

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 1, 2012 AT 3:00 P.M.**

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

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 September 24, 2012 reported having done so, found same correct. Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Carroll.

PUBLIC HEARING

MANAGER APPLICATION OF MICHAEL L. STARKEY FOR WHITEHEAD OIL COMPANY DBA U-STOP #3 AT 610 SOUTH 10TH STREET - Michael L. Starkey, Manager, came forward to take oath and answer questions about his criminal history. He explained that he made poor decisions in the past and has moved on from his mistakes.

Linda Hubka, 3169 Puritan Ave., Human Resource Director for Whitehead Oil Company, came forward to vouch for Mr. Starkey as a terrific manager who has been with the company since 1999. She said Whitehead Oil Company takes full responsibility and accountability for its employees.

This matter was taken under advisement.

VACATION 12005 - VACATING A 50' BY 30' RIGHT-OF-WAY STUB IN THE NORTHWEST CORNER OF LOT 1, BLOCK 2, THOMASBROOK ADDITION, GENERALLY LOCATED ON THE EAST SIDE OF SOUTH 56TH STREET AT THE INTERSECTION OF LILLIBRIDGE STREET - Tim Gergen, Olsson Associates, came forward representing the Lincoln Community Playhouse to answer questions about Vacation 12005 which goes in conjunction with the previously approved change of zone.

This matter was taken under advisement.

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 - Judy Halstead, Lincoln-Lancaster County Health Department Director, came forward to answer questions. She explained that these are not new additional fees but rather those which were approved in the general operating budget. She said Health Dept. has consistently done incremental fee increases over the last six or seven years. To clarify the 3% assessment increase, Ms. Halstead said rather than deal with odd dollars and cents, fee increases were rounded up to the nearest \$5.00.

Scott Holmes, LLCHD Environmental Public Health Division Manager, was on hand for questioning.

This matter was taken under advisement.

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION BY AMENDING SECTION 8.06.145 TO INCREASE THE PERMIT FEE FOR OPEN BURNING; AMENDING SECTION 8.08.060 TO INCREASE THE PERMIT FEES FOR A BODY ART ESTABLISHMENT; AMENDING SECTION 8.08.150 TO INCREASE THE PERMIT FEES FOR A BODY ART PRACTITIONER; AMENDING SECTION 8.08.350 TO ESTABLISH A REINSTATEMENT FEE OF \$190 FOR A BODY ART ESTABLISHMENT PERMIT AND A SET REINSTATEMENT FEE OF \$40 FOR A PRACTITIONER PERMIT; AMENDING SECTION 8.14.037 TO INCREASE THE PERMIT FEES ASSOCIATED WITH CHILD CARE PROGRAMS; AMENDING SECTION 8.14.150 TO ESTABLISH A SET REINSTATEMENT FEE OF \$110 FOR A PERMIT ASSOCIATED WITH CHILD CARE PROGRAMS; AMENDING SECTION 8.20.050 TO ADOPT THE UPDATED NEBRASKA FOOD CODE; AMENDING SECTION 8.20.150 TO INCREASE THE PERMIT FEES ASSOCIATED WITH FOOD ESTABLISHMENTS; AMENDING SECTION 8.20.170 TO ESTABLISH A REINSTATEMENT FEE OF \$240 FOR PERMITS ASSOCIATED WITH FOOD SERVICE; AMENDING SECTION 8.24.150 TO INCREASE THE PERMIT FEE FOR A VARIANCE TO THE PROVISIONS OF LMC SECTION 8.24.090 RELATING TO NOISE DISTURBANCES; AMENDING SECTION 8.38.090 TO INCREASE THE PERMIT FEE FOR THE

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OPERATION OF A CLASS A OR CLASS B SWIMMING POOL; AND AMENDING SECTION 8.40.070 TO INCREASE THE PERMIT FEES ASSOCIATED WITH THE OPERATION OF SPA FACILITIES - Judy Halstead, Lincoln-Lancaster County Health Department Director was on hand to answer questions.

Scott Holmes, LLCHD Environmental Public Health Division Manager, was on hand for questioning.

This matter was taken under advisement.

AMENDING TITLE 24 OF THE LINCOLN MUNICIPAL CODE RELATING TO PLUMBING AND SEWERS BY AMENDING SECTION 24.38.070 TO INCREASE THE PERMIT FEES ASSOCIATED WITH ON-SITE WASTEWATER TREATMENTS SYSTEMS - Judy Halstead, Lincoln-Lancaster County Health Department Director, was on hand to answer questions.

Scott Holmes, LLCHD Environmental Public Health Division Manager, was on hand for questioning.

This matter was taken under advisement.

AMENDING CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE, SOLID WASTES, TO CLARIFY THAT AN OCCUPATION TAX WILL NOT BE CHARGED ON RECYCLABLES MANAGED THROUGH A LICENSED MATERIALS RECOVERY FACILITY - Judy Halstead, Lincoln-Lancaster County Health Department Director, came forward to answer questions about recycling. She clarified that an occupation tax would only be paid on the waste, not on the recyclables. She explained this amendment provides an opportunity to organizations and/or waste haulers who are licensed to operate and wish to collect it all & sort it later.

Scott Holmes, LLCHD Environmental Public Health Division Manager, came forward to give examples of past history.

Council Member Eskridge clarified that this amendment will encourage recycling practices to extend the life of our landfill.

This matter was taken under advisement.

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PERSONNEL SYSTEM BY ADDING A NEW SECTION NUMBERED 2.76.292 TO REGULATE FUNDRAISING ACTIVITIES OF CITY EMPLOYEES - Rod Confer, City Attorney, came forward to answer questions. He asked Council to add a little certainty to City employees' involvement in fundraising activities such as the United Way Campaign and the Food Bank Drive. Mr. Confer said many fundraising activities are in the public interest and City employees may participate in limited charitable campaigns within the City workforce but may not solicit from the general public while on duty.

Council Member Eskridge clarified that City employees who may wear uniforms can participate in fundraising activities in the public if it is done during off-duty time. Mr. Confer further clarified that in order for an employee to use a uniform during an activity, they would need approval from his/her department head. Mr. Confer shared that the largest fundraising day for the Salvation Army is when firefighters ring the bell.

This matter was taken under advisement.

VACATION 12001 - VACATING VARIOUS RIGHTS-OF-WAY IN THE WEST HAYMARKET AREA GENERALLY BOUNDED BY U STREET ON THE NORTH, L STREET ON THE SOUTH, 4TH STREET ON THE WEST AND 7TH STREET ON THE EAST, RETAINING TITLE THERETO IN THE CITY OF LINCOLN, DECLARING THE VACATED RIGHTS-OF-WAY SURPLUS AND AUTHORIZING THE CONVEYANCE THEREOF TO THE WEST HAYMARKET JOINT PUBLIC AGENCY - Marvin Krout, Director of Planning, came forward to answer questions. He said these vacations are done in stages because the land used to belong to the railroad.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY, LANCASTER COUNTY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE SOUTH LINCOLN QUIET ZONE AND TO ACCEPT CITY OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS, CITY PROJECT NO. 702618;

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE SOUTH SALT CREEK QUIET ZONE AND TO ACCEPT CITY OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS, CITY PROJECT NO. 702617;

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE SW 40TH STREET/BNSF OVERPASS AND TO ACKNOWLEDGE THE PAVING OF APPROXIMATELY 900 FEET OF SW 40TH STREET FROM WEST O STREET TO THE SOUTH, CITY PROJECT NO. 700132 - Thomas Shafer, Public Works & Utilities, came forward to explain that these agreements are the necessary conduits to allow the RTSD to transfer money to fund projects. Council addressed issues of rough crossings and ongoing maintenance.

This matter was taken under advisement.

WAIVER NO. 12019 - APPLICATION OF LIFE TABERNACLE CHURCH TO WAIVE THE PARKING LOT SURFACING REQUIREMENT, PURSUANT TO SECTION 27.67.100(C) OF THE LINCOLN MUNICIPAL CODE, ON PROPERTY GENERALLY LOCATED AT NORTH 1ST STREET AND ADAMS STREET - Joe Huffman, Sr., 725 W. Nance Ave., came forward to represent the applicant, Gerald White, in his absence. Mr. Huffman said the church is requesting a waiver so they don't have to spend the money to pave the parking lot right now. He clarified that they will return in four years to address the requirement.

Marvin Krout, Planning Director, came forward to answer questions. He said the code gives flexibility on paving of parking lots in the cases of non-profit institutions and industrial areas where there is excess parking over the minimum required. There is a consistency to ask applicants to come for an initial four-year review to make sure there are no problems with surrounding residents.

This matter was taken under advisement.

AUTHORIZING AN APPROPRIATION OF \$250,000 FROM THE FAST FORWARD FUND TO THE AIRPORT AUTHORITY AS MATCHING FUNDS FOR ROAD CONSTRUCTION AND INSTALLATION OF WATER AND WASTEWATER UTILITIES FOR DEVELOPMENT OF AIRPARK INDUSTRIAL PROPERTY, PURSUANT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LINCOLN, THE AIRPORT AUTHORITY AND THE LINCOLN CHAMBER ECONOMIC DEVELOPMENT CORPORATION - Mike Lang, Economic Development Coordinator in the Mayor's Office, came forward to discuss this great investment for the community. He said while there is a shortage of large rail sites in Lincoln, this 350-acre development area in Airpark is currently served by rail. Mr. Lang said the overall project cost is about \$2.8 million. He said the state is willing to commit to \$750,000 of that expense.

John Wood, Executive Director of the Airport Authority, came forward in support. He said the intent is to spend the winter in a design phase and by spring/early summer, road construction can begin.

Kyle Fischer, Chamber of Commerce, 1135 M St., came forward in support. He said communities that do not have shovel-ready sites will not be competitive to get the projects.

This matter was taken under advisement.

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 2327 S. 56TH, 2203 S. 8TH, 1200 S. 16TH, 1828 N, 1115 S. 14TH, 6336 COLFAX, 3235 STARR, 1835 S. 11TH, 936 N. 24TH, 2513 S. 10TH, 1525 N. 28TH, 1749 EUCLID, 1020 SUMNER, 1531 S. 22ND, 341 D, 225 S. 30TH - Judy Halstead, Lincoln-Lancaster County Health Department Director, came forward to present a record-low year of nuisances due in part because of the passage of the ordinance that mandated garbage service.

This matter was taken under advisement.

ADOPTING FEES TO COVER THE EXPENSES OF CONDUCTING NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PERMIT COMPLIANCE INSPECTIONS AT REGULATED INDUSTRIAL FACILITIES BY HEALTH DEPARTMENT STAFF - Judy Halstead, Lincoln-Lancaster County Health Department Director, came forward to answer questions.

Scott Holmes, LLCHD Environmental Public Health Division Manager, came forward to clarify inspection costs. He said that the federal government's requirement on industries also passed requirements on communities to comply with federal rules on stormwater discharge. He said Lincoln is responsible for making sure that all its industries are in compliance. Mr. Holmes said, based on an industrial classification code, one hundred industries in Lincoln are affected. He said twenty of the City's facilities are regulated under the same rules & regulations. In response to Council's questions, Mr. Holmes said the federal government would impose steep fines for non-compliance.

This matter was taken under advisement.

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INCREASING FEES FOR SPECIAL WASTE PERMITS AS AUTHORIZED UNDER CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE;
AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO MODIFY THE ANNUAL FEE STRUCTURE FOR REQUIRED SERVICES TO BUSINESS AND INDUSTRY - Judy Halstead, Lincoln-Lancaster County Health Department Director, came forward to answer questions.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REPORT OF SETTLEMENT AGREEMENT UNDER NEB. REV. STAT. §84-713 (NON-TORT CLAIMS) - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPOINTING LUANNE FINKE TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A TERM EXPIRING AUGUST 14, 2014 - CLERK read the following resolution, introduced by Eugene Carroll.

COOK Moved its adoption:
A-87017 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Luanne Finke to the Community Forestry Advisory Board for a term expiring August 14, 2014 is hereby approved.

Introduced by Eugene Carroll

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

REAPPOINTING LARRY ANDERSON TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A TERM EXPIRING AUGUST 17, 2015 - CLERK read the following resolution, introduced by Eugene Carroll.

COOK Moved its adoption:
A-87018 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Larry Anderson to the Community Forestry Advisory Board for a term expiring August 17, 2015 is hereby approved.

Introduced by Eugene Carroll

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

REAPPOINTING DOUGLAS GANZ TO THE COMMUNITY HEALTH ENDOWMENT BOARD FOR A TERM EXPIRING ON SEPTEMBER 1, 2015 - CLERK read the following resolution, introduced by Eugene Carroll.

COOK Moved its adoption:
A-87019 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Douglas Ganz to the Community Health Endowment Board of Trustees for a term expiring September 1, 2015, is hereby approved.

Introduced by Eugene Carroll

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON SEPTEMBER 17, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

INFORMAL PETITION TO CREATE A PAVING DISTRICT ON 1ST STREET, FROM P TO Q STREETS, AND ON Q STREET, FROM 1ST TO 2ND STREETS SUBMITTED BY PASTOR TOM BARBER OF PEOPLE'S CITY MISSION - CLERK presented said petition which was referred to the Public Works & Utilities Department on September 26, 2012.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 15, 2012 AT 3:00 P.M. FOR THE APPLICATION OF KATHARINE E. CLORAN DBA GRATITUDE CAFÉ & BAKERY FOR A CLASS I LIQUOR LICENSE LOCATED AT 1551 NORTH COTNER BOULEVARD - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87020 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 15, 2012, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Katharine E. Cloran dba Gratitude Café & Bakery for a Class I liquor license located at 1551 North Cotner Boulevard.

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

Introduced by Doug Emery

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

RE-SETTING THE HEARING DATE OF MONDAY, OCTOBER 15, 2012 AT 3:00 P.M. FOR THE APPLICATION OF GRANDMOTHERS, INC. DBA DON & MILLIE'S FOR A CLASS I LIQUOR LICENSE LOCATED AT 8150 O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-87021 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 15, 2012, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Grandmothers, Inc. dba Don & Millie's for a Class I liquor license located 8150 O Street.

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

Introduced by Doug Emery

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

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF MICHAEL L. STARKEY FOR WHITEHEAD OIL COMPANY DBA U-STOP #3 AT 610 SOUTH 10TH STREET - CLERK read the following resolution, introduced by Jon Camp.

CAMP Moved approval of the manager application of Michael L. Starkey for Whitehead Oil Company dba U-Stop #3 at 610 South 10th Street.

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

Due to a tie vote, action carried over one week to October 8, 2012.

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

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

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

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

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

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

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

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

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PERSONNEL SYSTEM BY ADDING A NEW SECTION NUMBERED 2.76.292 TO REGULATE FUNDRAISING ACTIVITIES OF CITY EMPLOYEES - CLERK read an ordinance, introduced by Eugene Carroll, amending Chapter 2.76 of the Lincoln Municipal Code relating to the City's Personnel System by adding a new section numbered 2.76.292 to regulate fundraising activities of city employees, the second time.

VACATION 12001 - VACATING VARIOUS RIGHTS-OF-WAY IN THE WEST HAYMARKET AREA GENERALLY BOUNDED BY U STREET ON THE NORTH, L STREET ON THE SOUTH, 4TH STREET ON THE WEST AND 7TH STREET ON THE EAST, RETAINING TITLE THERETO IN THE CITY OF LINCOLN, DECLARING THE VACATED RIGHTS-OF-WAY SURPLUS AND AUTHORIZING THE CONVEYANCE THEREOF TO THE WEST HAYMARKET JOINT PUBLIC AGENCY - CLERK read an ordinance, introduced by Eugene Carroll, vacating various rights-of-way in the West Haymarket area generally bounded by U Street on the north, L Street on the south, 4th Street on the west and 7th Street on the east, retaining title thereto in the City of Lincoln, Nebraska, declaring the vacated rights-of-way surplus and authorizing the conveyance thereof to the West Haymarket Joint Public Agency, the second time.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 1 - 15, 2012 - CLERK read the following resolution, introduced by Eugene Carroll.

EMERY Moved its adoption:

A-87022 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 September 17, 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>	
Vernetta Gale, individually and		Nebraskaland Transportation	
o/b/o Ariel Gale	\$25,000.00	Service	\$ 934.00
Ariel Gale, individually and		Joseph Houdek/Farm Bureau	
o/b/o Tr'nija Haynes	25,000.00	Financial	9,409.26
American Family Insurance,		BG Nebraska	2,313.14
a/s/o Tad and Amy Hunt	2,108.50		

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 Eugene Carroll

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

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$42,800.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES (ROUND 36) - CLERK read the following resolution, introduced by Eugene Carroll.

SCHIMEK Moved its adoption:

A-87023 WHEREAS, Resolution No. A-75378 provides that five percent of the gross proceeds realized by the City of Lincoln from the operation of a keno lottery shall be designated for such human services as may be recommended and approved by the Joint Budget Committee, City Council and Lancaster Board of Commissioners; and

WHEREAS, the Joint Budget Committee has recommended that the City Council and Lancaster County Board of Commissioners approve the designation of \$42,800.00 from said gross funds for the human services listed in Attachment "A" (Keno Prevention Fund Round 36) attached hereto and incorporated herein by reference.

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

The designation of the \$42,800.00 from gross funds from the operation of keno lottery for the human services listed in Attachment "A" is hereby approved and the Mayor is authorized to enter into grant contracts with the respective agencies providing said human services.

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY, LANCASTER COUNTY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE SOUTH LINCOLN QUIET ZONE AND TO ACCEPT CITY OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS, CITY PROJECT NO. 702618 - CLERK read the following resolution, introduced by Eugene Carroll.

CAMP Moved its adoption:

A-87024 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

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WHEREAS, the City of Lincoln, Nebraska (City), Lancaster County, Nebraska (County) and the Lincoln-Lancaster County Railroad Transportation Safety District (RTSD) desire to cooperate with each other for funding maintenance of the South Lincoln Quiet Zone Project safety improvements.

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

That the Annual Financial Interlocal Agreement between the City, County and RTSD attached hereto as Attachment "A" in connection with funding for the South Lincoln Quiet Zone Project and to accept ownership and maintenance of the safety improvements is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Eugene Carroll

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE SOUTH SALT CREEK QUIET ZONE AND TO ACCEPT CITY OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS, CITY PROJECT NO. 702617 - CLERK read the following resolution, introduced by Eugene Carroll.

SCHIMEK Moved its adoption:

A-87025 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln-Lancaster County Railroad Transportation Safety District (RTSD) desire to cooperate with each other for funding maintenance of the South Salt Creek Quiet Zone Project safety improvements.

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

That the Annual Financial Interlocal Agreement between the City and RTSD attached hereto as Attachment "A" in connection with funding for the South Salt Creek Quiet Zone Project and maintenance of the safety improvements is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Eugene Carroll

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT TO ACCEPT THE TRANSFER OF RTSD FUNDING FOR THE SW 40TH STREET/BNSF OVERPASS AND TO ACKNOWLEDGE THE PAVING OF APPROXIMATELY 900 FEET OF SW 40TH STREET FROM WEST O STREET TO THE SOUTH, CITY PROJECT NO. 700132 - CLERK read the following resolution, introduced by Eugene Carroll.

SCHIMEK Moved its adoption:

A-87026 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln-Lancaster County Railroad Transportation Safety District (RTSD) desire to cooperate with each other in funding construction of the S.W. 40th Street Overpass over the BNSF rail yard and the paving of approximately the first 900 feet of S.W. 40th Street south of West O Street.

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

That the Annual Financial Interlocal Agreement between the City and RTSD attached hereto as Attachment "A" in connection with funding the S.W. 40th Street Overpass over the BNSF rail yard and the paving of approximately the first 900 feet of S.W. 40th Street south of West O Street is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Eugene Carroll

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

WAIVER NO. 12019 - APPLICATION OF LIFE TABERNACLE CHURCH TO WAIVE THE PARKING LOT SURFACING REQUIREMENT, PURSUANT TO SECTION 27.67.100(C) OF THE LINCOLN MUNICIPAL CODE, ON PROPERTY GENERALLY LOCATED AT NORTH 1ST STREET AND ADAMS STREET - CLERK read the following resolution, introduced by Eugene Carroll.

CAMP Moved its adoption:
A-87027 WHEREAS, Life Tabernacle Church, has requested a waiver of the surfacing requirements for a parking lot on property generally located at North 1st Street and Adams Street and legally described as:

Lot 59 and 60 of Irregular Tracts located in the Southwest Quarter of Section 11, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the City Council finds that:

a. The parking lot for which the waiver of the surfacing requirement is requested is to be used in conjunction with a nonprofit, religious, educational, or philanthropic institution;

b. Alternate materials or techniques will be utilized which provide reasonable control of dust, runoff, and safe circulation; and

c. The location of the parking lot is a sufficient distance from surrounding uses so that it will not adversely affect the surrounding uses, and the frequency of use of the parking lot is so low that compliance with the surfacing requirements at the present time would cause undue economic hardship upon the Owners as compared with minimal impact upon the surrounding land uses.

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

In consideration of the findings made above, the parking lot design standards requiring the paving of the parking lot for Life Tabernacle Church on property generally located at North 1st Street and Adams Street and legally described above is hereby temporarily waived subject to revocation pursuant to § 27.67.100(c) of the Lincoln Municipal Code under the following conditions:

1. The approval waives the requirement to pave the parking lot for four years from the date of approval of this Resolution.

2. The Church shall substantially comply with the revised site plan for the Life Tabernacle Church dated 02/01/09 that shows a fence, curb stops and a concrete driveway.

3. The terms, conditions, and requirements of this resolution shall run with the land and be binding on Life Tabernacle Church, its successors and assigns.

4. The City Clerk shall file a copy of the resolution approving the waiver with the Register of Deeds, filing fees therefor to be paid in advance by the Church.

Introduced by Eugene Carroll

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

AUTHORIZING AN APPROPRIATION OF \$250,000 FROM THE FAST FORWARD FUND TO THE AIRPORT AUTHORITY AS MATCHING FUNDS FOR ROAD CONSTRUCTION AND INSTALLATION OF WATER AND WASTEWATER UTILITIES FOR DEVELOPMENT OF AIRPARK INDUSTRIAL PROPERTY, PURSUANT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LINCOLN, THE AIRPORT AUTHORITY AND THE LINCOLN CHAMBER ECONOMIC DEVELOPMENT CORPORATION - CLERK read the following resolution, introduced by Eugene Carroll.

SCHIMEK Moved its adoption:

A-87028 WHEREAS, pursuant to Resolution No. A-84988 there was established Fund No. 230, designated as the Fast Forward Fund, the purpose of which is to make funds available for economic development and infrastructure projects where there is a demonstrated benefit to the community; and

WHEREAS, the State of Nebraska Department of Economic Development has awarded a \$750,000 grant to the Lincoln Airport Authority for infrastructure improvement on land owned by the Airport Authority; and

WHEREAS, this grant was contingent upon the City of Lincoln contributing \$250,000 toward this infrastructure improvement project; and

WHEREAS, this Airport Authority infrastructure project will leverage public and private investment in infrastructure, will lead to the addition of primary jobs within the community, and will facilitate positive long term economic development for the community; and

WHEREAS, the Airport Authority, the Lincoln Chamber Economic Development Corporation, and the City of Lincoln have entered into an agreement establishing a structure to enable them to cooperate in the economic development of Airport Authority property.

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

There is hereby authorized and appropriated a sum not to exceed \$250,000 from the Fast Forward Fund to the Airport Authority as matching funds for road construction and the installation of water and wastewater utilities to serve a development area on land within the City of Lincoln owned by the Lincoln Airport Authority under the provisions of a Memorandum of Understanding entered into by the Lincoln Airport Authority, the Lincoln Chamber Economic Development Corporation, and the City of Lincoln.

Introduced by Eugene Carroll

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

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 2327 S. 56TH, 2203 S. 8TH, 1200 S. 16TH, 1828 N, 1115 S. 14TH, 6336 COLFAX, 3235 STARR, 1835 S. 11TH, 936 N. 24TH, 2513 S. 10TH, 1525 N. 28TH, 1749 EUCLID, 1020 SUMNER, 1531 S. 22ND, 341 D, 225 S. 30TH - CLERK read the following resolution, introduced by Eugene Carroll.

EMERY Moved its adoption:

A-87029 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that: Pursuant to Section 8.26.040 of the Lincoln Municipal Code, the nuisance abatement costs as shown on the list which is attached hereto, marked Exhibit "A" and made a part hereof by reference, are hereby assessed against the property set opposite each amount as shown thereon. Said assessments shall be delinquent from and after December 1, 2012 and draw interest as provided for in Neb. Rev. Stat. § 45-104.01 for assessments.

Introduced by Eugene Carroll

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

ADOPTING FEES TO COVER THE EXPENSES OF CONDUCTING NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PERMIT COMPLIANCE INSPECTIONS AT REGULATED INDUSTRIAL FACILITIES BY HEALTH DEPARTMENT STAFF - CLERK read the following resolution, introduced by Eugene Carroll.

SCHIMEK Moved its adoption:

A-87030 WHEREAS, the City Council adopted Resolution No. A-86480 on August 29, 2011, and is authorized under Chapter 28.02 of the Lincoln Municipal Code to establish and revise fees which the City may charge for National Pollutant Discharge Elimination System (NPDES) stormwater permit compliance inspections; and

WHEREAS, the Health Director has re-evaluated the estimated costs and available resources to administer, operate and enforce Lincoln Municipal Code Chapter 28.02, Illicit Discharges, and has determined that certain revisions are appropriate; and

WHEREAS, the Lincoln-Lancaster County Board of Health has reviewed the proposed fees and recommends their adoption; and

WHEREAS, the proposed fees are before the City Council for its consideration and approval.

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

Commencing on the effective date of this resolution, the following schedule of costs for NPDES stormwater permit compliance inspection fees shall be as follows:

SCHEDULE OF COSTS

NPDES Permit Type	Annual Inspection Fee
General	\$430.00 <u>\$445.00</u>
No Exposure	\$310.00 <u>\$320.00</u>
Subject to permit, not yet issued	\$310.00 <u>\$320.00</u>
Late payment within 30 days after March 1	Annual fee plus 33% of annual fee
Late payment after 30 days after March 1	Annual fee plus 67% of annual fee

BE IT FURTHER RESOLVED that City Council Resolution No. A-86480 shall be superseded by the terms of this resolution.

Introduced by Eugene Carroll

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

INCREASING FEES FOR SPECIAL WASTE PERMITS AS AUTHORIZED UNDER CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE - CLERK read the following resolution, introduced by Eugene Carroll.

SCHIMEK Moved its adoption:
A-87031 WHEREAS, the City Council adopted Resolution No. A-86481 on August 29, 2011, and is authorized under Chapter 8.32 of the Lincoln Municipal Code to establish and revise fees and minimum quantities for the issuance of Special Waste Permits; and

WHEREAS, the Health Director has re-evaluated the estimated costs and available resources to administer, operate and enforce the Special Waste Disposal provision of Chapter 8.32, and has determined that certain revisions are appropriate.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Lincoln, Nebraska: Commencing on the effective date of this resolution, the following schedule of annual permit fees, special fees, and minimum quantities is hereby established:

- A. Group I: Wastes That May Contain Free Liquids
1. Cooking oil and grease. Any quantity going to the Theresa Street Wastewater Treatment Plant Dump Station requires a permit, which permit may be issued as a blanket permit covering multiple disposals as provided on the permit. Annual Permit Fees: None. Waste in excess of one gallon per month or one pound per load disposed at a waste disposal site other than the Theresa Street Wastewater Treatment Plant Dump Station requires a Special Waste Permit. Annual permit fee: ~~\$180.00~~ \$185.00.
 2. Cooking grease trap waste. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station. Annual permit fee: None.
For all other disposal sites. Annual permit fee: ~~\$180.00~~ \$185.00.
 3. Mud or sand from sumps or traps. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station. Annual permit fee: None.
For all other disposal sites. Annual permit fee: ~~\$180.00~~ \$185.00.
 4. Septic tank waste. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plan Dump Station - Annual permit fee: None.
For all other disposal sites - Annual permit fee: ~~\$180.00~~ \$185.00.
 5. Chemicals and waste from portable or chemical toilets. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station - Annual permit fee: None.
For all other disposal sites - Annual permit fee: ~~\$180.00~~ \$185.00.
 6. Sewage or other organic residues or sludges. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plan Dump Station - Annual permit fee: None.
For all other disposal sites - Annual permit fees: ~~\$180.00~~ \$185.00.
 7. Sludges containing a liquid concentration of 80% or more by weight or material producing free liquids in a Standard Paint Filter Test. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station - Annual permit fee: None.
For all other disposal sites - Annual permit fee: ~~\$180.00~~ \$185.00.
- Group II: Petroleum-based Wastes
8. Petroleum type grease trap waste. Any quantity requires a permit. Annual permit fee: ~~\$305.00~~ \$315.00.
 9. Sludges from petroleum tanks. Any quantity requires a permit - Annual permit fee: ~~\$305.00~~ \$315.00.
 10. a. Used oil filters. Any quantity requires an annual permit - Annual permit fees:
Less than 220 pounds per month - \$70.00.
220 pounds or more a month - ~~\$305.00~~ \$315.00.
b. Petroleum contaminated soil and granular absorbents. Permitted Quantity: 220 pounds per month or more - Annual permit fee: ~~\$305.00~~ \$315.00.
c. Petroleum contaminated refuse or other materials except oil filters, soil and granular absorbents. Any quantity requires a permit - Annual permit fee:
Quantities up to 220 pounds per month - \$70.00.
Quantities 220 pounds or more per month - ~~\$305.00~~ \$315.00.
 11. Petroleum contaminated water. Permitted quantity: 55 gallons per month or more - Annual permit fee: ~~\$305.00~~ \$315.00.

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12. Oil, lubricants, hydraulic fluids, fuels, and other petroleum products. Any quantity requires a permit. Permit issued only for incineration in a used oil burning heating unit - Annual permit fee: \$40.00.
- Group III: Empty Containers
13. Pressurized containers or containers that may explode upon crushing. Empty containers meeting criteria for safe disposal at the City of Lincoln's Sanitary Landfill adopted according to §8.32.070 will not require a permit.
For all other disposal sites: any quantity requires a permit - Annual Permit fee: ~~\$180.00~~ \$185.00.
 14. Containers over five gallons in size. Empty containers meeting criteria for safe disposal at the City of Lincoln's Sanitary Landfill adopted according to §8.32.070 will not require a permit.
For all other disposal sites: Any quantity requires a permit - Annual Permit fee: ~~\$180.00~~ \$185.00.
 15. Empty containers labeled "DANGER" or which once contained hazardous material. Empty containers meeting criteria for safe disposal at the City of Lincoln's Sanitary Landfill adopted according to §8.32.070 will not require a permit.
For all other disposal sites: Any quantity requires a permit - Annual permit fee: ~~\$180.00~~ \$185.00.
 16. Fuel tanks. Empty containers meeting criteria for safe disposal at the City of Lincoln's Sanitary Landfill adopted according to §8.32.070 will not require a permit.
For all other disposal sites - Any quantity requires a permit - Annual permit fee: ~~\$180.00~~ \$185.00.
- Group IV: Solvents, Absorbents, Filters, and Residues
17. Solvents, degreasers, strippers, thinners, and related products. Any quantity requires a permit. Annual permit fee: ~~\$180.00~~ \$185.00.
 18. Refuse containing solvents, degreasers, strippers, or thinners. Any quantity requires a permit - Annual permit fee: ~~\$180.00~~ \$185.00.
 19. Lime or other inorganic residues or sludges. Minimum quantities: twenty-five gallons or 43 pounds per month - Annual permit fee: ~~\$305.00~~ \$315.00.
 20. Paint dry waste, filters, and paint contaminated material. Minimum quantities: 43 pounds per month - Annual permit fee: ~~\$305.00~~ \$315.00.
 21. Fly ash. Minimum quantities: 43 pounds per month - Annual permit fee: ~~\$305.00~~ \$315.00.
 22. Bottom ash. Minimum quantities: 43 pounds per month - Annual permit fee: ~~\$305.00~~ \$315.00.
- Group V: Hazardous or Toxic Chemicals or Chemical Products
23. Antifreeze or treatment chemicals for boilers, heat exchangers, cooling towers, and similar uses. Minimum quantities: Five gallons or more per day - Annual permit fee: ~~\$180.00~~ \$185.00.
 24. Chemicals labeled WARNING for toxics and pesticides: Minimum quantities: One pint or one pound per load or more - Annual permit fee: ~~\$305.00~~ \$315.00.
 25. Pharmaceutical products. Minimum quantities: More than five gallons or 43 pounds per month - Annual permit fee: ~~\$305.00~~ \$315.00.
 26. Adhesives, sealants, coatings or catalysts. Minimum quantities: More than five gallons or 43 pounds per month - Annual permit fee: ~~\$305.00~~ \$315.00.
 27. Material containing between 25 and 100 percent of the maximum concentration of any Toxic Characteristic Leaching Procedure (TCLP) listed chemical as referenced in 30 CFR 261.24, Table 1 or that exceeds a concentration of 0.3 mg/kg of nickel. Minimum quantities: More than five gallons or 43 pounds per month - annual permit fee; ~~\$305.00~~ \$315.00.
 28. Hazardous or potentially hazardous waste or chemicals labeled "DANGER."
Any quantity requires a permit - Annual permit fee: ~~\$305.00~~ \$315.00.
- Group VI: Miscellaneous
29. Treated or untreated infectious waste from hospitals. Any quantity requires a permit - Annual permit fee: ~~\$305.00~~ \$315.00.
 30. Treated or untreated infectious waste from other than hospitals. Any quantity requires a permit - Annual permit fee: \$40.00.
 31. Waste containing or likely to contain polychlorinated biphenyls (PCB). Any quantity requires a permit - Annual permit fee: ~~\$180.00~~ \$185.00.

32. Waste containing asbestos. Wastes from National Emission Standards of Hazardous Air Pollutants (NESHAP) and Nebraska Department of Health and Human Services permitted removal projects in Lincoln and Lancaster County do not require a Special Waste Permit. All other asbestos waste material in any quantity requires a permit - Annual permit fee: \$70.00.
33. Material other than asbestos that could create a health hazard if airborne. Any quantity requires a permit - Annual permit fee: ~~\$180.00~~ \$185.00.
34. Wood that has been treated with hazardous or toxic chemicals. Quantities more than 43 pounds per month - Annual permit fee: \$70.00.
35. Any other solid waste which, because of its physical, chemical or biological characteristics, requires special handling, treatment or disposal methodologies in order to protect public health, safety, and the environment. Any quantity requires a permit - Annual permit fee: ~~\$180.00~~ \$185.00.

F. General

1. If the Health Department identifies a new special waste stream due to process changes or otherwise, such special waste stream shall require an additional application, permit, and permit fee even if the special waste generator has an existing permit for a separate waste stream, including an existing permit for the same waste or waste category.
2. New industries, commercial operations, or home occupations disposing special wastes shall file a completed inventory/permit application with the Lincoln-Lancaster County Health Department within six months.
3. Inventory/permit applications from existing special waste generators must be filed within 60 days of notification by the Health Director. If, after notice has been sent, an inventory/permit application is received by the Lincoln-Lancaster County Health Department after 60 days or if the application is postmarked after the 60-day period, the resulting permit, if issued, will be assessed an additional \$75.00.

BE IT FURTHER RESOLVED that City Council Resolution No. A-86481 shall be superseded by the terms of this resolution.

Introduced by Eugene Carroll

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

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO MODIFY THE ANNUAL FEE STRUCTURE FOR REQUIRED SERVICES TO BUSINESS AND INDUSTRY - CLERK read the following resolution, introduced by Eugene Carroll.

SCHIMEK Moved its adoption:

A-87032

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

That the Amendments to Article 1, Section 6, Fees, of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards implemented by the Lincoln-Lancaster County Health Department, a copy of which is attached hereto, marked as Attachment "A" and made a part hereof by reference, to modify the annual fee structure for all regulated businesses and industries, are hereby approved.

The City Clerk is directed to return two (2) fully executed copies of this Resolution and Amendments to Angela Zocholl, Lancaster County Clerk's Office, for filing with the County.

Introduced by Eugene Carroll

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

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

CHANGE OF ZONE 12026 - APPLICATION OF NEIGHBORWORKS LINCOLN FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT WITH A LANDMARK OVERLAY TO DESIGNATE THE DR. O.C. REYNOLDS HOUSE AS A LANDMARK ON PROPERTY GENERALLY LOCATED AT 2530 Q STREET (RELATED ITEMS: 12-118, 12R-222) (ACTION DATE: 10/1/12) - CLERK read an ordinance, introduced by DiAnna Schimek, amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the third time.

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SCHIMEK Moved to pass the ordinance as read.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook,
Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Carroll.
The ordinance, being numbered **#19784**, is recorded in Ordinance Book #27, Page .

SPECIAL PERMIT 12030 - APPLICATION OF NEIGHBORWORKS LINCOLN TO PERMIT THE USE OF A DESIGNATED LANDMARK FOR OFFICES, EDUCATION CENTER AND MEETING SPACE AND TO MODIFY THE FRONT AND REAR YARD SETBACKS ON PROPERTY GENERALLY LOCATED AT 2530 Q STREET (RELATED ITEMS: 12-118, 12R-222) (ACTION DATE: 10/1/12) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-87033 WHEREAS, Stanley and Rachel Parker have submitted an application designated as Special Permit No. 12030 to permit a designated Landmark to be used for offices and classroom space and to reduce required parking, and modify the front and rear yard setbacks to allow parking in the required front yard and to allow classroom space in the required rear yard, on property generally located at 2530 Q Street, and legally described to wit:

Lots 10, 11, and 12, Block 2, Kinney's O
Street Addition, Lincoln, Lancaster County,
Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this use of a Landmark with reduced parking and adjustment of the front and rear yard requirements will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Stanley and Rachel Parker, hereinafter referred to as "Permittee", to permit the use of a designated Landmark (historic structure) for offices, educational center, and meeting space use and to reduce required parking and modify the front and rear yard setbacks to allow parking in the required front yard and classroom space in the required rear yard, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.400 of the Lincoln Municipal Code upon condition that construction and operation of said house and garage be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits the historic preservation use of the designated Landmark house for offices and garage for classroom space and approves requested waivers to allow parking in the required front yard and classroom space in the required rear yard and to reduce parking requirements, subject to general conformance with the approved site plan and the following conditions:

- a. The on-site parking requirement is reduced to 11 stalls.
- b. Architectural details for all proposed repairs to and reconstruction of existing buildings, proposed new construction including signage, and proposed alterations to landscaping or to the proposed site plan must be submitted to and approved by the Historic Preservation Commission as being consistent with the Certificate of Appropriateness deemed to have been granted by approval of this special permit.
- c. The site plan be revised to omit General Site Notes 1 and 3 and insert as General Site Note 1: "Signs must comply with LMC § 27.63.400 and require approval of a Certificate of Appropriateness by the Historic Preservation Commission and approval of the Building and Safety Department."
- d. The site plan be revised to provide an additional 4' of driving aisle on the south side of the alley adjacent to the 90 degree parking stalls.
- e. The site plan be revised to show a 20-foot front yard setback along Q Street. (The front porch is allowed to project into the required front yard setback.)

2. Before occupying the improvement all development and construction shall have been completed in compliance with the approved plans.

3. All privately-owned improvements shall be permanently maintained by the Permittee.

4. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

5. The terms, conditions, and requirements of this resolution shall run with the land and shall bind and obligate the Permittee, their successors and assigns.

6. The Permittee shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

Introduced by Eugene Carroll

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

AMENDING TITLE 14 OF THE LINCOLN MUNICIPAL CODE RELATING TO PUBLIC PROPERTY AND PUBLIC WAYS BY ADDING A NEW CHAPTER 14.34 ENTITLED "FILM PERMITS" TO CREATE AN EFFICIENT PROCESS FOR ISSUING PERMITS FOR FILMING OPERATIONS WITHIN THE CITY OF LINCOLN - CLERK read an ordinance, introduced by DiAnna Schimek, amending Title 14 of the Lincoln Municipal Code relating to Public Property and Public Ways by adding a new Chapter 14.34 entitled "Film Permits" to create an efficient process for issuing permits for filming operations within the City of Lincoln, the third time.

SCHIMEK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19785, is recorded in Ordinance Book #27, Page .

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

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

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

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

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

APPROVING THREE CONTRACT AGREEMENTS BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, AND LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND MIDWEST ROOFING, INC., SPRAGUE ROOFING COMPANY, AND WEATHERCRAFT COMPANY OF LINCOLN FOR UNIT PRICING MISCELLANEOUS ROOFING SERVICES BID NO. 12-186 FOR FOUR YEAR TERMS.

APPROVING SIX CONTRACT AGREEMENTS BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, AND LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND PAVERS, INC., CATHER & SON'S CONST., INC., SCHMIEDING CONCRETE, INC., K2 CONSTRUCTION, WALTON CONSTRUCTION CO., INC., AND DICKEY & BURHAM INC. FOR UNIT PRICING CONTRACT FOR PAVEMENT BID NO. 12-187 FOR FOUR YEAR TERMS.

REGULAR MEETING

October 1, 2012

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APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, AND LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND DAVID WOOD CONSTRUCTION, INC. FOR UNIT PRICING MISCELLANEOUS PAINTING SERVICES BID NO. 12-189 FOR A FOUR YEAR TERM.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN CITY EMPLOYEES ASSOCIATION (LCEA) TO BE EFFECTIVE AUGUST 16, 2012 THROUGH AUGUST 31, 2014.

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE - NONE

ADJOURNMENT 4:17 P.M.

CAMP Moved to adjourn the City Council meeting of October 1, 2012.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Carroll.

Teresa J. Meier, Deputy City Clerk

Sandy L. Dubas, Office Specialist