

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, APRIL 26, 2010 AT 5:30 P.M.**

The Meeting was called to order at 5:40 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 April 19, 2010 reported having done so, found same correct.

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

**PUBLIC HEARING**

ANNEXATION NO. 10002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY ONE ACRE OF PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND VAN DORN STREET - Derek Zimmerman, 7931 S. 34<sup>th</sup> St., came forward on behalf of West 9/Learning Center at Firethorn LLC to connect the site to City water and sewer to serve a clubhouse in a publicly accessible area. Mr. Zimmerman requested that 2<sup>nd</sup> and 3<sup>rd</sup> Readings be combined today by explaining that the annexation is critical for the issuance of permits to finalize the golf course/driving range project during this peak season. 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 APRIL 1 - 15, 2010 - Beni Cooper, 1919 Fairfield St., came forward to address her denied claim regarding a sewer backup caused by tree roots from a neighboring property. She said to establish that the area was problematic, she reported that the City also worked on the sewer main at the 1800 and 2000 block locations and planned to access records to prove that activity. Ms. Cooper provided a combined total figure for renovation & cleanup as being over \$14,000.

Rod M. Confer, City Attorney, came forward to answer Council questions. He clarified Council procedure if they voted to amend the resolution. Mr. Confer said the claim was denied because under the Tort Claims Act a recommendation to pay a claim can only be made in the event that the City is negligent. He said the primary problem found during the 2008 cleaning revealed homeowners' grease.

Khalil Jaber, Member of Islamic Foundation of Lincoln, 3630/3636 N. 1<sup>st</sup> St., came forward in opposition to the City's findings regarding the sewer backup which occurred at their place of worship. His group feels the City failed to act and did not properly maintain the lines that serve their properties.

Mr. Confer came forward to state this area was on an annual maintenance schedule that had root clearing on April 30, 2009.

Nerissa Ahern, 1820 N. 24<sup>th</sup> St., came forward to address her denied claim and explain the sewer backup which occurred in her basement. She said it was determined that the actual backup occurred 1½ miles away on Theresa Street.

Mr. Confer came forward to report that proper annual sewer line cleaning had been conducted in April 2009 but an accumulation of grease combined with cold weather created a blockage near the treatment facility. To explain the 1½ mile distance, Mr. Confer said that many homes in closer proximity to the treatment facility do not have basements. He further clarified that the Political Subdivision Tort Claims Act passed by the Nebraska Legislature waives sovereign immunity to the extent that a political subdivision may have been negligent. If the City or political subdivision is negligent, they may be treated like a private party, and negligence must be demonstrated.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND FOX BROS. HAY CO., INC. FOR MATERIAL GRINDING SERVICES FOR A FOUR YEAR TERM - Vince Mejer, Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR THE USE OF SURFACE TRANSPORTATION PROGRAM FUNDS FOR THE LINCOLN CAVETT CONNECTOR TRAIL - Terry Genrich, Parks & Recreation, came forward to report that federal grant funds are available to help fund 80% of the Cavett Connector Trail.

Council Member Snyder spoke in support of the project stating that the connector trail will allow children to walk safely to school.

This matter was taken under advisement.

COMP. PLAN AMENDMENT NO. 10002 - AMENDING THE 2030 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO MAKE MAP CORRECTIONS TO THE LITTLE SALT CREEK WATERSHED MASTER PLAN;

APPROVING THE LITTLE SALT CREEK REVISED 100-YEAR FLOODPRONE AREA AND FLOODWAY AS THE BEST AVAILABLE INFORMATION FOR LOCAL FLOOD REGULATION PURPOSES - Ben Higgins, Public Works & Utilities, came forward to explain that there was a correction of three figures in the Master Plan and a correction to the floodplain map. He said in January letters were sent to two private property owners in the area but no replies were received back.

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 APRIL 12, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF MARCH, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

### PETITIONS & COMMUNICATIONS

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

Administrative Amendment No. 10015 to Change of Zone No. 2463D Highpointe Planned Unit Development approved by the Planning Director on April 15, 2010 requested by Thompson, Dreesen & Dorner, Inc. to adjust the setback along the east lot line from 30 feet to 25 feet and to replace the six and fourteen-stall garages with a ten-car garage and nine surface parking spaces on property generally located on the southeast corner of S. 45th Street and Old Cheney Road.

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 09024 - Requested by the Director of Planning amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Section 27.15.030 to allow single-family dwellings on small lots located outside the January 1, 2010 corporate limits as a permitted conditional use and providing conditions of approval; amending Section 27.15.040 to allow single-family dwellings on small lots located inside the January 1, 2010 corporate limits as a permitted special use; adding a new section numbered 27.63.800 to provide conditions for granting a special permit to allow single-family dwellings on small lots in the R-3 district located inside the January 1, 2010 corporate limits; and repealing Sections 27.15.030 and 27.15.040 of the Lincoln Municipal Code as hitherto existing.

Change of Zone No. 10008 - App. of Mike Barnett requested by Craig and Lori Blake amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Sections 27.43.030, 27.45.025, and 27.49.030 to add outdoor vehicle storage as a permitted conditional use in the H-3, H-4, and I-2 zoning districts, respectively; and repealing Sections 27.43.030, 27.45.025, and 27.49.030 of the Lincoln Municipal Code as hitherto existing.

Change of Zone No. 10010 - App. of Lincoln Federal Bancorp, Inc. from AG Agricultural District to R-3 Residential District on property legally described as a portion of Lot 8, Block 2, Wilderness Hills 2<sup>nd</sup> Addition located in the NW 1/4 of Section 30-9-7, Lancaster County, Nebraska, generally located at S. 27th Street and Whispering Winds Boulevard.

LIQUOR RESOLUTIONS - NONE

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

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND SCOTT AND CINDY JENSEN FOR THE LEASE OF OFFICE SPACE BY AGING PARTNERS FOR ITS PERSONAL & FAMILY SERVICES MEDICAID WAIVER PROGRAM AT 320 N. STATE STREET, OSCEOLA, NE 68651 FOR A TERM OF JUNE 1, 2010 THROUGH MAY 31, 2011 - CLERK read an ordinance, introduced by Eugene Carroll, accepting and approving a Lease Agreement between the City of Lincoln and Scott and Cindy Jensen for the lease of office space by the Aging Partners for its Personal & Family Services Medical Waiver program located at 320 N. State Street, Osceola, NE 68651, for a term of June 1, 2010 through May 31, 2011, the second time.

ANNEXATION NO. 10002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY ONE ACRE OF PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND VAN DORN STREET - CLERK read an ordinance, introduced by Eugene Carroll, 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.

APPROVING AN AMENDED AND RESTATED RETIREMENT PLAN FOR UNCLASSIFIED CITY DEPARTMENT DIRECTORS AND ADMINISTRATIVE ASSISTANTS TO THE MAYOR PURSUANT TO ART. II, SECTION 3 OF THE CHARTER OF THE CITY OF LINCOLN, TO COMPLY WITH REVISIONS TO THE INTERNAL REVENUE CODE AND REGULATIONS - CLERK read an ordinance, introduced by Eugene Carroll, adopting an amended and restated version of the Retirement Plan for Unclassified Department Heads to update language contained in said Plan to comply with the requirements of EGTRRA (Economic Growth and Tax Relief Reconciliation Act of 2001), and repealing Ordinance No. 17716 as hitherto existing, 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 APRIL 1 - 15, 2010 - PRIOR TO READING:

SPATZ Moved to amend Bill No. 10R-101 to delay Action w/con't. Public Hearing for two weeks to 5/10/10 or as determined by City Attorney on the claims of Dennis K. & Beni Cooper, Jeffery & Nerissa Ahern and Islamic Foundation of Lincoln.

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

CLERK Read the following amended resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-85819 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 April 15, 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>	
Victoria White	\$ 7,891.35	Lamont McAllister	\$ 300.00
<del>Dennis K. &amp; Beni Cooper</del>	<del>NAS*</del>	Corrina Muratella	3,553.68
Steve Bos	1,710.83	Lloyd King	336.08
Lloyd Hinn	89.62		
<del>Jeffery &amp; Nerissa Ahern</del>	<del>4,728.16</del>		
Alex P. Kouma	182.75		
Kim Jordan	500.00		
Alicia M. Lyons	117.70		
Jordan Peterson	350.00		
<del>Islamic Foundation of Lincoln</del>	<del>61,810.84</del>		
John & Kathryn Fink	2,440.16		
Samerah Al-Momani	565.00		

Jeremy Kennell	1,166.45
Randall J. Portsche	NAS*
Darlene Ritter	220.00
Desiree Palan	129.71

\* 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 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 AND FOX BROS. HAY CO., INC. FOR MATERIAL GRINDING SERVICES FOR A FOUR YEAR TERM - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85820 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached multi-year Contract between the City of Lincoln and Fox Bros. Hay Co., Inc. for Material Grinding Services, pursuant to Bid No. 10-054, for a four-year term, upon the terms as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Eugene Carroll

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR THE USE OF SURFACE TRANSPORTATION PROGRAM FUNDS FOR THE LINCOLN CAVETT CONNECTOR TRAIL - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85821 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. ENH-55(172), State CN-13079, to construct the Lincoln Cavett Connector Trail providing for the State to advertise, conduct letting and review bids for the Lincoln Cavett Connector Trail, pay all eligible project costs directly to the consultants and contractors, extend the deadline for securing a construction contract and approve Terry Genrich as the City's Responsible Charge, in accordance with the terms and conditions contained in said Agreement, 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 return the executed copies of the Agreement to the ~~Public Works and Utilities~~ Parks & Recreation Department c/o Terry Genrich, for transmittal and execution by the State Department of Roads.

Introduced by Eugene Carroll

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

COMP. PLAN AMENDMENT NO. 10002 - AMENDING THE 2030 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO MAKE MAP CORRECTIONS TO THE LITTLE SALT CREEK WATERSHED MASTER PLAN. (RELATED ITEMS: 10R-103, 10R-105) - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85822 WHEREAS, in 2009 the Little Salt Creek Watershed Master Plan was added as an approved Subarea Plan to the 2030 Lincoln/Lancaster County Comprehensive Plan; and

WHEREAS, the Planning Director has made application to amend the 2030 Lincoln/Lancaster County Comprehensive Plan to amend three figures in the Little Salt Creek Watershed Master Plan to correct mapping errors that resulted in a gap in the floodway near the confluence of Salt Creek; 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 2009 Little Creek Watershed Master Plan by replacing Figures ES-3, 5-1, and 5-13 with new Figures ES-3, 5-1, and 5-13 attached hereto.

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 Eugene Carroll

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

APPROVING THE LITTLE SALT CREEK REVISED 100-YEAR FLOODPRONE AREA AND FLOODWAY AS THE BEST AVAILABLE INFORMATION FOR LOCAL FLOOD REGULATION PURPOSES. (RELATED ITEMS: 10R-103, 10R-105) - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85823 WHEREAS, on May 10, 2004, the Lincoln City Council adopted Flood Standards for New Growth Areas; and

WHEREAS, on January 9, 2006, the Lincoln City Council adopted text changes to Flood Standards for Existing Urban Areas; and

WHEREAS, the Flood Standards for New Growth Areas and the Flood Standards for Existing Urban Areas regulate Floodprone Areas and Floodways as determined by hydrologic and hydraulic studies completed by the City of Lincoln or other governmental agency, or other acceptable source as approved by the City where this is the best available information; and

WHEREAS, the City is a Federal Emergency Management Agency (FEMA) cooperating technical partner and has contracted with a consultant to develop revised floodplain mapping showing the Floodprone Area and Floodway for the Little Salt Creek Watershed as a component of the Little Salt Creek Watershed Master Plan which is a cooperative effort of the City and the Lower Platte South Natural Resources District; and

WHEREAS, a licensed engineer has certified that the revised floodplain mapping for the Little Salt Creek Watershed was completed in compliance with the provisions contained in FEMA's Guidelines and Specifications for Flood Hazard Mapping Partners, and based upon the revised floodplain mapping, the City is in the process of submitting a Flood Insurance Rate Map Physical Map Revision application to FEMA for Little Salt Creek; and

WHEREAS, on September 21, 2009 the Lincoln City Council, by Resolution No. A-85517, adopted a revised Floodprone Area and Floodway map for the Little Salt Creek as developed by the consultant as the best available information until the City adopts a revised FEMA Floodplain Map for Little Salt Creek; and

WHEREAS, the map attached to Resolution No. A-85517 as Attachment "A" had an error within the floodway near the confluence with Salt Creek; and

WHEREAS, adopting the revised Floodprone Area and Floodway of the Little Salt Creek floodplain mapping shown on Attachment "A" as the best available flood information until the City adopts a revised FEMA Floodplain Map for Little Salt Creek is in the public interest and intended to protect the public health, safety, and welfare.

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

That the Little Salt Creek Floodprone Area and Floodway, as shown on Attachment "A", are hereby adopted as the best available information and shall be used in any circumstance for regulatory purposes where this information is more restrictive than the FEMA Floodplain Map until such time as the City of Lincoln adopts the revised FEMA Floodplain map for Little Salt Creek.

Introduced by Eugene Carroll

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

**ORDINANCE - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required)**

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE MUELLER/BIGERT RENTALS FOR THE LEASE OF OFFICE SPACE BY AGING PARTNERS FOR ITS PERSONAL & FAMILY SERVICES PROGRAM AT 137 N. 8TH STREET, GENEVA, NE 68361 FOR A TERM OF AUGUST 1, 2010 THROUGH JULY 31, 2011 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Mueller/Bigert Rentals for the lease of office space by the Aging Partners for its Aging Partners Personal & Family Services program located at 302 N. 8<sup>th</sup> Street, Geneva, NE 68361, for a term of August 1, 2010 through July 31, 2011, the first time.

AMENDING SECTION 2.76.150 OF THE LINCOLN MUNICIPAL CODE RELATING TO PAY INCREASES FOR EXCEPTIONAL SERVICE WITHIN THE CITY'S MERIT PAY PLAN TO CLARIFY LANGUAGE TO PROVIDE CONSISTENCY BETWEEN THE LINCOLN MUNICIPAL CODE AND VARIOUS LABOR AGREEMENTS - CLERK read an ordinance, introduced by Jonathan Cook, amending

Section 2.76.150 of the Lincoln Municipal Code relating to pay increases for exceptional service within the City's merit pay plan to clarify language to provide consistency between the Lincoln Municipal Code and various labor agreements; and repealing Section 2.76.150 of the Lincoln Municipal Code as hitherto existing, the first time.

AUTHORIZING THE SALE OF SURPLUS PROPERTY DESCRIBED AS PORTIONS OF LOTS 11 AND 12, WESLEYAN HEIGHTS ADDITION, GENERALLY LOCATED NORTHWEST OF NORTH 41ST STREET AND GREENWOOD STREET TO B&J PARTNERSHIP - CLERK read an ordinance, introduced by Jonathan Cook, authorizing the sale of surplus property described as portions of Lots 11 and 12, Wesleyan Heights Addition, generally located northwest of North 41st Street and Greenwood Street to B&J Partnership, the first time.

APPROVING THE AMENDED AND RESTATED DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND B&J PARTNERSHIP, LTD. RELATING TO THE DEVELOPMENT OF CVS PHARMACY ON PROPERTY GENERALLY LOCATED AT S. 15TH STREET AND SOUTH STREET. (RELATED ITEMS: 10R-109, 10-45, 10R-110) (ACTION DATE: 5/10/10)

CHANGE OF ZONE 10003 - APPLICATION OF B&J PARTNERSHIP FOR A CHANGE OF ZONE FROM R-5 AND R-2 RESIDENTIAL DISTRICTS TO B-3 COMMERCIAL DISTRICT AND O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 16TH STREET AND SOUTH STREET. (RELATED ITEMS: 10R-109, 10-45, 10R-110) (ACTION DATE: 5/10/10) - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

HEARING ON THE APPEALS BY BRAD NELSON AND THE NEAR SOUTH NEIGHBORHOOD ASSOCIATION OF THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT NO. 10008 REQUESTED BY B&J PARTNERSHIP FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES ON PROPERTY GENERALLY LOCATED NORTHWEST OF SOUTH 16TH STREET AND SOUTH STREET. (RELATED ITEMS: 10R-109, 10-45, 10R-110) (ACTION DATE: 5/10/10)

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

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND DITTMER & DITTMER OF CRETE FOR THE LEASE OF OFFICE SPACE BY AGING PARTNERS FOR ITS PERSONAL & FAMILY SERVICES PROGRAM AT 1005 E. HIGHWAY 33, SUITE 6, CRETE, NE 68632 FOR A TERM OF JUNE 1, 2010 THROUGH MAY 31, 2011 - CLERK read an ordinance, introduced by John Spatz, accepting and approving a Lease Agreement between the City of Lincoln and Dittmer & Dittmer of Crete for the lease of office space by the Aging Partners for its Aging Partners Personal & Family Services program located at 1005 E. Highway 33, Suite 6, Crete, NE 68333, for a term of June 1, 2010 through May 31, 2011, 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 #19377, is recorded in Ordinance Book #26, Page

APPROVING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH (IF ANY) BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE STREET CONSTRUCTION FUND AND WATER CONSTRUCTION FUND WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT - CLERK read an ordinance, introduced by John Spatz, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Street Construction Fund and Water Construction Fund within the Public Works & Utilities Department, 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 #19378, is recorded in Ordinance Book #26, Page

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND LYNNETTE MCGILL FOR THE CONSTRUCTION AND PLACEMENT OF TELECOMMUNICATIONS FACILITIES ON PROPERTY GENERALLY LOCATED NEAR HALLAM, NEBRASKA FOR A 25-YEAR TERM - CLERK read an ordinance, introduced by John Spatz, accepting and approving the Lease Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Lynnette McGill for the construction and

placement of telecommunications facilities upon property generally located near Hallam, Nebraska and authorizing the Mayor to sign such Lease Agreement on behalf of the City, the third time.

SPATZ Moved to pass the ordinance as read.  
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Snyder, Spatz; NAYS: None; ABSENT: Hornung, Camp.  
The ordinance, being numbered **#19379**, is recorded in Ordinance Book #26, Page

Council Chair Emery recognized and welcomed Boy Scout Troop 456 who were in attendance at the City Council Meeting working on their Citizenship in the Community Eagle Merit Badges.

**OPEN MICROPHONE**

John Austin, 826 S. 14<sup>th</sup> St., came forward to clarify what matters he could discuss regarding the City Council Agenda. With permission given, Mr. Austin proceeded to comment on the Haymarket Arena. He said he is against the proposal to build the Haymarket Arena as he feels it is more important for the City to repair its streets, sidewalks and alleys. He suggested that the University of Nebraska build the arena instead. He commented on bicyclists and suggested that if money is spent on bicycle routes, users should be taxed.  
This matter was taken under advisement.

**MISCELLANEOUS BUSINESS**

**PENDING -**

COOK Moved to extend the Pending List to May 3, 2010.  
Seconded by Spatz & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.

**UPCOMING RESOLUTIONS**

CAMP Moved to approve the resolutions to have Public Hearing on May 3, 2010.  
Seconded by Spatz & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.

**ADJOURNMENT 6:27 P.M.**

CAMP Moved to adjourn the City Council meeting of April 26, 2010.  
Seconded by Spatz & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant

REGULAR MEETING  
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