

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MARCH 22, 2010 AT 3:00 P.M.**

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

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

COOK Having been appointed to read the minutes of the City Council proceedings of March 15, 2010 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF AURA INC. DBA AURA RESTAURANT & BAR FOR A CLASS I LIQUOR LICENSE AT 2500 TAMARIN RIDGE ROAD;
MANAGER APPLICATION OF MICHAEL A. WORKS FOR AURA INC. DBA AURA RESTAURANT & BAR AT 2500 TAMARIN RIDGE ROAD - Michael Works, 6007 Norman Road, took oath and came forward to answer questions.

Russ Fosler, Police Department, came forward to state in answer to a question that a shareholder was not disclosed at the time of the application. The Liquor Control Commission will take care of this matter.

This matter was taken under advisement.

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;

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 - Steve Hiller, Asst. Director of Parks & Recreation Department, stated this is the third or fourth year contracting for golf cars which are used at various golf courses and for the maintenance of equipment.

Joan Ross, City Clerk, stated for the record the request for 2nd and 3rd Readings with action today have been withdrawn.

Mr. Hiller explained they have chosen to go with the National IPA Pricing which is a national purchasing program available to Cities across the country. They are piggybacking on a contract with the City of Tucson. This process has been done for 8 to 10 years. The contract is with Club Car and Toro which have been used before and are very satisfied with them as they are an upper level model golf car and are part of the IPA Pricing. The City is getting 2009 pricing for the year 2010 saving considerable money.

Vince Mejer, Purchasing Agent, stated that both of the lease contracts are with local dealers having done business with them before and are happy with them.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY, LANCASTER COUNTY, THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND KONICA MINOLTA BUSINESS SOLUTIONS USA INC. FOR A COST PER COPY PROGRAM PURSUANT TO BID NO. 09-277 FOR A FOUR-YEAR TERM WITH THE OPTION FOR THREE ADDITIONAL ONE-YEAR TERMS - Vince Mejer, Purchasing Agent, came forward to answer the question that the City pays per copy not for purchasing the equipment.

This matter was taken under advisement.

APPROVING A THREE-YEAR MAINTENANCE RENEWAL CONTRACT BETWEEN THE CITY AND SENDIO FOR SPAM SERVER SOFTWARE MAINTENANCE - Ken Kuszak, Information Services, came forward to explain this is for a SPAM server which blocks SPAM emails. The contract is for three years instead of one year giving the City a total \$20,000 savings.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND CENTERPOINTE, INC. TO PROVIDE MEDICAL SERVICES TO CENTERPOINTE RESIDENTS FOR A TERM OF MARCH 1, 2010 THROUGH FEBRUARY 29, 2012;
APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND LINCOLN PUBLIC SCHOOLS FOR THE PROVISION OF MEALS FOR THE HEALTH DEPARTMENT'S SUMMER FOOD SERVICE PROGRAM FOR A PERIOD OF JUNE 7, 2010 THROUGH AUGUST 13, 2010 - Bruce Dart, Director of Health Department, stated the first contract is a multi-year contract for nursing assessments, pre-admission, limited phone consultations and care issues for Centerpointe. The second contract has been a longtime agreement with Lincoln Public Schools to provide food services for the Health Department's Summer Food Service Program at 34 sites. LPS requested an interlocal agreement.

This matter was taken under advisement.

APPROVING A RESOLUTION IN SUPPORT OF THE GOOGLE FIBER FOR COMMUNITIES PROGRAM TO TEST ULTRA-HIGH SPEED BROADBAND NETWORKS IN LINCOLN - Eric Dinger, 5831 Kipling Ct., came forward in support of this resolution. He stated if Lincoln would be selected as the Google Fiber site this faster internet would provide tons of additional opportunities and jobs. This could be a deciding factor for businesses looking for a city to locate in, especially technology companies. Win or lose sticking our best foot forward publicly will put Lincoln in a category they want to be in. People are asked to submit their reasons why Lincoln would be the best community for Google's test site on lnkup.org, click through to the Google site, or on facebook.com/lincolnnebraska. They are to state why would people who care about Google care about Lincoln a good home for growing businesses. The speed of the average high speed internet connection that serves the city is a megabit and a half. The ultra-high speed will be gigabit internet and can be 700 times faster. We already have great providers in Windstream and Time Warner for our broadband internet.

Joseph Knecht, 5040 S. 80th Street, stated he is a small business owner of two software companies; one is a start up company out of the University of Nebraska and the other a high growth company with clients in 25 states. Most of the fiber is already laid in Lincoln and can support these bandwidths. The core infrastructure won't have to change, just the routers and other infrastructure. Google mentioned partnering with existing providers to help administer and service that. This could help to recruit and retain individuals moving forward in the City of Lincoln. Tech companies are high growth and can be highly profitable so this could be highly beneficial in bringing more of these companies to Lincoln.

Kyle Fisher, Chamber of Commerce, 1135 M Street, came forward in support and stated it is enjoyable when the business community can work together with the Council bringing more opportunity for better and more business.

Ed Patterson, 700 W. 24th Street, expressed concern about more cables on poles. He felt the money spent on trimming trees should have been spent replacing with underground lines and if Google does come to Lincoln, hopefully, the fiber optic lines will be underground.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING ROBERT BALDWIN, CHARLES BOWMASTER, DEAN CLAWSON, JOHN FAZ, KENNETH ORR AND JESSE SMITH TO THE VETERANS' MEMORIAL GARDEN ADVISORY COUNCIL FOR TERMS EXPIRING NOVEMBER 1, 2012 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85777 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Robert Baldwin, Charles Bowmaster, Dean Clawson, John Faz, Kenneth Orr and Jesse Smith to the Veterans Memorial Garden Advisory Council for terms expiring November 1, 2012, is hereby approved.

Introduced by Eugene Carroll

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

APPOINTING DIANE BARTELS AND WILLIAM BOWMAN TO THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL FOR THREE-YEAR TERMS EXPIRING NOVEMBER 1, 2012 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85778 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Diane Bartels and William Bowman to the Veterans Memorial Garden Advisory Council for three-year terms expiring November 1, 2012, is hereby approved.

Introduced by Eugene Carroll

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

ACCEPTING REPORT OF BOARD OF EQUALIZATION TO THE CITY COUNCIL ON GROUP I, SIDEWALK DISTRICT 95 AND SEWER DISTRICT 1183 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON MARCH 8, 2010. (27-1) - CLERK presented said report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 09070 to Special Permit No. 228E, Capitol Beach, approved by the Planning Director on March 9, 2010, requested by Josh Schwartz, to reduce the side yard setback to 0.8 feet and the rear yard setback to zero for an existing boathouse at 222 W. Lakeshore Dr. The reduction in the setback will enable the owner to build a deck and cover over the existing boathouse.
Administrative Amendment No. 10003 to Change of Zone No. 04075A, Village Gardens Planned Unit Development, approved by the Planning Director on March 11, 2010, requested by Olsson Associates, to add Type B/C to the Lot Building & Type and Parking Matrices on Pages 14 and 16, to add a new use type for Type B/C - Bungalow Court on Page 20, and to add a definition for Bungalow Court to the glossary on Page 28, on property generally located at S. 56th Street and Pine Lake Road.

Administrative Amendment No. 09048 to Special Permit No. 07001, South Shore Townhomes Waterford Estates, approved by the Planning Director on March 12, 2010, requested by Olsson Associates, for an amendment to Note 8 regarding sidewalks to delete "placed 4 feet from back of curb" and to add Note 22 to clarify building setbacks, on property generally located at N. 98th Street and "O" Street.

LIQUOR RESOLUTIONS

APPLICATION OF AURA INC. DBA AURA RESTAURANT & BAR FOR A CLASS I LIQUOR LICENSE AT 2500 TAMARIN RIDGE ROAD - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-85779 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Aura Inc. dba Aura Restaurant & Bar for a Class "I" liquor license at 2500 Tamarin Ridge Road, Lincoln, Nebraska, for the license period ending April 30, 2010, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
2. The premise must comply in every respect with all city and state regulations.
3. There be no business or personal alcohol related offenses by the applicant within the first year after approval.

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

Introduced by Eugene Carroll

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

MANAGER APPLICATION OF MICHAEL A. WORKS FOR AURA INC. DBA AURA RESTAURANT & BAR AT 2500 TAMARIN RIDGE ROAD - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-85780 WHEREAS, Aura Inc. dba Aura Restaurant & Bar located at 2500 Tamarin Ridge Road, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Michael A. Works be named manager; WHEREAS, Michael A. Works appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Michael A. Works be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Eugene Carroll

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

ORDINANCES - 2ND 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 (Request 2nd & 3rd Readings w/Action on 3/22/10) - PRIOR to reading:

CITY CLERK Stated the request for 2nd & 3rd Readings w/Action on 3/22/10 has been withdrawn.

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 second 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 (Request 2nd & 3rd Readings w/Action on 3/22/10) - PRIOR to reading:

CITY CLERK Stated the request for 2nd & 3rd Readings w/Action on 3/22/10 has been withdrawn.

CLERK Read an ordinance, introduced by Eugene Carroll, accepting an 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 second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY, LANCASTER COUNTY, THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND KONICA MINOLTA BUSINESS SOLUTIONS USA INC. FOR A COST PER COPY PROGRAM PURSUANT TO BID NO. 09-277 FOR A FOUR-YEAR TERM WITH THE OPTION FOR THREE ADDITIONAL ONE-YEAR TERMS - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85781 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract Agreement for a cost-per-copy program between Konica Minolta Business Solutions USA Inc. and the City of Lincoln under which Konica Minolta will provide photocopy machines for use by various departments of the City of Lincoln upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit two original copies of said Agreement to the Purchasing Agent for delivery to Konica Minolta Business Solutions.

Introduced by Eugene Carroll

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

APPROVING A THREE-YEAR MAINTENANCE RENEWAL CONTRACT BETWEEN THE CITY AND SENDIO FOR SPAM SERVER SOFTWARE MAINTENANCE - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85782 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached three-year maintenance renewal for Sendio SPAM Server software maintenance between the City of Lincoln and Sendio Inc., in accordance with the proposal to renew for a three-year period, is hereby approved and the Mayor is authorized to execute the agreement and any subsequent amendments on behalf of the City of Lincoln.

Introduced by Eugene Carroll

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND CENTERPOINTE, INC. TO PROVIDE MEDICAL SERVICES TO CENTERPOINTE RESIDENTS FOR A TERM OF MARCH 1, 2010 THROUGH FEBRUARY 29, 2012 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85783 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and CenterPointe, Inc., to provide medical services to CenterPointe residents for a period of March 1, 2010 through February 29, 2012, upon the terms and conditions set forth in said 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 CenterPointe, Inc.

Introduced by Eugene Carroll

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND LINCOLN PUBLIC SCHOOLS FOR THE PROVISION OF MEALS FOR THE HEALTH DEPARTMENT'S SUMMER FOOD SERVICE PROGRAM FOR A PERIOD OF JUNE 7, 2010 THROUGH AUGUST 13, 2010 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85784 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and Lincoln Public Schools, for the provision of meals for the Health Department's Summer Food Service Program for a period of June 7, 2010 through August 13, 2010, upon the terms and conditions set forth in said 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 Lincoln Public Schools.

Introduced by Eugene Carroll

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

APPROVING A RESOLUTION IN SUPPORT OF THE GOOGLE FIBER FOR COMMUNITIES PROGRAM TO TEST ULTRA-HIGH SPEED BROADBAND NETWORKS IN LINCOLN - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85785 WHEREAS, Google has initiated a program called Google Fiber for Communities wherein Google is planning to build and test ultra-high speed broadband networks in a small number of trial locations across the country; and

WHEREAS, Google has suggested such networks could include the installation of a new high-speed fiber network to homes, capable of speeds of 1 gigabit/second; and

WHEREAS, Google is requesting RFIs from cities who are interested in being selected as trial locations for the program; and

WHEREAS, the City Council supports robust competition including the provision of broadband data services to our citizens and recognizes the potential economic development that could result from Lincoln's participation in such a program; and

WHEREAS, Lincoln has a well-educated citizenry, a low unemployment rate, and outstanding educational institutions, providing an excellent potential customer base for such a network; and

WHEREAS, the City of Lincoln is already well positioned for such an effort in that (a) the City has access to extensive existing conduits and poles throughout the community, and (b) has business relationships established with various fiber providers in our community.

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

That the City Council enthusiastically supports the effort to bring a Google fiber network to Lincoln, and that if Lincoln is selected for the trial effort, the City Council will commit the resources to (1) provide the necessary access to City rights-of-way and infrastructure, (2) streamline the permitting and regulatory process, and (3) coordinate efforts with other entities, both public and private. The City has already begun the process to reduce regulatory hurdles and speed permitting by the creation of the interdepartmental Development Services Center (DSC) and hereby designates the DSC as the coordinating agency for any City of Lincoln participation in the Google program.

Introduced by Jonathan Cook

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

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

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS AND P STREET FROM 7TH TO 8TH STREETS FROM MAY 1, 2010 THROUGH OCTOBER 9, 2010 AND ON 8TH STREET FROM P TO Q STREET FROM JUNE 5, 2010 THROUGH AUGUST 28, 2010 - PRIOR to reading:

COOK Moved to delay Public Hearing to April 5, 2010.

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

CLERK Read an ordinance, introduced by Jonathan Cook, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public market in the Haymarket area, 7th Street from P to Q Streets and P Street from 7th and 8th Streets, from May 1, 2010 through October 9, 2010 and on 8th Street from P to Q Street from June 5, 2010 through August 28, 2010, and authorizing the Mayor to sign such Contract on behalf of the City, the first time.

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PERSONNEL SYSTEM BY AMENDING SECTION 2.76.380, SICK LEAVE WITH PAY, RELATING TO EMPLOYEES IN A PAY RANGE PREFIXED BY M TO PROVIDE THAT 65% OF AN EMPLOYEE'S ACCUMULATED SICK LEAVE WILL BE PAID UPON RETIREMENT, DEATH, OR REDUCTION IN FORCE; AMENDING SECTION 2.76.395, VACATION LEAVE WITH PAY, TO INCREASE THE MAXIMUM NUMBER OF VACATION HOURS THAT AN EMPLOYEE WITH A PAY RANGE PREFIXED BY E MAY ACCUMULATE OVER AND ABOVE THEIR ANNUAL EARNING RATE FROM 40 TO 80 HOURS - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 2.76 of the Lincoln Municipal Code relating to the City's Personnel System by amending Section 2.76.380, Sick Leave with Pay, relating to employees in a pay range prefixed by M to provide that 65% of an employee's accumulated sick leave will be paid upon retirement, death, or reduction in force; amending Section 2.76.395, Vacation Leave with Pay, to increase the maximum number of vacation hours that an employee with a pay range prefixed by E may accumulate over and above their annual earning rate from 40 to 80 hours; and repealing Sections 2.76.380 and 2.75.395 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING A LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN "M" CLASS EMPLOYEES ASSOCIATION TO BE EFFECTIVE AUGUST 20, 2009.

APPROVING A LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN "M" CLASS EMPLOYEES ASSOCIATION TO BE EFFECTIVE AUGUST 19, 2010.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF SENIOR ATTORNEY - CLERK read an ordinance, introduced by Adam Hornung, 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 creating the job classification of "Senior Attorney", the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY REVISING THE CLASSIFICATION OF ATTORNEY II - CLERK read an ordinance, introduced by Adam Hornung, 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 pay range for the position of Attorney II from an M03 (\$61,228.96 - \$119,394.08) to an M02 (\$48,821.76 - \$99,569.60), the first time.

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 - CLERK read an ordinance, introduced by Eugene Carroll, amending Chapter 2.78 of the Lincoln Municipal Code relating to the City's Personnel System by amending Section 2.78.020, Management Compensation Plan; Annual Leave, relating to employees in a pay range prefixed by M, to delete the provision regarding forfeiture of unused leave and to amend provisions for carry over of annual leave; adding a new Section 2.78.027 relating to longevity pay for employees in a pay range prefixed by M; and repealing Section 2.78.020 of the Lincoln Municipal Code as hitherto existing, 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 "M" TO BE EFFECTIVE AUGUST 20, 2009 - CLERK read an ordinance, introduced by Eugene Carroll, 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 "M" and repealing Ordinance No. 18971, passed by City Council on August 6, 2007, the first time.

ORDINANCES - 3RD 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, due to absence, John Spatz moved this ordinance 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 third time.

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

The ordinance, being numbered #19362, is recorded in Ordinance Book #26, Page

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) - CLERK read the following resolution, introduced by Jon Camp, due to absence, John Spatz moved its adoption:

A-85786 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Interlocal Agreement between the City of Lincoln and Lancaster County, for 98th Street roadway reconstruction from Yankee Hill Road to Pine Lake Road and the establishment of maintenance responsibilities, upon the terms and conditions set forth in said Agreement, which is attached hereto marked as Exhibit "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 transmit one fully executed original of said Agreement to Angela Zocholl for filing with Lancaster County.

Introduced by Jon Camp

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

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)- PRIOR to reading:

SPATZ Moved to amend Bill No. 10R-74 on page 1, line 6, delete "84th" and insert in lieu thereof 98th.

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

CLERK Read the following resolution, introduced by Jon Camp, due to absence, John Spatz moved its adoption as amended:

A-85787 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the agreement titled Amendment No. 1 to the Conditional Annexation and Zoning Agreement for S. 84th & Highway 2, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between Andermatt LLC and Eiger Corp., as Owner, and the City of Lincoln, Nebraska, outlining certain conditions and understandings relating to the annexation of approximately 4.18 acres of property generally located at South ~~84th~~ 98th Street and Andermatt Drive, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this Agreement to Michaela Dugan, Impact Fee Administrator.

Introduced by Jon Camp

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

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, due to absence, John Spatz moved the ordinance, 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 third time.

SPATZ Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.
The ordinance, being numbered #19363, 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 3/29/2010.
Seconded by Spatz & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.

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 -

COOK Moved to extend the Pending List to March 29, 2010.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.

UPCOMING RESOLUTIONS

COOK Moved to approve the resolutions to have Public Hearing on March 29, 2010.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None. ABSENT: Camp.

ADJOURNMENT 3:41 P.M.

COOK Moved to adjourn the City Council meeting of March 22, 2010.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

REGULAR MEETING
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