Are employees eligible for merit raises once they enter this DROP Program and do they raise the maximum? If somebody enters this program and then chooses not to retire, what happens? Can employees participate in the DROP Program still be working and draw some of the pension money?

Council Member Camp asked that Mr. Morosin's questions be addressed.

John Cripe came forward and stated that the pension is based on the highest compensation of one year. The DROP Program is designed for employees eligible for retirement. Employees may select early retirement, which is a deferred retirement option plan. If an employee signs up for that plan, retirement is required at the end of the five years or sooner. Pension is frozen at that time. The reason it is left open is if somebody is killed or disabled on duty, then they can forfeit their DROP account and go through the process of determining if it was duty related. The money stays in the pension account and it must be withdrawn at the end of the five year period. The 13th check is actually in place of what would be a COLA payment and it is paid to all retirees, not just the employees in the DROP Program. It is set every year by ordinance and is paid at the end of September.

Council Member Camp questioned the \$15,000 credit and asked if it is the maximum amount?

John Cripe stated if their purchase is a real COLA, then the City would contribute \$15,000 and they would not receive a 13th check. So while they are in the DROP program receiving the COLA the City will deduct that from the \$15,000 if they go on to a real COLA.

This matter was taken under advisement.

CREATING A BUSINESS IMPROVEMENT DISTRICT FOR THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF CERTAIN PUBLIC FACILITIES AND IMPROVEMENTS WITHIN THE AREA GENERALLY LOCATED ALONG HAVELOCK AVENUE FROM CORNHUSKER HIGHWAY ON THE WEST TO 64TH STREET ON THE EAST AND PROVIDING FOR SPECIAL ASSESSMENTS TO BE IMPOSED WITHIN THE DISTRICT - Dave Landis, Urban Development Department, came forward to discuss the Havelock BID. The total amount of square footage that is covered in Havelock is 3,497 frontage feet. The maintenance is \$3.35 a foot, that is the capped amount of maintenance and the total cost is about \$11,500 maximum. The street scape is being paid for by TIF. It leaves us with some continuing responsibilities for maintenance. He showed pictures of the projected street scape. It is smaller than the other business improvement districts that have been created in downtown, North 48 and 27th street, but we have a strong board waiting to take responsibility. The following have had a long history of being helpful in this area: Denise Otto, Pinnacle Bank; David Koll, Isles Pub and Pizza; Roger Fletcher, Engine House Café; Tam Spence, The Vickorage; Sue Kovar, Havelock Furniture; and Rich O'Hare, The Cosmic Cow. They asked for the creation of this Havelock Business Improvement District.

Council Member Emery asked if it were to sign yet?

Mr. Landis stated that we were not to the sign, but indicated he would give the status of the sign. First we wanted to do the sign with TIF money and it can't be done, because it is outside the area. Then we wanted to do it with CBG money, but that has to be low to moderate income money and there isn't a low and moderate income purpose. We found some money in an old HUG Program 20 to 25 years old, in which we have made a loan that was repaid to us so we have loan proceeds. The program has gone out of existence at the Federal Government level, so we thought we could use for this purpose. We contacted the Housing and Urban Development of the United States government if we could use these monies for the Havelock area and we were told we could not. We have reached out to the Federal Level and have not received a response. The money does not have an assigned purpose, it does not have existing Federal Charter, but the Federal Government doesn't want to release the money.

Doug Kerns, 6120 Havelock Avenue, came forward as a representative for the Havelock Business Association and the Havelock Business Improvement Board supporting the creation of the Havelock Business Improvement District. He thanked Mr. Michael for the work that he has done on behalf of the Havelock BID and also thanked Mr. Landis. He asked for council support in favor of the establishment of the BID.

This matter was taken under advisement.

AUTHORIZING AND SUPPORTING THE APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM OF THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO ASSIST WITH FUNDING THE CONSTRUCTION OF THE STONEBRIDGE TRAIL CONNECTING THE ALVO ROAD TRAIL NEAR 14TH AND ALVO ROAD WITH THE 14TH STREET TRAIL NEAR 14TH AND HUMPHREY - Terry Genrich, Parks and Recreation Department, came forward to answer questions.

Council Member Camp asked what the cost estimation for the City was in getting this transportation enhancement?

Mr. Genrich stated that he believes the match is set at \$115,000/\$120,000. He said they are going to be receiving approximately \$550,000 from the Federal Government if they approve our application. Discussion followed.

Mr. Genrich stated that 20% is what the required match is.

Council Member Camp asked if the application is not approved what is the next step.

Mr. Genrich indicated there are other options. This project is to continue a trail as 14th Street is being redone from Superior North to Alvo Road

and as 14th is redone, they are going to be building a trail along the westside of that up to Humphrey. This trail will go from Humphrey east and than east about two blocks and then it will go north through the neighborhood association. The north end of that association there is actually and underpass that was built when Alvo Road was redone so that as Lincoln's growth continues on north of there the trail will connect to that and this project will not stop there. It will actually go back west and connect with the trail completed along Alvo Road that connects the Kooser Elementary School.

This matter was taken under advisement.

AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM FOR THE RECONSTRUCTION OF THE SHERIDAN STREET BRIDGES NEAR SOUTH 33RD STREET - Thomas Shafer and Devin Biesecker, Public Works and Utilities Department, came forward to answer questions. Discussion followed.

Council Member Emery asked if this will also take care of the south side of the bridge where mud is coming across?

Devin Biesecker indicated that this would just be a project to replace the bridges, but that could probably easily be addressed during a construction project.

Council Member Emery indicated he was contacted by a concerned individual who stated that a young person was riding a bicycle, came around the corner and took a spill in the mud. He was concerned about a liability issue.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING DAVE SKIPTON AND WILBER DASENBROCK TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 1, 2014 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86483 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of Dave Skipton and Wilber Dasenbrock to the Air Pollution Control Advisory Board for three-year terms expiring September 1, 2014 are hereby approved.

Introduced by: Carl Eskridge

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

REAPPOINTING GERARD FINNEGAN JR. TO THE POLICE AND FIRE PENSION PLAN INVESTMENT BOARD FOR A FIVE-YEAR TERM EXPIRING SEPTEMBER 1, 2016 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86484 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Gerard Finnegan Jr. to the Police and Fire Pension Plan Investment Board for a five-year term expiring September 1, 2016 is hereby approved.

Introduced by Carl Eskridge

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

REAPPOINTING RICHARD BOUCHER, PATTE L. NEWMAN AND ANDREA SNOWDEN TO THE CHARTER REVISION COMMISSION FOR TERMS EXPIRING JULY 15, 2015 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86485 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of Richard Boucher, Patte L. Newman and Andrea Snowden to the Charter Revision Commission for terms expiring July 15, 2015 are hereby approved.

Introduced by Carl Eskridge

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

APPOINTING PERRY PIRSCH AND JAMES SCHAFFER TO THE CHARTER REVISION COMMISSION FOR A TERM EXPIRING JULY 15, 2015 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86486 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointments of Perry Pirsch and James Schaffer to the Charter Revision Commission for terms expiring July 15, 2015 are hereby approved.

Introduced by Carl Eskridge

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

APPOINTING SCOTT SANDQUIST TO THE BOARD OF ZONING APPEALS FOR A TERM EXPIRING AUGUST 24, 2015 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86487 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Scott Sandquist to the Board of Zoning Appeals for a term expiring on August 24, 2015 is hereby approved.

Introduced by Carl Eskridge

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

APPOINTING KAREN BUTCHER TO THE LINCOLN-LANCASTER COUNTY EMS OVERSIGHT AUTHORITY BOARD FOR A FOUR-YEAR TERM EXPIRING SEPTEMBER 1, 2015 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86488 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Karen Butcher to the Lincoln-Lancaster County EMS Oversight Authority Board for a four-year term expiring September 1, 2015 is hereby approved.

Introduced by Carl Eskridge

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

APPOINTING HERB FRIEDMAN AND MARTHAELLEN FLORENCE TO THE LIBRARY BOARD FOR TERMS EXPIRING AUGUST 31, 2018 AND AUGUST 31, 2013, RESPECTIVELY - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86489 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointments of Herb Friedman and Marthaellen Florence to the Library Board for terms expiring on August 31, 2018 and August 31, 2013, respectively, are hereby approved.

Introduced by: Carl Eskridge

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

REQUEST OF PUBLIC WORKS TO SET A PUBLIC HEARING DATE OF MONDAY, SEPTEMBER 26, 2011 AT 5:30 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:
11-143

To provide authority to create & order construction under special assessment district new sidewalks within the City of Lincoln -
This item was approved by City Council.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 22, 2011 - 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 29, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JULY 31, 2011 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86490 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That during the month ended July 31, 2011, \$75,594.32 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 Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS ON JULY 31, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, OCTOBER 10, 2011 AT 3:00 P.M. FOR THE APPLICATION OF R & W BBQ INC. DBA DICKEY'S BARBEQUE PIT FOR A CLASS A LIQUOR LICENSE LOCATED AT 2662 CORNHUSKER HWY, SUITE 9 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86496 BE IT RESOLVED by the City Council, of the City of Lincoln:

That a hearing date is hereby set for Monday, October 10, 2011 at 3:00 p.m. or as soon thereafter as possible in that City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Application of R & W BBQ Inc. Dba Dickey's Barbeque Pit for a Class A liquor license located at 2662 Cornhusker Highway, Suite 9.

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 11045 to Use Permit No. 154d, Wilderness Hills Commercial Center, approved by the Planning Director on August 26, 2011, requested by Olsson Associates, to allow additional uses in the Town Center of the use permit, except those with drive-thru facilities. The land use table was also amended to clarify the allowed uses throughout the center. Property is generally located at S. 27th St. and Yankee Hill Road.

REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 11032 - Requested by Kappa Foundation, from R-2 Residential District to R-6 Residential District, on property generally located at Holdrege Street and Idylwild Drive (3611 Holdrege Street).

Change of Zone No. 11033 - Requested by Olsson Associates, from I-1 Industrial District, I-3 Employment Center District, B-2 Planned Neighborhood Business District, and R-5 Residential District to P Public Use District; from I-3 Employment Center District, B-2 Planned Neighborhood Business District, R-3 Residential District and R-5 Residential District to H-3 Highway Commercial District; from B-2 Planned Neighborhood Business District and R-3 Residential District to R-5 Residential District; on property generally located at N. 33rd Street and Folkways Circle.

Change of Zone No. 11035 - Requested by Bob Stephens, from R-3 Residential District to R-5 Residential District, on property generally located at N 24th Street and Dodge Street.

Special Permit No. 11021 - Requested by Kappa Foundation, for a Parking Lot, with a request to waive the front yard setback from 25' to 20' for the parking lot located in the R-2 zoned area, on property generally located at Idylwild Drive and Starr Street.

Special Permit No. 11023 - Requested by Bob Stephens, Magic Hills Community Unit Plan, for Four Apartment Buildings with approximately 96 units and a clubhouse, on property generally located at N. 24th Street and Dodge Street. The Planning Commission Action Is Final Action, Unless Appealed to the City Council.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF DOZO SUSHI GRILL LOUNGE LLC DBA DOZO SUSHI GRILL LOUNGE FOR A CLASS I LIQUOR LICENSE AT 151 NORTH 8TH STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86491 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 Dozo Sushi Grill Lounge LLC dba Dozo Sushi Grill Lounge for a Class "I" liquor license at 151 North 8th Street, Suite 100, Lincoln, Nebraska, for the license period ending April 30, 2012, 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. 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 Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

MANAGER APPLICATION OF WEIJAY WANG FOR DOZO SUSHI GRILL LOUNGE LLC DBA DOZO SUSHI GRILL LOUNGE AT 151 NORTH 8TH STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86492 WHEREAS, Dozo Sushi Grill Lounge LLC dba Dozo Sushi Grill Lounge located at 151 North 8th Street, Suite 100, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Weijay Wang be named manager;

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

APPLICATION OF BRACKHAN DANCE DIRECTIVE LLC DBA DELRAY BALLROOM FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 23 FEET BY 142 FEET TO THE SOUTH OF 817 R STREET ON SEPTEMBER 17, 2011, FROM 8:00 A.M. TO 8:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86493

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 Brackhan Dance Directive, LLC dba DelRay Ballroom for a Special Designated License to cover an area measuring approximately 23 feet by 142 feet to the south of 817 R Street, Lincoln, Nebraska, on September 17, 2011 between the hours of 8:00 a.m. and 8:00 p.m., be approved with the condition that the premise 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 Jon Camp

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

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

AMENDING CHAPTERS 2.62, 2.65, AND 2.66 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, BY AMENDING SECTIONS 2.62.045, 2.65.045, AND 2.66.045 RELATING TO THE OPERATION OF THE DEFERRED RETIREMENT OPTION PLAN (DROP) TO PROVIDE THAT FIRE FIGHTER MEMBERS SHALL RECEIVE A 13TH CHECK DURING DROP PARTICIPATION; AND AMENDING SECTIONS 2.62.140, 2.65.140, AND 2.66.107 RELATING TO COST OF LIVING ADJUSTMENTS TO PROVIDE THAT FIRE FIGHTERS' \$15,000 CREDIT TOWARD THE PURCHASE OF A COST-OF-LIVING ADJUSTMENT BE REDUCED BY THE SUM OF 13TH CHECK PAYMENTS RECEIVED AS A DROP PARTICIPANT - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapters 2.62, 2.65, and 2.66 of the Lincoln Municipal Code relating to the Police and Fire Pension Plans A, B and C, respectively, by amending Sections 2.62.045, 2.65.045, and 2.66.045 relating to the operation of the Deferred Retirement Option Plan (DROP) to provide that Fire Fighter members shall receive a 13th check during DROP participation; amending Sections 2.62.140, 2.65.140, and 2.66.107 relating to Cost of Living Adjustments to provide that Fire Fighters' \$15,000 credit toward the purchase of a cost-of-living adjustment be reduced by the sum of 13th check payments received as a DROP participant; and repealing Sections 2.62.045, 2.62.140, 2.65.045, 2.65.140, 2.66.045, and 2.66.107 of th Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTIONS 2.62.090, 2.65.090, AND 2.66.085 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE REVIEW PERIOD FOR DISABILITY RETIREMENT BENEFITS FOR THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, FROM THREE TO FIVE YEARS, THE FIRST TIME - CLERK read an ordinance, introduced by Carl Eskridge, amending Sections 2.62.090, 2.65.090, and 2.66.085 of the Lincoln Municipal Code to increase the review period for Disability Retirement Benefits for the Police and Fire Pension Plans A, B and C, respectively, from three to five years; and repealing Sections 2.62.090, 2.65.090, and 2.66.085 of the Lincoln Municipal code as hitherto existing, the second time.

AMENDING SECTION 4.62.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN INVESTMENT BOARD TO PROVIDE STAGGERED TERMS FOR MEMBERS ELECTED BY THE POLICE AND FIRE DEPARTMENTS - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 4.62.010 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan Investment Board to provide staggered terms for members elected by the Police and Fire departments; and repealing Section 4.62.010 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 4.64.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO DISABILITY PENSION APPLICATIONS; PROCEDURE AND APPEAL TO ALLOW EXAMS TO INCLUDE THOSE PERFORMED BY MEDICAL PROFESSIONALS OTHER THAN PHYSICIANS OR PSYCHIATRISTS - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 4.64.020 of the Lincoln Municipal Code relating to Disability Pension Applications; Procedure and Appeal to allow exams to include those performed by medical professionals other than physicians or psychiatrists; and repealing Section 4.64.020 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 PROVIDE THAT UNREPRESENTED "M" EMPLOYEES COINCIDE WITH "M" LABOR CONTRACT

CHANGES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AS OF AUGUST 18, 2011 - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 2.76.380 of the Lincoln Municipal Code relating to Sick Leave with Pay to provide that unrepresented "M" employees coincide with "M" Labor Contract changes and making the changes retroactively effective as of August 18, 2011; and repealing Section 2.76.380 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 2.78.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO MANAGEMENT COMPENSATION PLAN ANNUAL LEAVE TO CLARIFY WHEN NEW VACATION HOURS GO INTO EFFECT EACH YEAR FOR "M" EMPLOYEES NOT REPRESENTED BY LABOR CONTRACT AND DIRECTORS, THE FIRST TIME - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 2.78.020 of the Lincoln Municipal Code relating to Management Compensation Plan Annual Leave to clarify when new vacation hours go into effect each year for "M" employees not represented by Labor Contract and Directors; and repealing Section 2.78.020 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 2.78.027 OF THE LINCOLN MUNICIPAL CODE RELATING TO MANAGEMENT COMPENSATION PLAN LONGEVITY PAY TO PROVIDE THAT UNREPRESENTED "M" EMPLOYEES COINCIDE WITH "M" LABOR CONTRACT CHANGES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AS OF AUGUST 18, 2011 - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 2.78.027 of the Lincoln Municipal Code relating to Management Compensation Plan Longevity Pay to Provide that unrepresented "M" employees coincide with "M" Labor Contract changes and making the changes retroactively effective as of August 18, 2011; and repealing Section 2.78.027 of the Lincoln Municipal Code as hitherto existing, the second time.

CREATING A BUSINESS IMPROVEMENT DISTRICT FOR THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF CERTAIN PUBLIC FACILITIES AND IMPROVEMENTS WITHIN THE AREA GENERALLY LOCATED ALONG HAVELOCK AVENUE FROM CORNHUSKER HIGHWAY ON THE WEST TO 64TH STREET ON THE EAST AND PROVIDING FOR SPECIAL ASSESSMENTS TO BE IMPOSED WITHIN THE DISTRICT - CLERK read an ordinance, introduced by Carl Eskridge, creating a business improvement district under the authority of the Business Improvement District Act (Neb.Rev.Stat. § 19-4015 et seq.) to be known as the Havelock Business Improvement District for the purpose of providing specified maintenance, repair and reconstruction of certain public facilities and improvements within the area of Havelock Avenue from Cornhusker Highway on the west to 64th Street on the east; providing for special assessments to be imposed within the district based upon the benefits conferred; and providing maximum limits upon such assessments, the second time.

PUBLIC HEARING - RESOLUTIONS

AUTHORIZING AND SUPPORTING THE APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM OF THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO ASSIST WITH FUNDING THE CONSTRUCTION OF THE STONEBRIDGE TRAIL CONNECTING THE ALVO ROAD TRAIL NEAR 14TH AND ALVO ROAD WITH THE 14TH STREET TRAIL NEAR 14TH AND HUMPHREY - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86494 WHEREAS, the City of Lincoln through its Parks and Recreation Department intends to apply to the State of Nebraska Department of Roads for financial assistance from the Transportation Enhancement Program for the purpose of constructing the Stonebridge Trail; and

WHEREAS, the project includes construction of a trail connection between the Alvo Road Trail, near 14th and Alvo Road, with the 14th Street Trail, near 14th and Humphrey, through the Stonebridge neighborhood; and

WHEREAS, the total estimated cost of the project is \$675,297, with \$135,060 identified in the CIP budget with funds coming from impact fees and \$540,237 being provided by the Transportation Enhancement Program grant; and

WHEREAS, the City of Lincoln has available a minimum of 20% of the project cost and has the financial capability to operate and maintain the completed facility in a safe and attractive manner for public use; and

WHEREAS, the City of Lincoln wishes to express its support for the project and its willingness to commit to the cost of operation and maintenance of the trail in a safe and attractive manner for the public; and

WHEREAS, the proposed application and supporting documents were made available for public review at a properly announced meeting of the City Council.

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

That the City of Lincoln hereby expresses its support for the application being made by its Parks and Recreation Department to the State of Nebraska Department of Roads for financial assistance from the Transportation Enhancement Program for the purpose of constructing the project described above and known as the Stonebridge Trail and its commitment to the on-going maintenance of the trail.

The City Clerk is directed to transmit a certified copy of this resolution to the Parks and Recreation Department for inclusion with the application to the State of Nebraska Department of Roads.

Introduced by Carl Eskridge

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

AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM FOR THE RECONSTRUCTION OF THE SHERIDAN STREET BRIDGES NEAR SOUTH 33RD STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86495 WHEREAS, the City of Lincoln, Nebraska has proposed to apply for

assistance from the TRANSPORTATION ENHANCEMENT PROGRAM for the purpose of constructing the Sheridan Street Bridges near 33rd Street and

WHEREAS, the project includes the construction of two new bridges along Sheridan Blvd. over the Rock Island Bike Trail just west of 33rd Street, and

WHEREAS, the City of Lincoln, Nebraska has available a minimum of 20% of the project cost, currently estimated at \$1,876,319, and has the financial capability to operate and maintain the completed facility in a safe and attractive manner for public use; and

WHEREAS, the proposed application and supporting documents were made available for public review at a properly announced meeting of the City of Lincoln City Council.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works and Utilities is hereby authorized to proceed with submittal of the application for Transportation Enhancement funding for the reconstruction of the Sheridan Street Bridges near South 33rd Street.

Introduced by Carl Eskridge

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

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

AMENDING CHAPTER 14.56 OF THE LINCOLN MUNICIPAL CODE RELATING TO WORKS OF ART BY AMENDING SECTION 14.56.030 TO RESERVE THE RIGHT TO DETERMINE THE APPROPRIATENESS OF PLACING ART WORK ON CITY OWNED PROPERTY; AMENDING SECTION 14.56.040 TO CHANGE THE APPROVAL PROCESS FOR PLACEMENT OF ART WORK ON CITY OWNED PROPERTY; AMENDING SECTION 14.56.070 TO AUTHORIZE THE DIRECTOR OF PARKS AND RECREATION TO SUPERVISE INSTALLATION AND MAINTENANCE OF ART WORK ON CITY OWNED PROPERTY OUTSIDE OF STREET RIGHT-OF-WAY; AMENDING SECTION 14.56.090 TO MOVE THE AUTHORITY TO SUSPEND OR REVOKE A LICENSE AGREEMENT FROM THE CITY COUNCIL TO THE MAYOR; AMENDING SECTION 14.56.100 TO CHANGE INSURANCE REQUIREMENTS; AMENDING SECTION 14.56.110 TO CHANGE THE LENGTH OF LICENSE AGREEMENTS; AMENDING SECTION 14.56.120 TO CHANGE THE APPLICATION FEE; ADDING A NEW SECTION NUMBERED 14.56.130 TO REQUIRE THE MAYOR TO DEVELOP ONE OR MORE MASTER PLANS FOR ART WORK ON CITY OWNED PROPERTY; ADDING A NEW SECTION NUMBERED 14.56.140 TO CALL FOR APPROVAL OF PUBLIC ART MASTER PLANS BY THE CITY COUNCIL; AND ADDING A NEW SECTION NUMBERED 14.56.150 TO PROVIDE FOR REVIEW OF MASTER PLANS - Clerk read an ordinance, introduced by Adam Hornung, amending Chapter 14.56 of the Lincoln Municipal Code relating to Works of Art by amending Section 14.56.030 to reserved the right to determine the appropriateness of placing art work on City owned property; amending Sections 14.56.040 and 14.56.050 to change the approval process for placement of art work on City owned property; amending Section 14.56.070 to authorize the Director of Parks and Recreation to supervise installation and maintenance of art work on City owned property outside of street right-of-way; amending Section 14.56.090 to move the authority to suspend or revoke a license agreement from the City Council to the Mayor; amending Section 14.56.100 to change insurance requirements; amending Section 14.56.110 to change the length of license agreements; amending Section 14.56.120 to change the application fee; adding a new section numbered 14.56.130 to require the Mayor to develop one or more master plans for art work on City owned property; adding a new section numbered 14.56.140 to call for approval of public art master plans by the City Council; adding a new section numbered 14.56.150 to provide for review of master plans; and repealing Sections 14.56.030, 14.56.040, 14.56.050, 14.56.070, 14.56.090, 14.56.100, 14.56.110, and 14.56.120 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 11026 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE, THE ZONING CODE, BY ADDING A NEW SECTION NUMBERED 27.03.225 TO ADD THE DEFINITION OF "FARM WINERY"; AMENDING SECTION 27.07.040 TO ALLOW FARM WINERIES AS A PERMITTED SPECIAL USE IN THE AG AGRICULTURE DISTRICT; AMENDING SECTION 27.63.680 TO ALLOW A FARM WINERY OPERATING UNDER A PERMITTED SPECIAL USE TO BE LOCATED WITHIN 100 FEET OF A RESIDENTIAL DISTRICT; AMENDING SECTION 27.63.685 TO PROVIDE THAT A SPECIAL PERMIT OR AMENDMENT THERETO SHALL NOT BE REQUIRED FOR INTERIOR EXPANSIONS OF AN EXISTING LICENSED FARM WINERY; AND ADDING A NEW SECTION NUMBERED 27.63.810 TO PROVIDE CONDITIONS FOR GRANTING A SPECIAL PERMIT TO ALLOW A FARM WINERY IN THE AG AGRICULTURE DISTRICT - Clerk read an ordinance, introduced by Adam Hornung, amending Title 27 of the Lincoln Municipal Code, the Zoning Code, by adding a new section numbered 27.03.225 to add the definition of "farm winery"; amending Section 27.07.040 to allow farm wineries as permitted special use in the AG Agriculture District; amending Section 27.63.680 to allow a farm winery operating under a permitted special use to be located within 100 feet of a residential district; amending Section 27.63.685 to provide that a special permit or amendment thereto shall not be required for interior expansions of an existing licensed farm winery; adding a new section numbered 27.63.810 to provide conditions for granting a special permit to allow a farm winery in the AG Agriculture District; and repealing Sections 27.07.040, 27.63.680, and 27.63.685 of the Lincoln Municipal Code as hither to existing, the first time.

CHANGE OF ZONE 11030 - APPLICATION OF BRAD ALDERMAN, DDS, FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON APPROXIMATELY 3.6 ACRES GENERALLY LOCATED AT WEST A STREET AND U.S. HIGHWAY 77 - Clerk read an ordinance, introduced by Adam Hornung, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the district established and shown thereon, the first time.

MISC. NO. 11004 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE, THE LAND SUBDIVISION ORDINANCE BY AMENDING SECTION 26.11.060 TO PROVIDE THAT THE PLANNING DIRECTOR SHALL WITHIN TEN (10) DAYS FOLLOWING RECEIPT OF ALL REQUIRED CITY DEPARTMENT APPROVALS OR REPORTS NOTIFY THE SUBDIVIDER OF APPROVAL, CONDITIONAL APPROVAL OR DISAPPROVAL OF A FINAL PLAT; AMENDING SECTION 26.19.010 TO ALLOW UTILITY PROVIDER RELEASE OF EASEMENT AND LIEN HOLDER CONSENT AND SUBORDINATION SIGNATURE BLOCKS AND ACKNOWLEDGMENTS TO BE ATTACHED TO FINAL PLATS ON SEPARATE 8 1/2" X 11" SHEETS; AND AMENDING SECTION 26.19.035 TO REVISE THE ADDITIONAL INFORMATION REQUIRED TO BE SUBMITTED WITH A FINAL PLAT - Clerk read an ordinance, introduced by Adam Hornung, amending Title 26 of the Lincoln Municipal Code, the Land Subdivision Ordinance by amending Section 26.11.060 to provide that the Planning Director shall within ten (10) days following receipt of all required city department approvals or reports notify the subdivider of approval, conditional approval or disapproval of a final plat; amending Section 26.19.010 to allow utility provider release of easement and lien holder consent and subordination signature blocks and acknowledgments to be attached to final plats on separate 8 1/2" x 11" sheets; amending Section 26.19.035 to revise the additional information required to be submitted with a final plat; and repealing Sections 26.11.060, 26.19.010, and 26.19.035 of the Lincoln Municipal Code as hitherto existing, the first time.

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

CHANGE OF ZONE 11027 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTIONS 27.25.020, 27.27.020, 27.28.020, 27.31.030, 27.37.020, 27.41.020, 27.43.020, AND 27.45.020 TO ALLOW ADULT CARE CENTERS AS A PERMITTED USE IN THE O-1 OFFICE DISTRICT, O-3 OFFICE PARK DISTRICT, R-T RESIDENTIAL TRANSITION DISTRICT, B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT; B-5 PLANNED REGIONAL BUSINESS DISTRICT, H-2 HIGHWAY BUSINESS DISTRICT, H-3 HIGHWAY COMMERCIAL DISTRICT AND H-4 GENERAL COMMERCIAL DISTRICT, RESPECTIVELY - CLERK read an ordinance, introduced by Doug Emery amending Title 27 of the Lincoln Municipal Code by amending Sections 27.25.020, 27.27.020, 27.28.020, 27.31.030, 27.37.020, 27.41.020, 27.43.020, and 27.45.020 to allow adult care centers as a permitted use in the O-1 Office District, O-3 Office Park District, R-T Residential Transition District, B-2 Planned Neighborhood Business District; B-5 Planned Regional Business District, H-2 Highway Business District, H3 Highway Commercial District and H-4 General Commercial District, respectively; and repealing Sections 27.25.020, 27.27.020, 27.28.020, 27.31.030, 27.37.020, 27.41.020, 27.43.020, and 27.45.020 of the Lincoln Municipal code as hitherto existing, the third time.

EMERY Moved to pass the ordinance as read.
Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

The ordinance, being numbered **#19608**, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE 11029 - AMENDING SECTION 27.45.025 OF THE LINCOLN MUNICIPAL CODE TO ALLOW HOTELS AND MOTELS IN THE H-4 GENERAL COMMERCIAL DISTRICT AS A PERMITTED CONDITIONAL USE - CLERK read an ordinance, introduced by Doug Emery, amending Section 27.45.025 of the Lincoln Municipal Code to allow hotels and motels in the H-4 General Commercial District as a permitted conditional use; and repealing Section 27.45.025 of the Lincoln Municipal Code as hitherto existing, the third time.

EMERY Moved to pass the ordinance as read.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

The ordinance, being numbered **#19609**, 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 Doug Emery, amending Chapter 5.41 of the Lincoln Municipal Code relating to Salvaging, Recycling and Composting Operations by amending Section 5.41.050 to increase related permit fees; amending Section 5.41.060 to increase the annual occupation tax levied on salvage operations or commercial composting operations; and repealing Sections 5.41.050 and 5.41.060 of the Lincoln Municipal Code as hitherto existing, the third time.

EMERY Moved to pass the ordinance as read.
Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge; NAYS: Hornung.

The ordinance, being numbered **#19610**, 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 INITIAL PERMIT FEE FOR A BODY ART PRACTITIONER; AMENDING SECTION 8.14.037 TO INCREASE THE PERMIT FEES ASSOCIATED WITH CHILD CARE PROGRAMS; AMENDING SECTION 8.20.150 TO INCREASE THE PERMIT FEES ASSOCIATED WITH FOOD ESTABLISHMENTS; 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 - PRIOR to reading:

HORNUNG Asked to split the question to vote on 8.06.145, 8.08.060 and 8.08.150 at one time, then vote on 8.14.037 and 8.20.150 at one time, vote on 8.24.150 and 8.24.090 at one time and vote on 8.38.090 and 8.40.070 at one time. Or we can just vote on them all separately.

EMERY Or you might not get a second.

HORNUNG I don't need a second.

CARROLL He asked to split the question so no second is required. Carroll inquired with the City Attorney if they all stood on their own.

CONFER Confirmed they did.

CARROLL Stated they would vote on them all separately.

CLERK Read an ordinance, introduced by Doug Emery, 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 8.14.037 to increase the permit fees associated with food establishments; 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, 8.14.037, 8.20.150, 8.24.150, 8.38.090, and 8.40.070 of the Lincoln Municipal Code as hitherto existing, the third time.

EMERY Moved to pass the ordinance as read.

Seconded by Hornung.

Section 8.06.145 was carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

Section 8.08.060 was carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

Section 8.08.150 was carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

Section 8.14.037 was carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge; NAYS: Hornung.

Section 8.20.150 was carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge; NAYS: Hornung.

Section 8.24.150 was carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

Section 8.38.090 was carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge; NAYS: Hornung.

Section 8.40.070 was carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

The ordinance, being numbered **#19611**, 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 TREATMENT SYSTEMS - CLERK read an ordinance, introduced by Doug Emery, amending Section 24.38.070 to increase the permit fees associated with on-site wastewater treatment systems; and repealing Section 24.38.070 of the Lincoln Municipal code as hitherto existing, the third time.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19612**, 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 Doug Emery, 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.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19613**, is recorded in Ordinance Book #27, Page .

REGULAR MEETING
September 12, 2011
Page 484

AMENDING CHAPTER 8.44 OF THE LINCOLN MUNICIPAL CODE RELATING TO WATER WELLS TO INCREASE THE FEES FOR PROVIDING REQUIRED SERVICES OF WATER WELL INSPECTIONS, SAMPLING, CONSULTATIVE ASSISTANCE AND ENFORCEMENT - PRIOR to reading:

EMERY Moved MTA #1 to amend Bill No. 11-130 in the following manner:
1. On page 1, Line 18, strike "\$110.00".
2. On page 1, between line 18 and 19, insert the following:
Permits issued for the period of January 1, 2012
to December 31, 2012 \$85.00.
Permits issued for any period beginning
on or after January 2013. \$110.00.

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

CLERK Read an ordinance, introduced by Doug Emery, amending Section 8.44.070 to increase the annual water well permit fee and the water well construction permit fee; and repealing Section 8.44.070 of the Lincoln Municipal Code as hitherto existing, the third time.

EMERY Moved to pass the ordinance as amended.
Seconded Cook and carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge; NAYS: Camp, Hornung.

The ordinance, being numbered **#19614**, is recorded in Ordinance Book #27, Page .

HEARING ON THE APPEAL OF A DENIAL OF A SPECIAL EVENT PERMIT

APPEAL OF BRACKHAN DANCE DIRECTIVE LLC DBA DELRAY BALLROOM FOR A SPECIAL EVENT PERMIT TO USE A PORTION OF THE RIGHT-OF-WAY MEASURING APPROXIMATELY 23 FEET BY 142 FEE TO THE SOUTH OF 817 R STREET ON SEPTEMBER 17, 2011, FROM 8:00 A.M. TO 8:00 P.M. -

COOK Moved to deny the appeal.
Seconded by Eskridge & denied by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to September 19, 2011.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

UPCOMING RESOLUTIONS

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR A COMBINED WEED CONTROL PROGRAM TO PROVIDE FOR ABATEMENT AND CONTROL OF NOXIOUS WEEDS, COMMON WEEDS AND WORTHLESS VEGETATION WITHIN THE LIMITS OF THE CITY - PRIOR to reading:

COOK Moved to have Bill No. 11R-224 Placed on Pending w/ P.H. and Action on 10/03/2011.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

CAMP Moved to approve the remainder of the resolutions to have Public Hearing on September 19, 2011.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

ADJOURNMENT 3:59 P.M.

CAMP Moved to adjourn the City Council meeting of September 12, 2011.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

Teresa J. Meier, Deputy City Clerk

Brenda J. Coufal, Senior Office Assistant