

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MARCH 15, 2010 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Emery; Council Members: Camp, Carroll, Cook, Hornung, Snyder, Spatz; City Clerk, Joan E. Ross.

Council Chair Emery 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

CARROLL Having been appointed to read the minutes of the City Council proceedings of March 8, 2010 reported having done so, found same correct.

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

RECOGNITION OF GUESTS

Mayor Chris Beutler introduced visitors from Canada in attendance at the City Council Meeting. He asked the following guests to stand in recognition: Martin Loken, Canadian Consul General, regionally based in Minneapolis; Angela Graham, Assistant Consul; and their escort, John Cavanaugh, Honorary Consul of Omaha.

MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Beutler came forward to present the Award of Excellence for the month of February 2010 to David Rice, Arborist with the Forestry Division of Parks & Recreation Department, in the Categories of Loss Prevention, Productivity, Safety and Valor. Mayor Beutler recognized Mr. Rice as a City employee since 1976, who responded to an emergency situation on December 31, 2009, to release ice-laden safety netting from collapsing poles at the Mahoney Golf Course driving range along Adams Street. He reported that Mr. Rice responded with courage, commitment and expertise spending 3 1/2 hours in sub-zero temperatures in an 80 ft. bucket working against 30 mph winds and driving snow to prevent further loss of seven remaining 60 ft. poles.

Jerry Shorney, Supt. of Parks/Operations, presented slides of collapsing poles next to the roadway at the location of 79th & Adams Street.

Bob Weyhrich, Asst. City Arborist with Parks & Recreation, came forward as award nominator to thank Council and the Mayor for making it possible for their crews to be supplied with proper equipment. He said that when local news sends citizens to take precautionary cover, emergency personnel are strapping on their boots to go to work. He appreciated Mr. Rice's efforts along with other crew members to handle a very dangerous situation in a professional manner.

David Rice came forward to express appreciation and humbly accept his award.

Council Chair Emery thanked Mr. Rice for his work in the harsh elements.

PUBLIC HEARING

CHANGE OF ZONE 09022A - AMENDING SECTION 1 OF ORDINANCE NO. 19312 WHICH DESIGNATED THE SOUTH HALF OF LOT 29, J.G. MILLER'S SUBDIVISION, AS A SPECIAL SIGN DISTRICT TO ADJUST THE SIGN REGULATIONS FOR THE UNDERLYING H-2 DISTRICT, TO ALLOW AN ADDITIONAL FREESTANDING SIGN TO BE LOCATED ON THE WESTERNMOST PROPERTY IN THE SPECIAL SIGN DISTRICT AND TO CLARIFY THAT ONE FREESTANDING SIGN MAY BE LOCATED ON ANY FUTURE PAD SITE, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 48TH AND O STREETS - Marvin Krout, Director of Planning, came forward to explain that on the property shared by CVS and Staples, language did not allow for the addition of one small sign directing customers to the pharmacy.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LANCASTER COUNTY FOR THE 98TH STREET ROADWAY RECONSTRUCTION FROM YANKEE HILL ROAD TO PINE LAKE ROAD AND THE ESTABLISHMENT OF MAINTENANCE RESPONSIBILITIES;

APPROVING AMENDMENT NO. 1 TO THE CONDITIONAL ANNEXATION AND ZONING AGREEMENT FOR S. 84TH AND HIGHWAY 2 BETWEEN THE CITY AND ANDERMATT, LLC AND EIGER CORP., RELATING TO THE ANNEXATION OF APPROXIMATELY 4.18 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH ~~84TH~~ 98TH STREET AND ANDERMATT DRIVE;

ANNEXATION NO. 08026 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4.18 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 98TH STREET AND ANDERMATT DRIVE - Holly Lionberger, Public Works & Utilities, came forward to explain that the project will be offset to the west, allowing for the future possibility of a raised median and two lanes to the east thereby completing a four-lane roadway. Ms. Lionberger said the developer's 25% cost share would include grading & large drainage structures; the City's 75% cost share would include paving, storm sewer inlets, smaller laterals and the 24-inch water main.

DaNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Eiger Corp. and Andermatt, LLC in support of these items to allow completion of 98th Street. She said this approval will complete requirements in the original annexation agreement entered into in 2001.

Richard Esquivel, 733 W. Cuming St., came forward to question the cost share division.

Ms. Lionberger came forward to state that the developer owns property on the west side and there are multiple owners of farm ground on the east side. She clarified that the 25/75 split with the developer was set out in the original agreement several years ago.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 16 - 28, 2010 - Mary A. Brown came forward to speak about her claim. She said she fell on black ice while crossing a city street injuring her knee and tearing several ligaments.

Rod Confer, City Attorney, came forward to explain the City's reason for recommendation of denial under authority of the tort claims act. Mr. Confer said the Neb. Rev. Stat. § 13-910 exempts payment of a claim occurring because of snow or ice on public places.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND UNION COLLEGE FOR THE HEALTH DEPARTMENT TO PROVIDE FIELD AND CLINICAL TRAINING TO UNION COLLEGE NURSING STUDENTS AT THE HEALTH DEPARTMENT FOR A TERM OF NOVEMBER 15, 2009 TO DECEMBER 31, 2012 - Bruce Dart, Director of Health Department, to answer questions about the standard agreement.

This matter was taken under advisement.

COMPREHENSIVE PLAN AMENDMENT NO. 10001 - AMENDING THE 2030 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT AND INCORPORATE THE LINCOLN WATER SYSTEM FACILITIES MASTER PLAN - Nick McElvain, Water Operations Support Manager, came forward to summarize the overview of the Master Plan. He said the public could access information contained in the Master Plan which is posted on the City's website: www.lincoln.ne.gov/city/pworks/water/mplan/2007.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MARCH 1, 2010. (27-1)

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR FEBRUARY 2010. (8-71)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF JANUARY, 2010 FROM BLACK HILLS/NEBRASKA GAS UTILITY CO., LLC. (16-1)

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR DECEMBER 2009: CHARTER FIBERLINK - NEBRASKA, LLC; JANUARY 2010: ACN COMMUNICATION SERVICES, AT&T COMMUNICATIONS OF MIDWEST, BUDGET PREPAY, COMTEL TELCOM ASSETS, INETWORKS GROUP, INC., VONAGE AMERICA. (20-02)

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR OCTOBER 2009: NEBRASKA TECHNOLOGY & TELECOMM.; NOVEMBER 2009: NEBRASKA TECHNOLOGY & TELECOMM.; JAN.-DEC. 2009: DELTACOM, INC.; 4TH QUARTER 2009: GUARANTEED PHONE SERVICE, MATRIX TELECOM, MEGAPATH, RELIANCE; DECEMBER 2009: ACCESSLINE, ACN COMMUNICATIONS SERVICES, AIRESPRING, AIRNEX, ALLTEL COMM OF NE, AT&T COMM. OF MIDWEST, BROADBAND DYNAMICS, BROADWING COMM., BULLSEYE TELECOM, BUSINESS TELECOM, CELLCO PARTNERSHIP, CIMCO COMM., CINCINNATI BELL ANY DISTANCE, COMTEL TELCOM ASSETS, CTI LONG DISTANCE, GLOBAL CROSSING, GLOBALSTAR USA, GRANITE, IBM GLOBAL, IDT DOMESTIC, INTELICALL OPERATOR SERVICES, KDDI AMERICA, MCLEODUSA, NEBRASKA TECHNOLOGY & TELECOMM., NETWORK BILLING SYSTEMS, NEW CINGULAR WIRELESS, NEW EDGE NETWORKS, NORLIGHT, NORSTAN, OMAHA CELLULAR, ONSTAR, PRIMUS, PUBLIC COMMUNICATIONS SERVICES, QUANTUM SHIFT, QWEST COMM., SIOUX CITY MSA, TCG OMAHA, TELECORP COMM., TON SERVICES, TRACFONE WIRELESS, TRANS NATIONAL, TWC DIGITAL PHONE, UCN, USCOC OF GREATER IOWA, USCOC OF NEBRASKA/KANSAS, VERIZON WIRELESS, VIRGIN MOBILE USA, VOICECOM, WINDSTREAM NEBRASKA #150, WINDSTREAM NEBRASKA #494, WORKING ASSETS FUNDING SERVICE, WWC LICENSE, XO COMMUNICATIONS, SERVICES; JANUARY 2010: ATS MOBILE TELEPHONE, BT AMERICAS, BUSINESS TELECOM, COVISTA, D&D COMM., DCT TELECOM GROUP, FIRST COMMUNICATIONS, GLOBALCOM, IBFA ACQUISITIONS, I-WIRELESS, NOS COMM., NOSVA, SBC LONG DISTANCE, 360NETWORKS, TELECOM MANAGEMENT, TOTAL HOLDINGS, TSG GLOBAL, UNITE PRIVATE NETWORKS, WHOLESALE CARRIER SERVICES, YESTEL USA. (20)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, APRIL 5, 2010 AT 3:00 P.M. FOR THE APPLICATION OF KINJA INC. DBA KINJA SUSHI & JAPANESE CUISINE FOR A CLASS I LIQUOR LICENSE LOCATED AT 4141 PIONEER WOODS DRIVE, SUITE F - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85773 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 5, 2010, 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 Kinja, Inc. dba Kinja Sushi & Japanese Cuisine for a Class I liquor license located at 4141 Pioneer Woods Drive, Suite F.

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

Introduced by Eugene Carroll

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

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone 10004 - Application of Juan Rodriguez from I-1 (Industrial) to B-3 (Commercial) on property generally located at N. 22nd Street and Y Street.

Change of Zone 10005 - Application of Historic Preservation Commission to designate a historic landmark on property generally located at S. 29th Street and Washington Street.

Change of Zone 10006 - Application of Olsson Associates from AG (Agricultural) to R-3 (Residential) on property generally located at S. 62nd Street and Yankee Hill Road.

Special Permit 872G - Application of Olsson Associates for an amendment to the Firehorn Community Unit Plan, to allow an additional golf clubhouse with request to waive the sign requirements and setbacks on property generally located at S. 84th Street and Van Dorn Street.

Special Permit No. 10012 - Application of Troy Schon for expansion of a nonconforming use on property generally located at S. 29th Street and Laurel Street.

Special Permit No. 10014 - Application of the Historic Preservation Commission for the Historic Preservation of Elias Dial House as a historic landmark and to reduce the side yard setback on property generally located at S. 29th Street and Washington Street.

LIQUOR RESOLUTIONS - NONE

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

CHANGE OF ZONE 09022A - AMENDING SECTION 1 OF ORDINANCE NO. 19312 WHICH DESIGNATED THE SOUTH HALF OF LOT 29, J.G. MILLER'S SUBDIVISION, AS A SPECIAL SIGN DISTRICT TO ADJUST THE SIGN REGULATIONS FOR THE UNDERLYING H-2 DISTRICT, TO ALLOW AN ADDITIONAL FREESTANDING SIGN TO BE LOCATED ON THE WESTERNMOST PROPERTY IN THE SPECIAL SIGN DISTRICT AND TO CLARIFY THAT ONE FREESTANDING SIGN MAY BE LOCATED ON ANY FUTURE PAD SITE, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 48TH AND O STREETS - CLERK read an ordinance, introduced by Jon Camp, amending the 48th & O Streets Special Sign District on property generally located northeast of the intersection of South 48th and O Streets and legally described as the south half of Lot 29, J.G. Miller's Subdivision, Lincoln, Lancaster County, Nebraska, originally adopted by Ordinance No. 19312 passed by the City Council on October 5, 2009, to allow an additional freestanding sign to be located on the westernmost property in the special sign district and to clarify that one freestanding sign may be allocated to and located in the front yard on any future pad site, the second time.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LANCASTER COUNTY FOR THE 98TH STREET ROADWAY RECONSTRUCTION FROM YANKEE HILL ROAD TO PINE LAKE ROAD AND THE ESTABLISHMENT OF MAINTENANCE RESPONSIBILITIES. (RELATED ITEMS: 10R-73, 10R-74, 10-27) (ACTION DATE: 3/22/10)

APPROVING AMENDMENT NO. 1 TO THE CONDITIONAL ANNEXATION AND ZONING AGREEMENT FOR S. 84TH AND HIGHWAY 2 BETWEEN THE CITY AND ANDERMATT, LLC AND EIGER CORP., RELATING TO THE ANNEXATION OF APPROXIMATELY 4.18 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND ANDERMATT DRIVE. (RELATED ITEMS: 10R-73, 10R-74, 10-27) (ACTION DATE: 3/22/10)

ANNEXATION NO. 08026 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4.18 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 98TH STREET AND ANDERMATT DRIVE. (RELATED ITEMS: 10R-73, 10R-74, 10-27) (ACTION DATE: 3/22/10) - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, 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 FEBRUARY 16 - 28, 2010 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85774

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 March 1, 2010, 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>	
Becky Herms	\$ 300.00	Tasha Ulmer	\$ 53.00
Mary A. Brown	6,000.00	Lincoln Housing Authority	144.56
John C. Spence	NAS*	Wilma R. Kuster	67.08
Marc Simon	58.21	Leourieta Glass	100.00
Patricia L. Holscher	459.42	Andrew Amen	97.39
Luke M. Ruskamp	427.47	Robert Brockmeyer	551.41
Fellowship Community Church	316.00		
Cody Staehr	279.66		
Heather Bowersmith	209.44		
Rosemary Owens	70.00		
Andrew Pursley	930.00		
NAPA Auto Parts	118.58		
Rick Hamann	99.61		
Melissa Dittmer	243.49		

* 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 Jon Camp

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

APPROVING AN AGREEMENT BETWEEN THE CITY ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND UNION COLLEGE FOR THE HEALTH DEPARTMENT TO PROVIDE FIELD AND CLINICAL TRAINING TO UNION COLLEGE NURSING STUDENTS AT THE HEALTH DEPARTMENT FOR A TERM OF NOVEMBER 15, 2009 TO DECEMBER 31, 2012 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85775 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and the Union College, to provide field and clinical training to Union College nursing students at the Lincoln-Lancaster County Health Department for a period of November 31, 2009 to December 31, 2012, upon the terms and conditions set forth in said Service Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to forward one fully executed original of said Agreement to Bruce Dart, Lincoln-Lancaster County Health Department Director, for transmittal to the Union College.

Introduced by Jon Camp

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

COMPREHENSIVE PLAN AMENDMENT NO. 10001 - AMENDING THE 2030 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT AND INCORPORATE THE LINCOLN WATER SYSTEM FACILITIES MASTER PLAN - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85776 WHEREAS, the Planning Director has made application to amend the 2030 Lincoln/Lancaster County Comprehensive Plan to incorporate the Lincoln Water System Facilities Master Plan as a subarea plan; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended approval of said proposed amendment.

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

That the 2030 Lincoln/Lancaster County Comprehensive Plan be amended as follows:

1. Amend the Utilities Chapter by amending the Lincoln Water System and County Water Resources text under Water Services on page 76 to read as follows:

The Public Works and Utilities Department has completed the Lincoln Water System Facilities Master Plan in 2007. The plan is a guide for short term and long term improvements to the infrastructure of the Lincoln Water System during the planning period. ~~The Facilities Master Plan should be updated to take into consideration the areas added to Tier I.~~ The projected maximum day water demand for year 2025~~32~~ is ~~141~~54.7 million gallons per day (MGD), and for 2050~~7~~ is 20523.9 MGD based on the assumed population growth rate of 1.5% per year. Additional supply, treatment, and transmission improvements will be necessary to meet these growing demands. The well fields currently owned by the Lincoln Water System have a projected maximum capacity of 210 MGD ~~approximately equal to the projected need for the year 2050.~~ Additional well field property and water rights will need to be acquired in the planning period to meet these demands.

2. Amend the Plan Realization Chapter by amending the Subarea Planning text under On-Going Comprehensive Plan Activities on page 155 to read as follows:

- Lincoln Water System Facilities Master Plan, Public Works and Utilities Department; ~~April 2003~~7.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform to such specific amendments.

Introduced by Jon Camp

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

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND NEBRASKA NATIONAL BANK FOR GOLF COURSE MAINTENANCE EQUIPMENT FOR USE BY THE CITY PARKS AND RECREATION GOLF DIVISION FOR A FIVE YEAR TERM - CLERK read an ordinance, introduced by Eugene Carroll, accepting and approving a Lease Agreement between the City of Lincoln, Nebraska ("City") and Nebraska National Bank ("Lessor") for a five-year lease of golf course maintenance equipment for use by the City Parks and Recreation Golf Division, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY, NEBRASKA GOLF & TURF, INC. AND NEBRASKA NATIONAL BANK FOR 240 GOLF CARS AND 10 UTILITY VEHICLES FOR USE BY THE CITY PARKS AND RECREATION GOLF DIVISION FOR A FIVE YEAR TERM - CLERK read an ordinance, introduced by Eugene Carroll, accepting and approving a Lease Agreement between the City of Lincoln, Nebraska ("City"), Nebraska Golf & Turf, Inc. And Nebraska National Bank ("Lessor") for the lease of 240 golf cars and 10 utility vehicles for use by the City Parks and Recreation Golf Division, the first time.

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

CREATING IMPROVEMENT DISTRICT NO. 188 FOR THE PURPOSE OF ACQUIRING EASEMENTS AND ADDITIONAL RIGHT-OF-WAY NECESSARY, BY NEGOTIATION AND PURCHASE OR BY CONDEMNATION IF NECESSARY, FOR THE CONSTRUCTION AND FUTURE MAINTENANCE OF PUBLIC WATER MAINS, SANITARY SEWER AND PAVING FROM THE INTERSECTION OF BETTY LOU BLVD. AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AND AUGUSTA DRIVE, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by John Spatz, creating Improvement District No. 188, defining the limits thereof, designating the improvements to be made therein, designating the property to be benefitted, providing for the payment of the cost thereof, providing for the acquisition of title, by purchase or by condemnation proceedings, to the lands and lots necessary for the completion of the improvements therein, and repealing all ordinances and parts of the ordinances in conflict herewith, the third time.

SPATZ Moved to pass the ordinance as read.

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

The ordinance, being numbered #19356, is recorded in Ordinance Book #26, Page

CREATING PAVING DISTRICT NO. 2630 FOR THE PURPOSE OF PAVING GLYNOAKS DRIVE FROM THE INTERSECTION OF BETTY LOU BLVD. AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AT AUGUSTA DRIVE AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by John Spatz, creating Paving District No. 2630, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and laying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the third time.

SPATZ Moved to pass the ordinance as read.

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

The ordinance, being numbered #19357, is recorded in Ordinance Book #26, Page

CREATING WATER DISTRICT NO. 1202 FOR THE PURPOSE OF CONSTRUCTING WATER MAINS FROM THE INTERSECTION OF BETTY LOU BLVD. AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AT AUGUSTA DRIVE AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by John Spatz, creating Water District No. 1202, designating the real estate to be benefitted, providing for

assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the third time.

SPATZ Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered #19358, is recorded in Ordinance Book #26, Page

CREATING SEWER DISTRICT NO. 1186 FOR THE PURPOSE OF CONSTRUCTING SANITARY SEWER MAINS FROM THE INTERSECTION OF BETTY LOU BLVD. AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AT AUGUSTA DRIVE AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by John Spatz, creating Sewer District No. 1186, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the third time.

SPATZ Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered #19359, is recorded in Ordinance Book #26, Page

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CHANGING THE TITLE AND PAY RANGE OF PUBLIC WORKS SPECIAL PROJECT ADMINISTRATOR TO PUBLIC WORKS LIAISON AND COMPLIANCE ADMINISTRATOR - CLERK read an ordinance, introduced by John Spatz, amending Section 1 of Ordinance No. 18971 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 "M", by changing the title and pay range of the job classification "Public Works Special Project Administrator" within the M03 pay range to "Public Works Liaison and Compliance Administrator" within the M02 pay range, the third time.

SPATZ Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered #19360, is recorded in Ordinance Book #26, Page

AMENDING CHAPTER 5.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO DANCES BY AMENDING SECTION 5.20.010 TO LOWER THE AGE IN THE DEFINITION OF "MINOR" FROM NINETEEN YEARS OF AGE TO EIGHTEEN YEARS OF AGE; AMENDING SECTION 5.20.100 TO REQUIRE THE PARENT OR LEGAL GUARDIAN ACCOMPANYING A MINOR TO A PUBLIC DANCE TO REMAIN ON THE PREMISES DESIGNATED IN THE PUBLIC DANCE PERMIT AT ALL TIMES SAID MINOR IS PRESENT AND STRIKING SUBSECTION (B) OF SAID SECTION 5.20.100 TO MAINTAIN CONSISTENCY WITH CHAPTER 5.20 AS AMENDED; AND ADDING A NEW SECTION NUMBERED 5.20.140 TO ESTABLISH A SEVERABILITY SECTION FOR CHAPTER 5.20 - CLERK read an ordinance, introduced by John Spatz, amending Chapter 5.20 of the Lincoln Municipal Code relating to Dances by amending Section 5.20.010 to lower the age in the definition of "minor" from nineteen years of age to eighteen years of age; amending Section 5.20.100 to require the parent or legal guardian accompanying a minor to a public dance to remain on the premises designated in the public dance permit at all times said minor is present and striking subsection (b) of said Section 5.20.100 to maintain consistency with Chapter 5.20 as amended; adding a new section numbered 5.20.140 to establish a severability section for Chapter 5.20; and repealing Sections 5.20.010, 5.20.040, and 5.20.100 of the Lincoln Municipal Code as hitherto existing, the third time.

SPATZ Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered #19361, is recorded in Ordinance Book #26, Page

ADOPTING AN AMENDED AND RESTATED CITY OF LINCOLN EMPLOYEES' RETIREMENT PLAN AND TRUST FOR CIVILIAN (NON-UNIFORMED SERVICE) EMPLOYEES PROVIDING FOR A CHANGE IN EMPLOYER CONTRIBUTIONS FOR EMPLOYEES HIRED AFTER A DATE CERTAIN AND ADOPTING IRS INTERIM AMENDMENTS NOS. 1 AND NO. 2. (10/5/09 - ACTION DELAYED WEEKLY TO 3/15/2010) - PRIOR to reading:

SNYDER Moved to delay action of Bill No. 09-132 one week to 3/22/2010.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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CLERK Read an ordinance, introduced by Jane Snyder, 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 on or after November 4, 2010 will be an amount equal to 3% of an employee's compensation up to and including \$4,800.00 plus 6% of his or compensation in excess of \$4,800.00 plus 6% of his or compensation in excess of \$4,800.00; to adopt Interim Amendment No. 1 relating to final IRS regulations under Internal Revenue Code Section 415 and Section 411(d)(6); and to adopt Interim Amendment No. 2 relating to the plan qualification requirements under the Pension Protection Act of 2006 (PPA) and other I.R.S. guidance; and to repeal Ordinance No. 17685 as hitherto existing, the third time.

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF SENIOR ATTORNEY. (8/3/09 - Placed on Pending; to be removed for 1st Reading at same time as M Class has 1st Reading) (8/31/09 - P.H. con't w/Action to 9/14/09) (9/14/09 - P.H. con't. w/Action to 9/28/09) (9/28/09 - Placed on Pending, No Date Certain) - PRIOR to reading:

COOK Moved to remove Bill No. 09-97 from Pending to have 1st Reading on March 22, 2010.

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

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY REVISING THE CLASSIFICATION OF ATTORNEY II. (8/3/09 - Placed on Pending; to be removed for 1st Reading at same time as M Class has 1st Reading) (8/31/09 - P.H. con't w/Action to 9/14/09) (9/14/09 - P.H. con't. w/Action to 9/28/09) (9/28/09 - Placed on Pending, No Date Certain) - PRIOR to reading:

COOK Moved to remove Bill No. 09-98 from Pending to have 1st Reading on March 22, 2010.

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

AMENDING CHAPTER 2.78 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PERSONNEL SYSTEM BY AMENDING SECTION 2.78.010 COMPENSATION PLAN ESTABLISHED TO EXCLUDE EMPLOYEES WITH A PAY RANGE PREFIXED BY M; AMENDING SECTIONS 2.78.020 ANNUAL LEAVE, 2.78.025 VARIABLE MERIT PAY PLAN, AND 2.78.030 SICK LEAVE TO DELETE THE REFERENCES TO EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER M; AND REPEALING 2.78 TITLE PAGE AND SECTIONS 2.78.010, 2.78.020, 2.78.025, AND 2.78.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING. (8/3/09 - Placed on Pending; to be removed for 1st Reading at same time as M Class has 1st Reading) (8/31/09 - P.H. con't w/Action to 9/14/09) (9/14/09 - P.H. con't. w/Action to 9/28/09) (9/28/09 - Placed on Pending, No Date Certain) - PRIOR to reading:

COOK Moved to remove Bill No. 09-101 from Pending to have 1st Reading on March 22, 2010.

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

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 "M" TO BE EFFECTIVE AUGUST 20, 2009. (8/3/09 - Placed on Pending; to be removed for 1st Reading at same time as M Class has 1st Reading) (8/31/09 - P.H. con't w/Action to 9/14/09) (9/14/09 - P.H. con't. w/Action to 9/28/09) (9/28/09 - Placed on Pending, No Date Certain) - PRIOR to reading:

COOK Moved to remove Bill No. 09-103 from Pending to have 1st Reading on March 22, 2010.

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

CAMP Moved to extend the remainder of the Pending List to March 22, 2010.
 Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on March 22,
2010.
 Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT 3:47 P.M.

CAMP Moved to adjourn the City Council meeting of March 15, 2010.
 Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant

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