

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

The Meeting was called to order at 5:30 p.m. Present: Council Chair Spatz; Council Members: Camp, Carroll, Cook, Emery, Hornung, Snyder; City Clerk, Joan E. Ross.

Council Chair Spatz 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 July 19 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.

COMMENT

Chairperson Spatz noted the number of bar owners in the audience and asked how many of them came to speak at the public comment period on the Bar closing at 2:00 a.m. (There was a show of hands.) He stated one of the risks of discussing this tonight is there would be a problem with the Open Meetings Law because this is an issue anticipated being on an agenda in the near future. If Joe Public wanted to hear the testimonies and participate in this issue and they didn't have a chance to come down here to speak to it or hear what was said they could bring a claim against the City Council for an Open Meetings law violation. The courts could rule any action taken as void being subject to a criminal violation. Discussion on the 2:00 a.m issue will not be allowed tonight. On Thursday night the Internal Liquor Committee will meet at 8:00 p.m. to 9:30 p.m. in the Council Chambers to hear this issue. There will be a public discussion on that so all of you are advised to come back that evening to hear from the bar owners and anyone else interested in that issue.

PUBLIC HEARING

AMENDING CHAPTER 5.38 OF THE LINCOLN MUNICIPAL CODE RELATING TO LICENSES AND REGULATIONS FOR MOTELS, HOTELS, ROOMING, LODGING AND APARTMENT HOUSES BY AMENDING SECTION 5.38.010 TO ADD AND REVISE DEFINITIONS; AMENDING SECTION 5.38.040, COMPLIANCE WITH MINIMUM STANDARD HOUSING AND INSPECTION, TO PROVIDE FOR INSPECTIONS, SCHEDULES AND FEES FOR PERMIT ISSUANCE AND COMPLIANCE; AND AMENDING SECTION 5.38.110, PENALTY FOR VIOLATIONS, TO INCREASE THE MINIMUM FINES FOR VIOLATIONS OF CHAPTER 5.38;

AMENDING CHAPTER 21.05 OF THE LINCOLN MUNICIPAL CODE, THE PROPERTY MAINTENANCE CODE, BY AMENDING SECTION 21.05.120, VIOLATIONS, TO PROVIDE FOR INCREASED INSPECTIONS AND FEES FOR PROPERTIES NOT IN COMPLIANCE WITH THIS TITLE; AND AMENDING SECTION 21.05.240 TO ADD AND AMEND DEFINITIONS - Jon Carlson, Stronger Safer Neighborhoods Manager, came forward in support of the ordinance changes. These deal with problems with owners that are not responsible property owners. They do not fix up their property in a timely manner, they do not respond to letters sent. They will fix up the bare minimum then overtime slip back into a substandard condition. Steps taken to fix these problems are: 1. To use more effective and comprehensive use of the Problem Resolution Team comprised of a Council Member, Building & Safety, Health Dept., Police Dept., Aging, plus other departments. Law Department has been more aggressive in court pushing these cases to get multiple violations and to demonstrate to the courts this is an issue in the community. The community has an active interest in the Judiciary stepping up and making stronger action and stronger penalties because they have a real impact on the neighborhoods. 2. The International Property Maintenance code was passed by the Council providing the latest and most modern set of apparatus with which to judge properties and to take enforcement action. 3. Performance based inspections and fees. A reward mechanism was created for properties who demonstrated high performance. A three tiered system was created applying to all properties. The top tier has an incentive for property owners who perform well. When the property has it's annual inspection finding no defects or no code violations and haven't had any in the past 12 months that property will be put on a 24 month inspection cycle saving taxpayer time & resources because they have demonstrated they will keep the property maintained. The middle tier would be if a code violation is found and notice is sent out, the violation is repaired in the time allowed by the building official the property will not be inspected again for 12 months. A Problem Property category was created. If a code violation has been reported that property will be put on a six month inspection cycle that will encourage the property owner to make repairs right away. If two six month cycles in a row are passed the property owner will go to the middle cycle. There will be no fee for the initial inspection. If a violation is found and the repairs not made in the time allotted or additional time is not requested a fee of \$75 will be charged for the inspection and will continue to be charged each time an inspection is made until the property has been fixed. This will address the problem and the cost is bore by those generating the expense.

Lynn Fisher, no address given, came forward as a rental property owner in Lincoln. He came forward in favor of these ordinances in that it will help in the effort of having better neighbors in rental properties in the neighborhoods. He asked Building & Safety to notify the property owners at least a week ahead

of time when they will be doing the inspection.

Mary Jo Bousek, 2001 S. 24th St., came forward in favor of the code changes. She is concerned with the number of violations allowed before it goes on the six month inspection cycle. She feels the more units owned there should be allowed more violations before they are penalized.

Peter Frazier-Koontz, 2300 Sewell St., came forward as a Board member of the Country Club Neighborhood Association in favor of this ordinance. This will hold property owners more accountable for health and safety issues as well as the appearance of their property.

Will Kerns, 2409 Sewell St., came forward in support of this ordinance. He feels the time allowed to cleanup and repair properties is too long as the properties tend to decline too quickly.

Shawn Ryba, 4411 N. Park Blvd., came forward as a Community Organizer with Neighborworks Lincoln & a member of Lincoln Policy Network, in support of this ordinance in hopes the spotlight will be kept on owners whose properties continue to repeatedly fall in disrepair.

David Andersen, 1834 G Street, who has been in the apartment rental business for about 20 years came forward in favor of this ordinance.

Doug Emery, Council Member, asked Jon to speak to the multiple unit issue.

Mr. Carlson stated it was felt that if they get to six violations with inspections every other month it's probably indicative for the need of additional oversight. The larger buildings tend to have onsite management, an onsite repairman, and tend to get things fixed in a more timely manner. During an inspection if there are multiple problems they will be counted as one violation.

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 JULY 1 - 15, 2010 - Derek Dunn, 6610 S. 84th St., came forward on his denied claim to explain the incident that occurred January 16, 2010 around 8:30 p.m. He was driving his Chevy Impala east on Pioneers when he hit a very deep pothole. A tire had to be replaced at a cost of \$252.00.

Rod Confer, City Attorney, stated the claim was received, but Mr. Dunn did not indicate a date that he had hit the pothole and did not indicate the location. Law Department requested more information, but did not receive the information, therefore, the claim was denied.

Mr. Dunn stated he called in the information.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND EMS TECHNOLOGY SOLUTIONS, LLC FOR EMS INVENTORY MANAGEMENT SOLUTION, PURSUANT TO BID NO. 10-119, FOR A FOUR YEAR TERM WITH AN OPTION TO RENEW FOR ONE ADDITIONAL FOUR YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND COMMUNICATION SERVICES, INC. FOR THE ANNUAL REQUIREMENTS OF 802.11 A/B/G RADIOS, PURSUANT TO BID NO. 10-086, FOR A FOUR-YEAR TERM - Council Member Camp had questions concerning the amount of \$260,000 for the radio contract and \$37,000 for the EMS inventory contract. The Purchasing Agent was not available at this time for questions.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND BRYANLGH MEDICAL CENTER ON BEHALF OF THE BRYANLGH SCHOOL OF NURSING TO PROVIDE CLINICAL TRAINING FOR PUBLIC HEALTH NURSING STUDENTS IN COMMUNITY HEALTH NURSING AND THE WIC PROGRAM AT THE HEALTH DEPARTMENT FOR A TERM OF SEPTEMBER 1, 2010 THROUGH AUGUST 31, 2013 - Judy Halstead, Health Department, stated this three year agreement allows the nursing students from BryanLGH Health Science College of Nursing to participate with the Health Department by providing the clinical site. There will be no dollar exchange.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS - NONE

PETITIONS & COMMUNICATIONS

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

Administrative Amendment No. 10040 - Special Permit No. 1988B, Tamarin Ridge Community Unit Plan, approved by the Planning Director on July 14, 2010, requested by Hausmann Development, LLC, to reverse the rear and side yard setback on Lot 7, Block 1 and to revise the note to specify a four foot wide sidewalk instead of a five foot sidewalk along the ten foot wide pedestrian way easement which runs east-west along the north lot line of this property generally located at Tamarin Ridge and Jacobs Creek Drive.

LIQUOR RESOLUTIONS - NONE

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

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND ERIK ALM FOR THE LEASE OF OFFICE SPACE BY AGING PARTNERS FOR ITS PERSONAL & FAMILY SERVICES PROGRAM AT 1325 N. CHESTNUT STREET, WAHOO, NE 68066 FOR A TERM OF JULY 1, 2010 THROUGH JUNE 30, 2011. (5/24/10 - PLACED ON INDEFINITE PENDING) (REQUEST TO REMOVE FROM PENDING) (7/12/10 - REMOVED FROM PENDING TO HAVE 1ST READING 7/19/10, P.H. 7/26/10) - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln and Erik Alm for the lease of office space by the Aging Partners for its Personal & Family Services program located at 1325 N. Chestnut Street, Wahoo, NE 68066, for a term of July 1, 2010 through June 30, 2011, the second time.

AMENDING CHAPTER 5.38 OF THE LINCOLN MUNICIPAL CODE RELATING TO LICENSES AND REGULATIONS FOR MOTELS, HOTELS, ROOMING, LODGING AND APARTMENT HOUSES BY AMENDING SECTION 5.38.010 TO ADD AND REVISE DEFINITIONS; AMENDING SECTION 5.38.040, COMPLIANCE WITH MINIMUM STANDARD HOUSING AND INSPECTION, TO PROVIDE FOR INSPECTIONS, SCHEDULES AND FEES FOR PERMIT ISSUANCE AND COMPLIANCE; AND AMENDING SECTION 5.38.110, PENALTY FOR VIOLATIONS, TO INCREASE THE MINIMUM FINES FOR VIOLATIONS OF CHAPTER 5.38 - CLERK read an ordinance, introduced by Eugene Carroll, amending Chapter 5.38 of the Lincoln Municipal Code relating to Licenses and Regulations for Motels, Hotels, Rooming, Lodging and Apartment Houses by amending Section 5.38.010 to add and revise definitions; amending Section 5.38.040, Compliance with Minimum Standard Housing and Inspection, to provide for inspections, schedules and fees for permit issuance and compliance; amending Section 5.38.110, Penalty for Violations, to increase the minimum fines for violations of Chapter 5.38; and repealing Sections 5.38.010, 5.38.040, and 5.38.110 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 21.05 OF THE LINCOLN MUNICIPAL CODE, THE PROPERTY MAINTENANCE CODE, BY AMENDING SECTION 21.05.120, VIOLATIONS, TO PROVIDE FOR INCREASED INSPECTIONS AND FEES FOR PROPERTIES NOT IN COMPLIANCE WITH THIS TITLE; AND AMENDING SECTION 21.05.240 TO ADD AND AMEND DEFINITIONS - CLERK read an ordinance, introduced by Eugene Carroll, amending Chapter 21.05 of the Lincoln Municipal Code, the Property Maintenance Code, by amending Section 21.05.120, Violations, to provide for increased inspections and fees for properties not in compliance with this title; amending Section 21.05.240 to add and amend definitions; and repealing Sections 21.05.120 and 21.05.240 of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND OMB'S EXPRESS POLICE SUPPLY FOR THE ANNUAL REQUIREMENTS FOR HI-VISIBILITY PARKAS, PURSUANT TO BID NO. 10-094, FOR A TWO-YEAR TERM WITH OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM. (7/19/10 - ACTION DELAYED 1 WEEK W/ CONT'D PUBLIC HEARING) (REQUEST TO WITHDRAW) - CLERK requested motion to Withdraw.

COOK Moved to Withdraw Bill No. 10R-159.
 Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
 The ordinance, having been **WITHDRAWN**, was assigned the File #38-4604 & was placed on file in the Office of the City Clerk.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JULY 1 - 15, 2010 - PRIOR to reading:

CARROLL Moved to delay action on the Dunn request for \$252.00 for one week.
 Seconded by Hornung.
 Carroll withdrew the motion.

COOK Moved to withdraw the denied claim of Derek Dunn, Item 14, to have action at a later date after further review.
 Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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

A-85933 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the claims listed in the attached report, marked as Exhibit "A", dated July 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>	
Jamil Woullard	\$	80.00	Barb Kokrda	\$ 220.00
IL Partners		535.07	Liberty Mutual Insurance Co.	
The Hartford (Claim #PA0009014089)		NAS*	(Claim #PD449-013829215-01)	4,691.98
Tony West		8,000.00	Capital City Refuse	4,126.49
Derek Dunn		252.00	Lincoln Benefit Life	413.43
Julie Schmieding		134.08	Lisa M. Albers	100.00
Rodney Alan Hitchler, Natural Parent			Stacey Fuehrer	601.47
and Special Administrator of the			Linda Renick	166.75
Estate of Ryan Alan Hitchler	1,000,000.00		Lori Beck	3,060.65
Donald Goracke		96.19		

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND EMS TECHNOLOGY SOLUTIONS, LLC FOR EMS INVENTORY MANAGEMENT SOLUTION, PURSUANT TO BID NO. 10-119, FOR A FOUR YEAR TERM WITH AN OPTION TO RENEW FOR ONE ADDITIONAL FOUR YEAR TERM - PRIOR to reading:

CAMP Moved to delay action with Public Hearing continued for one week to 8/2/10.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Spatz; NAYS: Snyder.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND COMMUNICATION SERVICES, INC. FOR THE ANNUAL REQUIREMENTS OF 802.11 A/B/G RADIOS, PURSUANT TO BID NO. 10-086, FOR A FOUR-YEAR TERM - PRIOR to reading:

CAMP Moved to delay action with Public Hearing continued for one week to 8/2/10.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Spatz; NAYS: Snyder.

APPROVING AN AGREEMENT BETWEEN THE CITY ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND BRYANLGH MEDICAL CENTER ON BEHALF OF THE BRYANLGH SCHOOL OF NURSING TO PROVIDE CLINICAL TRAINING FOR PUBLIC HEALTH NURSING STUDENTS IN COMMUNITY HEALTH NURSING AND THE WIC PROGRAM AT THE HEALTH DEPARTMENT FOR A TERM OF SEPTEMBER 1, 2010 THROUGH AUGUST 31, 2013 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85934 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and Bryan LGH Medical Center, on behalf of Bryan LGH College of Health Sciences, School of Nursing, for clinical training for public health nursing students in community health nursing and the WIC Program at the Health Department, for a term from September 1, 2010 through August 31, 2013, upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to send a copy of this Resolution and one fully executed Agreement to Bruce Dart, Lincoln-Lancaster County Health Department Director for transmittal to BryanLGH Medical Center.

Introduced by Eugene Carroll

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

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

AMENDING SECTION 10.32.070 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKING OF VEHICLES ON STREETS ADJACENT TO RESIDENTIALLY ZONED PROPERTY TO EXTEND THE LENGTH OF TIME A TRUCK CABIN TRAILER AND SELF-PROPELLED MOBILE HOME, SEMITRAILER, TRAILER, OR TRUCK-TRACTOR MAY LAWFULLY PARK FOR LOADING OR UNLOADING, DELIVERY, OR COLLECTION OF GOODS, WARES, MERCHANDISE, OR MATERIALS FROM TWO HOURS TO FOUR HOURS - CLERK read an ordinance, introduced by John Spatz, amending Section 10.32.070 of the Lincoln Municipal Code relating to parking of vehicles on streets adjacent to residentially zoned property to extend the length of time a truck cabin trailer and self-propelled mobile home, semitrailer, trailer, or truck-tractor may lawfully park for loading or unloading, delivery, or collection of goods, wares, merchandise, or materials from two hours to four hours, and repealing Section 10.32.070 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 "M" - CLERK read an ordinance, introduced by Jonathan Cook, 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. 19370, passed by the City Council on April 5, 2010, the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER C BY CHANGING THE PAY RANGE OF THE CLASSIFICATION ENVIRONMENTAL COMPLIANCE TECHNICIAN - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 3 of Ordinance No. 18967 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 "C," by changing the pay range of the job classification "Environmental Compliance Technician" from C19 to C24, the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER N BY CHANGING THE TITLE OF THE CLASSIFICATIONS STORES CLERK II, METER READER II, AND PARKS PLUMBER II - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ordinance No. 18972 passed August 6, 2007 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N," by changing the job classification titles of "Stores Clerk II," "Meter Reader II," and "Parks Plumber II," to "Stores Clerk," "Meter Reader," and "Parks Plumber," respectively, the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER N BY DELETING THE CLASSIFICATIONS PUBLICATIONS SPECIALIST, RIGHT OF WAY TECHNICIAN, REAL ESTATE CLERK, STORES CLERK I, ENVIRONMENTAL HEALTH TECHNICIAN, MAINTENANCE MECHANIC, UTILITY SERVICE TECHNICIAN, METER READER I, AND PARKS PLUMBER I - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ordinance No. 18972 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N," by deleting the job classifications of "Publications Specialist," "Right of Way Technician," "Real Estate Clerk," "Stores Clerk I," "Environmental Health Technician," "Maintenance Mechanic," "Utility Service Technician," "Meter Reader I," and "Parks Plumber I", the first time.

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

AMENDING CHAPTER 6.04 OF THE LINCOLN MUNICIPAL CODE RELATING TO ANIMAL CONTROL REGULATIONS - GENERALLY, BY AMENDING SECTION 6.04.020 TO INCLUDE WILD ANIMALS AND TO GRANT THE DIRECTOR AUTHORITY TO IMPOUND THE ANIMAL OR ORDER THE OWNER TO REMOVE OR DESTROY THE ANIMAL; ADDING A NEW SECTION NUMBERED 6.04.025 TO PROVIDE AN EXEMPTION FROM LICENSING FEES FOR SERVICE ANIMALS; AMENDING SECTION 6.04.120 TO AMEND THE PROHIBITION AGAINST ANIMALS RUNNING AT LARGE; AMENDING SECTION 6.04.130 TO DEFINE THE DIRECTOR'S AUTHORITY TO IMPOUND AND RELEASE ANIMALS IN VIOLATION OF TITLE 6 OF THE LINCOLN MUNICIPAL CODE; AMENDING SECTION 6.04.140 TO REMOVE REFERENCES TO "FOWL" AND TO EXPAND THE SECTION TO COVER ALL OF TITLE 6 OF THE LINCOLN MUNICIPAL CODE; AMENDING SECTION 6.04.150 TO OUTLINE THE REQUIREMENTS THAT AN OWNER OF AN IMPOUNDED ANIMAL MUST MEET BEFORE RELEASING SAID ANIMAL; AMENDING SECTION 6.04.260 TO INCREASE THE MINIMUM DEPTH AT WHICH DEAD ANIMALS MUST BE BURIED; AMENDING SECTION 6.04.315 TO INCREASE THE DIRECTOR'S AUTHORITY TO INSPECT, CARE FOR, AND IMPOUND ANIMALS SHOWING SIGNS OF ABUSE OR NEGLECT; ADDING A NEW SECTION NUMBERED 6.04.355 TO MAKE IT UNLAWFUL FOR THE OWNER OF ANY ANIMAL TO ALLOW SAID ANIMAL TO KILL, BITE, OR ATTACK ANY HUMAN BEING OR DOMESTIC ANIMAL; TO AMEND SECTION 6.04.360 TO CHANGE LANGUAGE ASSOCIATED WITH DECLARING AN ANIMAL VICIOUS; AMENDING SECTION 6.04.400 TO MAKE IT UNLAWFUL TO PROVIDE FALSE INFORMATION TO THE DIRECTOR OR AN ANIMAL CONTROL OFFICER REGARDING AN ANIMAL; AMENDING SECTION 6.04.435 TO REPEAL THE SPECIFIC PENALTY PROVISIONS OF THIS SECTION; ADDING A NEW SECTION NUMBERED 6.04.437 TO CREATE A DEFINITION AND PROCESS FOR DECLARING THAT SOMEONE IS AN "IRRESPONSIBLE ANIMAL OWNER"; AMENDING SECTION 6.04.440 TO CHANGE THE GENERAL PENALTY PROVISIONS FOR CHAPTER 6.04 OF THE LINCOLN MUNICIPAL CODE - PRIOR to reading:

COOK Moved to revert ordinance back as it was originally introduced.

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

COOK Moved to amend #3 to Bill No. 10-78 as follows: On page 14, line 8, strike the word "seven" and insert in lieu thereof the word "five".

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

COOK Moved to amend #4 to Bill No. 10-78 as follows: 1. On page 14, line 6, strike the word "twenty-four" and insert in lieu thereof the word "thirty-six". 2. On page 14, line 8, strike the word "twenty-four" and insert in lieu thereof the word "thirty-six". 3. On page 14, line 10, strike the word "twenty-four" and insert in lieu thereof the word "thirty-six".

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

CLERK Read an ordinance, introduced by Jayne Snyder, amending Chapter 6.04 of the Lincoln Municipal Code relating to Animal Control Regulations - Generally, by amending Section 6.04.020 to include wild animals and to grant the Director authority to impound the animal or order the owner to remove or destroy the animal; adding a new section numbered 6.04.025 to provide an exemption from licensing fees for service animals; amending Section 6.04.120 to amend the prohibition against animals running at large; amending Section 6.04.130 to define the Director's authority to impound and release animals in violation of Title 6 of the Lincoln Municipal Code; amending Section 6.04.140 to remove references to "fowl" and to expand the section to cover all of Title 6 of the Lincoln Municipal Code; amending Section 6.04.150 to outline the requirements that an owner of an impounded animal must meet before releasing said animal; amending Section 6.04.260 to increase the minimum depth at which dead animals must be buried; amending Section 6.04.315 to increase the Director's authority to inspect, care for, and impound animals showing signs of abuse or neglect; adding a new section numbered 6.04.355 to make it unlawful for the owner of any animal to allow said animal to kill, bite, or attack any human being or domestic animal; to amend Section 6.04.360 to change language associated with declaring an animal vicious; amending Section 6.04.400 to make it unlawful to provide false information to the Director or an Animal Control Officer regarding an animal; amending Section 6.04.435 to repeal the specific penalty provisions of this section; adding a new section numbered 6.04.437 to create a definition and process for declaring that someone is an "Irresponsible Animal Owner"; amending Section 6.04.440 to change the general penalty provisions for Chapter 6.04 of the Lincoln Municipal Code; and repealing Sections 6.04.020, 6.04.120, 6.04.130, 6.04.140, 6.04.150, 6.04.260, 6.04.315, 6.04.360, 6.04.400, 6.04.435, 6.04.440 of the Lincoln Municipal Code as hitherto existing, the third time.

SNYDER Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19417, is recorded in Ordinance Book #26, Page

REGULAR MEETING
JULY 26, 2010
Page 572

APPROVING THE FACILITIES AGREEMENT BETWEEN THE CITY AND THE WEST HAYMARKET JOINT PUBLIC AGENCY AND THE ISSUANCE OF NOT TO EXCEED \$100,000,000.00 OF THE AGENCY'S GENERAL OBLIGATION FACILITY BONDS, SERIES 2010 - PRIOR to reading:

SNYDER Moved to amend Bill No. 10-87 by replacing the Facilities Agreement attached to Bill No. 10-87 with the Facilities Agreement attached hereto as the substitute Exhibit "A".

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

CLERK Read an ordinance, introduced by John Camp, of the City of Lincoln, Nebraska approving (A) a facilities agreement between the City and the West Haymarket Joint Public Agency and (B) the issuance of not to exceed \$100,000,000.00 in principal amount of the agency's General Obligation Facility Bonds, Series 2010A; and related matters, the third time.

CAMP Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19418, is recorded in Ordinance Book #26, Page

AUTHORIZING THE SALE OF SURPLUS PROPERTY DESCRIBED AS LOT 18, BLOCK 3, EAST PARK ADDITION, ALSO KNOWN AS 2726 DUDLEY STREET TO CORNHUSKER BANK - CLERK read an ordinance, introduced by Jon Camp, authorizing the sale of a surplus property at 2726 Dudley Street legally described as Lot 18, Block 3, East Park Addition to Lincoln, Lancaster County, Nebraska, the third time.

CAMP 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 #19419, is recorded in Ordinance Book #26, Page

OPEN MICROPHONE

Jane Svoboda, no address given, stated no one is above the law of the Constitution that gives us the right to life, liberty, and the pursuit of happiness. She suggested having a Free Speech Café on campuses with the use of computers and students interacting about what they have learned. She expressed distrust of the Internet and the need for more security on campuses.

This matter was taken under advisement.

Erik Foster, 1920 J St., #7, came forward to express the need for more police presence in the Antelope Valley to discourage vandalism, alcohol consumption, and loitering.

Council Member Jayne Snyder stated the Chief of Police assured her there is a bike patrol going through Antelope Valley regularly. Trouble is found around bridges and under bridges throughout the city.

This matter was taken under advisement.

Mike Morosin, 1500 N. 15th St., came forward to state that after he commented on questionable activities between City departments concerning his property the Police, Building & Safety, and the Health Department came to his property to "harass" him.

Council Member Doug Emery stated that Mr. Morosin's address came up at the Problem Resolution Team Committee and when this happens all the agencies that are on this committee have to go take a look at the property. This matter was just a timing issue.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CHANGE OF ZONE 10007 - APPLICATION OF KENT PRIOR FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 98TH STREET AND HOLDREGE STREET - CLERK requested a motion to remove from Pending.

CARROLL Moved to remove Bill No. 10-86 from Pending to have 1st Reading on 8/9/10.

Seconded by Emery & 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 August 2, 2010.

Seconded by Carroll & 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 August 2, 2010.

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

ADJOURNMENT 6:34 P.M.

CAMP Moved to adjourn the City Council meeting of August 2, 2010.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

