

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, JULY 16, 2012 AT 3:00 P.M.**

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

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

**READING OF THE MINUTES**

SCHIMEK Having been appointed to read the minutes of the City Council proceedings of July 9, 2012 reported having done so, found same correct.

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

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Chris Beutler came forward to present the Mayor's Award of Excellence for the month of May 2012 to Gail VanSlyke, Utilities Services Supervisor for the Water Business Office of the Public Works & Utilities Department, in the Categories of Customer Relations, Loss Prevention and Productivity. Nominated by Asst. Business Manager, Doug Luedtke, Mr. VanSlyke was identified as doing a superior job in assisting nearly 80,000 water & wastewater customers to resolve complaints and solve problems in a cordial & professional manner.

Miki Esposito, Director of Public Works & Utilities, came forward to express appreciation for Mr. VanSlyke's caring customer service.

Gail VanSlyke came forward to graciously accept his award.

**PUBLIC HEARING**

APPLICATION OF OLD FEDERAL PLACE LLC DBA GRAND MANSE FOR A SPECIAL DESIGNATED LICENSE FOR AN AREA MEASURING 27 FEET BY 260 FEET TO THE NORTH OF THE LICENSED PREMISES AT 129 NORTH 10TH STREET ON SEPTEMBER 1, 15, 22, 29; OCTOBER 27; NOVEMBER 10, 17, 2012 FROM 8:00 A.M. TO 2:00 A.M. - Lisa Froehlich, 129, N. 10<sup>th</sup> St., came forward to answer questions and stated this is their fourth year for the game-day events.

This matter was taken under advisement.

APPLICATION OF LINCOLN PUB GROUP DBA N ZONE FOR A SPECIAL DESIGNATED LICENSE FOR AN AREA MEASURING 60 FEET BY 80 FEET TO THE NORTH OF THE LICENSED PREMISES AT 728 1/2 Q STREET ON SEPTEMBER 1, 15, 22, 29; OCTOBER 27; NOVEMBER 10, 17, 2012 FROM 7:00 A.M. TO 12:00 A.M. - Todd Kampfield, Manager, came forward to answer questions. He said he has been involved with the business for seven years. He said out of respect for residential neighbors in the Hardy Building, the music is turned off at midnight or sooner.

This matter was taken under advisement.

APPLICATION OF BENCHMARK REDEVELOPMENT DBA BUZZARD BILLY'S FOR A SPECIAL DESIGNATED LICENSE FOR AN AREA MEASURING 24 FEET BY 13.4 FEET TO THE NORTH OF THE LICENSED PREMISES AT 247 NORTH 8TH STREET, SUITE 101, ON SEPTEMBER 1, 15, 22, 29; OCTOBER 27; NOVEMBER 10, 2012 FROM 8:00 A.M. TO 2:00 A.M. - Roger W. Hethan, 2721 E St., #11, came forward to answer questions. He said it is their 13<sup>th</sup> year in business and second year for game-day events.

Inv. Russ Fosler, LPD, came forward to answer questions. He stated he had no problem with the application and that he failed to mark the approval box.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "X" TO BE EFFECTIVE AUGUST 11, 2011 - Doug McDaniel, Personnel Director, came forward to answer questions.

This matter was taken under advisement.

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VACATION NO. 12001 - AMENDING ORDINANCE NO. 19729, PASSED BY THE CITY COUNCIL ON JUNE 18, 2012, TO INCLUDE THE METES AND BOUNDS LEGAL DESCRIPTION OF THE VACATED RIGHT-OF-WAYS WHICH WAS INADVERTENTLY NOT ATTACHED TO THE ORDINANCE - Rod Confer, City Attorney, came forward to clarify the amendment.

This matter was taken under advisement.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND EXPERIENCE WORKS AT 1010 N STREET, FOR JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT, FOR A TERM OF JULY 1, 2012 THROUGH JUNE 30, 2013 - David Landis, Director of Urban Development Department, came forward to clarify that the City is the chief tenant for the One Stop operation in the Gold's building on the first floor. The City subleases to a handful of partners who are also doing employment-based work, such as Experience Works, utilizing 295 sq. ft. for the rental amount of \$3,715.50. Mr. Landis said in the last year, Experience Works assisted 64 seniors and found employment for 35 of them.

This matter was taken under advisement.

APPROVING A REAL ESTATES SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE HOUSING AUTHORITY OF THE CITY OF LINCOLN FOR THE SALE OF BLIGHTED AND SUBSTANDARD PROPERTY GENERALLY LOCATED AT 2948 STARR STREET FOR THE NORTHEAST HIGH SCHOOL BUILD PROGRAM - David Landis, Director of Urban Development Department, came forward to describe the process of acquiring this property and demolishing the dilapidated building. Mr. Landis said the Lincoln Housing Authority purchased the property for \$20,000. Students interested in learning building traits will construct a single-family house at this location.

This matter was taken under advisement.

CHANGE OF ZONE NO. 12003 - AMENDING ORDINANCE NO. 19713, PASSED BY THE CITY COUNCIL ON MAY 21, 2012, TO CORRECT THE LEGAL DESCRIPTION PROVIDED FOR CHANGE OF ZONE NO. 12003 FROM I-1 INDUSTRIAL DISTRICT TO P PUBLIC USE DISTRICT ON PROPERTY GENERALLY LOCATED IN WEST HAYMARKET FROM NORTH 1ST STREET TO NORTH 7TH STREET AND M STREET TO Y STREET - Rod Confer, City Attorney, came forward to clarify the reason for correction to the legal description.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND SAFETY-KLEEN SYSTEMS, INC. TO PROVIDE THE ANNUAL SUPPLY AND SERVICE PARTS WASHING MACHINES, PURSUANT TO QUOTE 3972 FOR A TWO YEAR TERM - Vince Mejer, Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN AND ELETECH, INC. FOR ELEVATOR MAINTENANCE, SERVICE AND TESTING - STARTRAN, PURSUANT TO BID NO. 3981, FOR A FOUR YEAR TERM WITH AN OPTION TO RENEW FOR AN ADDITIONAL FOUR YEAR TERM - Vince Mejer, Purchasing Agent, came forward to answer questions.

Council Chair Hornung inquired about preparation of bid contracts. In response, Mr. Mejer said out of fairness, discussion is limited to the City Departments involved. He said this particular bid was sent out to meet specific FDA requirements.

This matter was taken under advisement.

APPROVING THE 2012-2013 MAINTENANCE AND MANAGEMENT BID BUDGETS AND PROGRAM OF WORK FOR THE DOWNTOWN LINCOLN ASSOCIATION PROGRAM FOR FISCAL YEAR 2012-13 - David Landis, Director of Urban Development Department, came forward to clarify the two parts of the BID relationship with DLA. Mr. Landis said the City contributes \$220,000 toward the maintenance part of the program which includes trash pickup, snow removal, plant watering, weeding and landscaping labor. The City does not contribute to the management section of the BID budget.

Terry Uland, DLA, came forward to clarify the reason for the 2% increase in City contribution and stated that it matches the rate payer's assessment.

This matter was taken under advisement.

APPROVING THE SUB-RECIPIENT AGREEMENT BETWEEN THE NEBRASKA EMERGENCY MANAGEMENT AGENCY AND THE CITY OF LINCOLN REGARDING THE 2010 METROPOLITAN MEDICAL RESPONSE SYSTEM IN THE AMOUNT OF \$317,419.00 FOR THE AWARD PERIOD OF 10/1/2010 THROUGH 7/31/2013 - Judy Halstead, Director of Lincoln-Lancaster County Health Dept., came forward to answer questions. She clarified the overlapping spending authority as it relates to the award period.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REPORT OF NEBRASKA DEPARTMENT OF ROADS 2013-2018 SURFACE TRANSPORTATION PROGRAM - CLERK presented said report which was placed on file in the Office of the City Clerk. (12)

RESOLUTION LEVYING THE SPECIAL TAXES ASSESSED FOR COSTS OF THE IMPROVEMENTS IN THE SOUTH STREET MAINTENANCE BID AND SETTING THE INTEREST RATE - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86894 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

The special taxes assessed July 9, 2012, to pay the costs of the improvements in the South Street Maintenance Business Improvement District are hereby levied and shall bear interest at 14% and that the period of time in which the assessments are to be paid shall be one (1) year.

Introduced by Doug Emery

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

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

A-86895 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended May 31, 2012, \$43,965.52 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Doug Emery

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

REAPPOINTING DOUG EMERY TO THE JOINT BUDGET COMMITTEE FOR A TERM EXPIRING MAY 31, 2014 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86896 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Doug Emery to the Joint Budget Committee for a term expiring May 31, 2014 is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING DIANNA SCHIMEK, ADAM HORNUNG AND DOUG EMERY TO THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR TERMS EXPIRING MAY 31, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86897 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of DiAnna Schimek, Adam Hornung and Doug Emery to the Railroad Transportation Safety District for a term expiring May 31, 2013 is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING JONATHAN COOK TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM EXPIRING MAY 31, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86898 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Jonathan Cook to the Parks and Recreation Advisory Board for a term expiring May 31, 2013 is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING JONATHAN COOK TO THE PUBLIC BUILDING COMMISSION FOR A TERM EXPIRING AUGUST 1, 2016 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

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A-86899 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of Jonathan Cook to the Public Building Commission  
for a term expiring August 1, 2016 is hereby approved.

Introduced by Jonathan Cook

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

APPOINTING DARA TROUTMAN AND LINDA JEWSON TO THE CABLE TELEVISION ADVISORY BOARD FOR  
TERMS EXPIRING JULY 1, 2015 - CLERK read the following resolution, introduced by  
Jonathan Cook, who moved its adoption:

A-86900 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointment of Dara Troutman and Linda Jewson to the Cable  
Television Advisory Board for terms expiring July 1, 2015 is hereby approved.

Introduced by Jonathan Cook

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

APPOINTING MICHEAL Q. THOMPSON TO THE HUMAN RIGHTS COMMISSION FOR A TERM EXPIRING  
DECEMBER 31, 2013 - CLERK read the following resolution, introduced by Jonathan  
Cook, who moved its adoption:

A-86901 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointment of Micheal Q. Thompson to the Human Rights  
Commission for a term expiring December 31, 2013 is hereby approved.

Introduced by Jonathan Cook

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

APPOINTING JEFF HLAVAC TO THE ELECTRICAL ADVISORY, APPEALS AND EXAMINING BOARD FOR A  
TERM EXPIRING AUGUST 15, 2013 - CLERK read the following resolution, introduced  
by Jonathan Cook, who moved its adoption:

A-86902 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointment of Jeff Hlavac to the Electrical Advisory, Appeals  
and Examining Board for a term expiring August 15, 2013 is hereby approved.

Introduced by Jonathan Cook

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

APPOINTING JOHN WHITMER TO THE ELECTRICAL ADVISORY, APPEALS AND EXAMINING BOARD FOR A  
TERM EXPIRING JULY 15, 2015 - CLERK read the following resolution, introduced by  
Jonathan Cook, who moved its adoption:

A-86903 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointment of John Whitmer to the Electrical Advisory, Appeals  
and Examining Board for a term expiring July 15, 2015 is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING ROGER (R.J.) LIPERT AND RUSSELL MILLER TO THE ALARM REVIEW BOARD FOR A  
TERM EXPIRING JULY 1, 2014 - CLERK read the following resolution, introduced by  
Jonathan Cook, who moved its adoption:

A-86904 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of Roger (R.J.) Lipert and Russell Miller to the  
Alarm Review Board for terms expiring July 1, 2014 is hereby approved.

Introduced by Jonathan Cook

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

APPOINTING HEATHER BAKER TO THE ALARM REVIEW BOARD FOR A TERM EXPIRING JULY 1, 2014 -  
CLERK read the following resolution, introduced by Jonathan Cook, who moved its  
adoption:

A-86905 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointment of Heather Baker to the Alarm Review Board for a  
term expiring July 1, 2014 is hereby approved.

Introduced by Jonathan Cook

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

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REAPPOINTING MICHAEL DONNELLY TO THE POLICE AND FIRE PENSION PLAN INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2017 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86906 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of Michael Donnelly to the Police and Fire Pension Plan Investment Board for a term expiring September 1, 2017 is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING JANET GOODMAN-BANKS TO THE KENO ADVISORY BOARD FOR A TERM EXPIRING JULY 1, 2015 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86907 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of Janet Goodman-Banks to the Keno Advisory Board for a term expiring July 1, 2015 is hereby approved.

Introduced by Jonathan Cook

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

**PETITIONS & COMMUNICATIONS**

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 12032 to Wilderness Woods Use Permit No. 126C approved by the Planning Director on July 9, 2012 requested by The Villas at Wilderness Ridge to reduce the front yard setback from 20 feet to 18 feet along Executive Woods Drive for a span of 20 feet generally located at Executive Woods Drive and Pine Lake Road.

**MISCELLANEOUS REFERRALS - NONE**

**LIQUOR RESOLUTIONS**

APPLICATION OF OLD FEDERAL PLACE LLC DBA GRAND MANSE FOR A SPECIAL DESIGNATED LICENSE FOR AN AREA MEASURING 27 FEET BY 260 FEET TO THE NORTH OF THE LICENSED PREMISES AT 129 NORTH 10TH STREET ON SEPTEMBER 1, 15, 22, 29; OCTOBER 27; NOVEMBER 10, 17, 2012 FROM 8:00 A.M. TO 2:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86908 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 Old Federal Place LLC dba Grand Manse for a Special Designated License to cover an area measuring approximately 27 feet by 260 feet immediately adjacent to its licensed premises located at 129 North 10th Street, Lincoln, Nebraska, on September 1, 15, 22, 29; October 27; November 10, 17, 2012 between the hours of 8:00 a.m. and 2:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

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

Introduced by Jon Camp

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

APPLICATION OF LINCOLN PUB GROUP DBA N ZONE FOR A SPECIAL DESIGNATED LICENSE FOR AN AREA MEASURING 60 FEET BY 80 FEET TO THE NORTH OF THE LICENSED PREMISES AT 728 1/2 Q STREET ON SEPTEMBER 1, 15, 22, 29; OCTOBER 27; NOVEMBER 10, 17, 2012 FROM 7:00 A.M. TO 12:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

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A-86909

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 Lincoln Pub Group, Inc. dba N Zone for a Special Designated License to cover an area measuring approximately 60 feet by 80 feet immediately adjacent to its licensed premises located at 728½ Q Street, Lincoln, Nebraska, on September 1, 15, 22, 29; October 27; November 10, 17, 2012 between the hours of 7:00 a.m. and 12:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

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

Introduced by Jon Camp

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

APPLICATION OF BENCHMARK REDEVELOPMENT DBA BUZZARD BILLY'S FOR A SPECIAL DESIGNATED LICENSE FOR AN AREA MEASURING 24 FEET BY 13.4 FEET TO THE NORTH OF THE LICENSED PREMISES AT 247 NORTH 8TH STREET, SUITE 101, ON SEPTEMBER 1, 15, 22, 29; OCTOBER 27; NOVEMBER 10, 2012 FROM 8:00 A.M. TO 2:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86910

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 Benchmark Redevelopment dba Buzzard Billy's for a Special Designated License to cover an area measuring approximately 24 feet by 13.4 feet immediately adjacent to its licensed premises located at 247 North 8th Street, Suite 101, Lincoln, Nebraska, on September 1, 15, 22, 29; October 27; November 10, 2012 between the hours of 8:00 a.m. and 2:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

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

Introduced by Jon Camp

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

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

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "X" TO BE EFFECTIVE AUGUST 11, 2011 - CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "X" and repealing Ordinance No. 19555, passed by the City Council on June 13, 2011, the second time.

VACATION NO. 12001 - AMENDING ORDINANCE NO. 19729, PASSED BY THE CITY COUNCIL ON JUNE 18, 2012, TO INCLUDE THE METES AND BOUNDS LEGAL DESCRIPTION OF THE VACATED RIGHT-OF-WAYS WHICH WAS INADVERTENTLY NOT ATTACHED TO THE ORDINANCE - CLERK read an ordinance, introduced by Jonathan Cook, amending Ordinance No. 19729 (Vacation 12001) passed by the City Council on June 18, 2012, vacating a portion of 4<sup>th</sup> Street right-of-way, a portion of R Street right-of-way, a portion of the east/west alley in Blocks 266, 267 and 268, Original Plat of Lincoln, to include the metes and bounds legal description to said Ordinance, the second time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND EXPERIENCE WORKS AT 1010 N STREET, FOR JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT, FOR A TERM OF JULY 1, 2012 THROUGH JUNE 30, 2013 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving the Sublease Agreement between the City of Lincoln and Experience Works for the sublease of office space to Experience Works at the One Stop Career Center, 1010 N Street, Lincoln, Nebraska, to provide job training and employment services under the Workforce Investment Act, the second time.

APPROVING A REAL ESTATES SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE HOUSING AUTHORITY OF THE CITY OF LINCOLN FOR THE SALE OF BLIGHTED AND SUBSTANDARD PROPERTY GENERALLY LOCATED AT 2948 STARR STREET FOR THE NORTHEAST HIGH SCHOOL BUILD PROGRAM - CLERK read an ordinance, introduced by Jonathan Cook, approving the Real Estate Sales Agreement between the City of Lincoln and the Housing Authority of the City of Lincoln authorizing the sale of surplus property generally located at 2948 Starr Street, the second time.

CHANGE OF ZONE NO. 12003 - AMENDING ORDINANCE NO. 19713, PASSED BY THE CITY COUNCIL ON MAY 21, 2012, TO CORRECT THE LEGAL DESCRIPTION PROVIDED FOR CHANGE OF ZONE NO. 12003 FROM I-1 INDUSTRIAL DISTRICT TO P PUBLIC USE DISTRICT ON PROPERTY GENERALLY LOCATED IN WEST HAYMARKET FROM NORTH 1ST STREET TO NORTH 7TH STREET AND M STREET TO Y STREET - CLERK read an ordinance, introduced by Jonathan Cook, amending Ordinance No. 19713 (Change of Zone 12003) passed by the City Council on May 21, 2012, for a change of zone from I-1 Industrial District to P Public Use District, to amend Section 1 to correct a Section number in paragraph 1 and a Lot number in paragraph 3 for the property generally located in West Haymarket from North 1<sup>st</sup> Street to North 7<sup>th</sup> Street and M Street to Y Street, the second time.

**PUBLIC HEARING - RESOLUTIONS**

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND SAFETY-KLEEN SYSTEMS, INC. TO PROVIDE THE ANNUAL SUPPLY AND SERVICE PARTS WASHING MACHINES, PURSUANT TO QUOTE 3972 FOR A TWO YEAR TERM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86911 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the attached multi-year Contract between the City of Lincoln and Safety-Kleen Systems, Inc. for the Annual Supply and Service Parts Washing Machines, pursuant to Bid No. 3972, for a two-year term with the option to renew for one additional two-year term, upon the terms as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jonathan Cook

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

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN AND ELETECH, INC. FOR ELEVATOR MAINTENANCE, SERVICE AND TESTING - STARTRAN, PURSUANT TO BID NO. 3981, FOR A FOUR YEAR TERM WITH AN OPTION TO RENEW FOR AN ADDITIONAL FOUR YEAR TERM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86912 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the multi-year contract between the City of Lincoln and Eletech, Inc. for Elevator Maintenance, Service and Testing - StarTran, pursuant to Bid No. 3981, for a four year term with the option to renew for one additional four year term, in accordance with the terms and conditions contained in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jonathan Cook

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

APPROVING THE 2012-2013 MAINTENANCE AND MANAGEMENT BID BUDGETS AND PROGRAM OF WORK FOR THE DOWNTOWN LINCOLN ASSOCIATION PROGRAM FOR FISCAL YEAR 2012-13 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86913 WHEREAS, the City of Lincoln has entered into a contract with the Downtown Lincoln Association for the provision of services within various downtown business improvement districts; and

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WHEREAS, said contract requires the submittal of a work plan and annual budgets for work to be performed in the Downtown Management and Maintenance Districts by the Downtown Lincoln Association.

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

That the attached 2012-2013 Maintenance and Management BID Budgets and Program of Work for the Downtown Lincoln Association Program for the period of September 1, 2012 to August 31, 2013 which is attached hereto and marked as Attachment "A" is hereby approved.

Introduced by Jonathan Cook

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JUNE 15 - 30, 2012 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86914

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

That the claims listed in the attached report, marked as Exhibit "A", dated July 1, 2012, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Nick Brandt	\$ 218.41	Technical Services, Inc.	\$ 677.49
Morris Excavating Co.	200.00	Donald Stockley	1,350.00
		Matthew Howe	694.43
L.E.S. Claims:		Gary and Maureen Gilmour	4,500.00
Bob Stuart	NAS*	Nathan Shelbourn	743.52
Brent Littrell	120.35		
Glenhaven Homeowners Association	5,830.38	L.E.S. Claims:	
		Farmers Mutual of Nebraska	
		(Evelyn & Gabriel Lucas,	
		Insureds)	1,844.00
		Robert Harding	2,206.00
		Mike Costello	63.40
		IES Electric Inc.	16,903.00

\* No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jonathan Cook

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

APPROVING THE SUB-RECIPIENT AGREEMENT BETWEEN THE NEBRASKA EMERGENCY MANAGEMENT AGENCY AND THE CITY OF LINCOLN REGARDING THE 2010 METROPOLITAN MEDICAL RESPONSE SYSTEM IN THE AMOUNT OF \$317,419.00 FOR THE AWARD PERIOD OF 10/1/2010 THROUGH 7/31/2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86915

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

That the attached Agreement between the Nebraska Emergency Management Agency and the Lincoln-Lancaster County Health Department to accept a subgrant in the amount of \$317,419.00, for the 2010 Metropolitan Medical Response System for the Lincoln-Lancaster County Health Department for the award period of September 1, 2010 through July 31, 2013, in accordance with the terms, conditions and assurances contained in said Agreement is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreement to Judy Halstead, Director of the Lincoln-Lancaster County Health Department.

Introduced by Jonathan Cook

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

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

CHANGE OF ZONE 12013 - APPLICATION OF GATEWAY PROPERTIES FOR A CHANGE OF ZONE FROM H-2 HIGHWAY COMMERCIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 52ND STREET AND R STREET - CLERK read an ordinance, introduced by

Doug Emery, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered #19742, is recorded in Ordinance Book #27, Page .

ADOPTING AN AMENDED AND RESTATED VERSION OF THE CITY OF LINCOLN EMPLOYEES' RETIREMENT PLAN AND TRUST TO PROVIDE THAT THE EMPLOYER CONTRIBUTION FOR EMPLOYEES HIRED IN POSITIONS AND PAY RANGES PREFIXED BY THE LETTER "N" ON OR AFTER SEPTEMBER 1, 2010 WILL BE AN AMOUNT EQUAL TO 9% OF AN EMPLOYEE'S COMPENSATION; AND TO FURTHER PROVIDE THAT THE MANDATORY EMPLOYEE CONTRIBUTION FOR EMPLOYEES HIRED IN POSITIONS AND PAY RANGES PREFIXED BY THE LETTER "N" ON OR AFTER SEPTEMBER 1, 2010 WILL BE IN AN AMOUNT EQUAL TO 7% OF AN EMPLOYEE'S COMPENSATION. (8/23/10 - RECONSIDERED ORDINANCE NO. 19430 - PLACED ON PENDING INDEFINITELY) (6/25/12 - REMOVED FROM PENDING TO HAVE P.H. 7/9/12 W/ACTION ON 7/16/12) - PRIOR to reading:

CARROLL Moved MTA #1 to amend Bill No.10-101 in the following manner:

1. On page 1, line 1, strike "an amended and restated version of" and insert in lieu thereof "Amendment No. 2 to".

2. On page 1, line 3, strike the year "2010" and insert in lieu thereof the year "2012".

3. On page 1, line 6, strike the year "2010" and insert in lieu thereof the year "2012".

4. On page 1, line 9 through page 1, line 18, strike the entirety of Section 1 and insert in lieu thereof the following:

Section 1. That Amendment No. 2 to the "City of Lincoln Employees' Retirement Plan," a copy of which is attached hereto, marked as Attachment "A" and made a part hereof by reference, and to be consistent with the provisions of the amended and restated version of the City of Lincoln Employees' Retirement Plan and Trust adopted by Ordinance No. 19371 on April 5, 2010 is hereby adopted and the Mayor of the City of Lincoln is hereby authorized to execute said Amendment No. 2 to the City of Lincoln Employees' Retirement Plan upon the passage of this ordinance.

5. On page 2, line 1 through line 9, strike Section 2 in its entirety.

6. On page 2, line 10, strike 3 and insert in lieu thereof the number "2".

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

CLERK Read an ordinance, introduced by Doug Emery, adopting ~~an amended and restated version of Amendment No. 2 to the City of Lincoln Employees' Retirement Plan and Trust to provide that the employer contribution for employees hired in positions and pay ranges prefixed by the letters "N" on or after September 1, 2010~~ 2012 will be an amount equal to 9% of an employee's compensation; and to further provide that the mandatory employee contribution for employees hired in positions and pay ranges prefixed by the letters "N" on or after September 1, ~~2010~~ 2012 will be in an amount equal to 7% of an employee's compensation, the third time.

EMERY Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19430, is recorded in Ordinance Book #27, Page .

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

VACATION NO. 12003 - VACATING THE NORTH-SOUTH ALLEY LOCATED ONE-HALF BLOCK WEST OF SOUTH 52ND STREET BETWEEN PRESCOTT AVENUE AND COOPER AVENUE - CLERK read an ordinance, introduced by Doug Emery, vacating the alley located one-half block west of South 52<sup>nd</sup> Street between Prescott Avenue and Cooper Avenue within the Union College campus, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

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

APPROVING AN ADVERTISING AGREEMENT BETWEEN THE CITY OF LINCOLN AND PINNACLE BANK FOR ADVERTISING ON ELECTRONIC SIGNS AT PERSHING MUNICIPAL AUDITORIUM FOR A TWO YEAR TERM.

**REGULAR MEETING**

**July 16, 2012**

**Page 180**

AMENDING THE ANTELOPE VILLAGE REDEVELOPMENT AGREEMENT TO REFLECT CURRENT CONDITIONS AND IDENTIFY 2011 AS THE BASE YEAR.

MISC. NO. 12006 - DECLARING THE HOLDREGE/IDYLVILD REDEVELOPMENT AREA AS BLIGHTED AND SUBSTANDARD IN AN ESTIMATED 7 ACRES GENERALLY BETWEEN NORTH 34TH AND NORTH 37TH STREET, FROM HOLDREGE STREET SOUTH TO APPLE STREET.

**MISCELLANEOUS BUSINESS**

APPROVING THE FIRST STREET AND HIGHWAY 2 DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN SHARON Y. SCHWARTZ AND MARLYN SCHWARTZ, JEFFREY T. COLSON AND LANETTE COLSON, AND THE CITY OF LINCOLN TO CONDITIONALLY ALLOW THE DEVELOPMENT OF PROPERTY LOCATED AT FIRST STREET AND HIGHWAY 2 (CHENEY) TO BE LIMITED TO MINI-WAREHOUSING SHOULD THE PROPERTY BE RE-ZONED FROM AG AGRICULTURAL DISTRICT AND R-2 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT. (RELATED ITEMS: 12R-95, 12-48) (ACTION DATE: 6/4/12) (5/21/12 - P.H. CON'T TO 6/4/12) (6/4/12 - PLACED ON INDEFINITE PENDING) - PRIOR to reading:

COOK Moved to have Bill No. 12R-95 removed from Pending for Public Hearing on July 30, 2012 with Action on August 6, 2012.  
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

CHANGE OF ZONE 12005 - APPLICATION OF SHARON SCHWARTZ AND JEFFREY COLSON FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT AND R-2 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT HIGHWAY 2 AND FIRST STREET (CHENEY). (RELATED ITEMS: 12R-95, 12-48) (ACTION DATE: 6/4/12) (5/21/12 - P.H. CON'T TO 6/4/12) (6/4/12 - PLACED ON INDEFINITE PENDING) - PRIOR to reading:

COOK Moved to have Bill No. 12-48 removed from Pending for Public Hearing on July 30, 2012 with Action on August 6, 2012.  
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

**OPEN MICROPHONE - NONE**

**ADJOURNMENT 3:37 P.M.**

CAMP Moved to adjourn the City Council meeting of July 16, 2012.  
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

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Teresa J. Meier, Deputy City Clerk

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Sandy L. Dubas, Office Specialist