

THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 13, 2010 AT 3:00 P.M.

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

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 August 30 reported having done so, found same correct.
Seconded by Cook and carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.

MAYOR'S AWARD OF EXCELLENCE

Mayor Beutler presented the Mayor's Award of Excellence to Mark Fluitt, Lincoln Police Department Police Officer with the Northwest Operation Team, in the category of Productivity. Officer Fluitt performed an extensive investigation of harassing phone calls clearing 18 obscene phone call incidents. Mark is a very diligent and tenacious investigator.

Chief Casady, Chief of Police, came forward stating this is the kind of police work Officer Fluitt has done for 27 years. He is an outstanding Police Officer.

Mark Fluitt expressed his appreciation to the Mayor and stated the investigation would not have been completed without the assistance of his co-workers.

Jayne Snyder, Council Member, commented that Officer Fluitt's personal fitness and commitment to running has allowed him to apprehend many criminals over the years.

PUBLIC HEARING

APPOINTING HERBERT H. SCHIMEK TO THE LINCOLN CITY LIBRARY BOARD OF TRUSTEES FOR A SEVEN-EAR TERM EXPIRING AUGUST 31, 2017 - Herbert H. Schimek, came forward to introduce himself and to state he looks at this appointment with great pleasure. He loves to read and loves libraries.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "E" TO BE EFFECTIVE AUGUST 19, 2010;

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTION 2.76.153 TO PROVIDE AN INCREASE IN PER HOUR PAY FOR SHIFT DIFFERENTIAL; AMENDING SECTION 2.76.365 TO ALLOW EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER "E" AND ELIGIBLE TO RETIRE TO ELECT A REDUCED WORK SCHEDULE; AMENDING SECTION 2.76.380 TO ADJUST TIME OFF FOR ILLNESS OF A FAMILY MEMBER TO COMMENCE WITH THE FIRST PAY PERIOD IN JANUARY; AMENDING SECTION 2.76.385 RELATING TO FUNERAL LEAVE TO REMOVE APPLICABILITY TO EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER "A" OR "C"; AND TO ADD A NEW SECTION 2.76.387 RELATING TO BEREAVEMENT LEAVE FOR EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER "A" OR "C" - Mark A. Koller, Director of Personnel, stated these provisions line up the excluded employees with the approved LCEA contract. Excluded employees are those not represented, but are aligned with the LCEA contract.

This matter was taken under advisement.

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR THE USE OF FEDERAL FUNDS TO COMPLETE THE FRACTURE CRITICAL BRIDGE INSPECTION OF STRUCTURE U142514300, ANTELOPE VALLEY EAST LEG BRIDGE - Thomas Shafer, Design/Construction Manager of Public Works & Utilities Dept., came forward to state that every bridge is inspected as soon as it is built and before it is open to traffic. It is then inspected every two years after that. When they reach a certain condition they will then be inspected annually. This bridge is Fracture Critical and because this is an important bridge the State will help pay for those inspections.

Erika Nunes, Design/Construction of Public Works and Utilities Dept., explained what is meant by Fracture Critical.

This matter was taken under advisement.

APPROVING A THREE-YEAR AGREEMENT BETWEEN LINCOLN WATER SYSTEM AND THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES RELATED TO REVIEWING PLANS FOR CONSTRUCTION OF NEW AND REPLACEMENT DISTRIBUTION MAINS AT AN ANNUAL COST OF \$1,800.00 - Nick McElvain, Lincoln Water System, came forward to state the previous contract with the State Health Department had been informally renewed each year. They asked to make some changes to it to make it more formal and is now in the form of a three year agreement. It enables the Lincoln Water System to design and review their own plan instead of submitting them to the State for every water distribution project they build.

This matter was taken under advisement.

APPROVING SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO MODIFY LANGUAGE FOR PROJECT LETTING BY NDOR AND INVOICE PROCEDURES, AND TO ADD LANGUAGE TO DESCRIBE DUTIES AND ASSURANCES OF A RESPONSIBLE CHARGE FOR THE ANTELOPE VALLEY NORTH/SOUTH ROAD FROM K TO Q STREET, STATE PROJECT NO. CM-55(142) - Tom Shafer, Design/Construction Manager of Public Works & Utilities Dept., came forward to explain the State bid procedures have changed so this just merely reflects the changes in the agreement.
This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING HERBERT H. SCHIMEK TO THE LINCOLN CITY LIBRARY BOARD OF TRUSTEES FOR A SEVEN-YEAR TERM EXPIRING AUGUST 31, 2017 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:
A-85995 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Herbert H. Schimek to the Lincoln City Library Board of Trustees for a seven-year term expiring August 31, 2017, is hereby approved.

Introduced by Eugene Carroll

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 23, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON AUGUST 30, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JULY 31, 2010 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:
A-85996 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That during the month ended July 31, 2010, \$146,341.84 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jonathan Cook

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

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JULY 31, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTHS OF JANUARY THROUGH JUNE, 2010 FROM TIME WARNER CABLE - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF JULY 2010 FROM BLACK HILLS/NEBRASKA GAS UTILITY CO., LLC - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF **FEBRUARY 2010**: CELLCO PARTNERSHIP; **APRIL TO JUNE, 2010**: MATRIX, RELIANCE COMM. INT'L.; **MAY 2010**: NETWORK BILLING; **JUNE 2010**: CRICKET, NEBRASKA TECH. & TELECOM., AT&T OF MIDWEST, OMAHA CELLULAR, ALLTEL OF NE, USCOC OF GREATER IOWA, WWW LICENSE, TWC DIGITAL, QWEST, VERIZON WIRELESS, VIRGIN MOBILE USA, NEW CINGULAR, WINDSTREAM NEBRASKA, VIAERO, IDT DOMESTIC, COMTEL, ONSTAR, XO COMM., USCOC OF NE/KS, BUSINESS TELECOM., MCLEODUSA, VOICECOM, GLOBAL CROSSING, AIRESPRING, GRANITE, ARIZONA TELEPHONY, BROADWING, CONSUMER CELLULAR, TELECORP, TRANS NATIONAL, ACCESSLINE, SIOUX CITY MSA, CELLCO, PRIMUS, ACN, WORKING ASSETS, UCN, NETWORK BILLING, INTELICAL, NEW EDGE, CINCINNATI BELL, TCG OMAHA, TRACFONE, CTI, GLOBALSTAR USA, PUBLIC COMM. SERVICES, NORSTAN, I-WIRELESS, IBM GLOBAL, TON, KDDI AMERICA; **JULY 2010**: UNITE PRIVATE, D&D, NPCR, SPRINT SPECTRUM, NORLIGHT, BT AMERICAS, NETWORK BILLING, MCI, BUSINESS TELECOM, SBC, ZONE, LIGHTYEAR, VIAERO, NOVEGA VENTURE, FIRST COMM., GLOBALCOM, NEXTEL WEST, NORSTON, GRASSHOPPER GROUP, 36ONETWORKS, COVISTA, ENHANCED, TRI-M, I-WIRELESS, TOTAL HOLDINGS, WHOLESALE CARRIER, PIONEER, IBFA ACQUISITIONS, TSG GLOBAL, YESTEL USA, NOS, NOSVA, ATS, DCT. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF E911 TELECOMMUNICATION SURCHARGE FOR THE MONTH OF **APRIL TO JUNE 2010**: WINDSTREAM, TWC DIGITAL; **JUNE 2010**: CHARTER FIBERLINK-NEBRASKA; **JULY 2010**: 8X8, LEVEL 3, TWC DIGITAL, GRANITE, COMTEL, AT&T OF MIDWEST, QWEST, VONAGE AMERICA, INETWORKS, BUDGET PREPAY, ACN - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

PETITIONS & COMMUNICATIONS

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

Administrative Amendment No. 10036 to Use Permit 79, Kohls, approved by the Planning Director on August 30, 2010, requested by Burger King, to revise the site plan by adding one lot for a fast food restaurant and increasing the allowable square feet from 96,284 to 99,384 on property located at N. 84th Street and College Park Drive.

Administrative Amendment No. 10049 to Change of Zone 3134D, Willow Springs Planned Unit Development, approved by the Planning Director on September 3, 2010, requested by Wayne Wingate, to adjust the rear yard setback for Lot 8, Block 3, Willow Springs Addition from 22 feet, 4 inches to 18 feet for an unenclosed deck, on property located at 3965 S. 78th Street.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 20, 2010 AT 3:00 P.M. FOR APPLICATION OF BRIX & STONE GASTROPUB LLC DBA BRIX & STONE GASTROPUB FOR A CLASS CK LIQUOR LICENSE LOCATED AT 803 Q STREET, STE. 150 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85997 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 20, 2010 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of Brix & Stone Gastropub LLC dba Brix & Stone Gastropub for a Class CK liquor license located at 803 Q Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 20, 2010 AT 3:00 P.M. FOR APPLICATION OF RPM BROS INC. DBA SLICKS FOR AN ADDITION OF A BEER GARDEN ON THE NORTHWEST CORNER OF THE BUILDING APPROXIMATELY 40' X 7' LOCATED AT 2805 NW 48TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85998 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 20, 2010 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of RPM Bros. Inc. dba Slicks for an addition of a beer garden on northwest corner of building approximately 40' x 16' located at 2805 NW 48th Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 20, 2010 AT 3:00 P.M. FOR APPLICATION OF NEBRASKA CVS PHARMACY LLC DBA CVS/PHARMACY 8294 FOR A CLASS D LIQUOR LICENSE LOCATED AT 4800 O STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85999 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 20, 2010 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of Nebraska CVS Pharmacy LLC dba CVS/Pharmacy 8294 for a Class D liquor license located at 4800 O Street.

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

Introduced by Jonathan Cook

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

LIQUOR RESOLUTIONS

APPLICATION OF STRONG ISLAND ENTERPRISES INC. DBA BRICKTOP FOR AN ADDITION OF A BEER GARDEN MEASURING APPROXIMATELY 20 FEET BY 16 FEET TO THE SOUTH OF ITS LICENSED PREMISES AT 1427 O STREET - PRIOR to reading:

COOK Moved to continue Public Hearing for one week w/Action 9/20/10.

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

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

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "E" TO BE EFFECTIVE AUGUST 19, 2010 - 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 "E"; and repealing Ordinance No. 19289, passed by the City Council on August 10, 2009, the second time.

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTION 2.76.153 TO PROVIDE AN INCREASE IN PER HOUR PAY FOR SHIFT DIFFERENTIAL; AMENDING SECTION 2.76.365 TO ALLOW EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER "E" AND ELIGIBLE TO RETIRE TO ELECT A REDUCED WORK SCHEDULE; AMENDING SECTION 2.76.380 TO ADJUST TIME OFF FOR ILLNESS OF A FAMILY MEMBER TO COMMENCE WITH THE FIRST PAY PERIOD IN JANUARY; AMENDING SECTION 2.76.385 RELATING TO FUNERAL LEAVE TO REMOVE APPLICABILITY TO EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER "A" OR "C"; AND TO ADD A NEW SECTION 2.76.387 RELATING TO BEREAVEMENT LEAVE FOR EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER "A" OR "C" - CLERK read an ordinance, introduced by Eugene Carroll, amending Chapter 2.76 of the Lincoln Municipal Code by amending Section 2.76.153 to provide an increase in per hour pay for shift differential; amending Section 2.76.365 to allow employees with a pay range prefixed by the letter "E" and eligible to retire to elect a reduced work schedule; amending Section 2.76.380 to adjust time off for illness of a family member to commence with the first pay period in January; amending Section 2.76.385 relating to funeral leave to remove applicability to employees with a pay range prefixed by the letter "A" or "C"; and to add a new section 2.76.387 relating to bereavement leave for employees with a pay range prefixed by the letter "A" or "C", and repealing Sections 2.76.153, 2.76.365, 2.76.380, and 2.76.385 of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR THE USE OF FEDERAL FUNDS TO COMPLETE THE FRACTURE CRITICAL BRIDGE INSPECTION OF STRUCTURE U142514300, ANTELOPE VALLEY EAST LEG BRIDGE - CLERK read the following resolution, introduced by Jon Camp, moved by Eugene Carroll for its adoption:

A-86000 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. BR-NBIS(83), City Project No. 00810, for federal funds for Fracture Critical Bridge Inspections of the Antelope Valley East Leg Bridge, 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 Department, for transmittal and execution by the State Department of Roads.

Introduced by Jon Camp

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

APPROVING A THREE-YEAR AGREEMENT BETWEEN LINCOLN WATER SYSTEM AND THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES RELATED TO REVIEWING PLANS FOR CONSTRUCTION OF NEW AND REPLACEMENT DISTRIBUTION MAINS AT AN ANNUAL COST OF \$1,800.00 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-86001 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 Water System, and the Nebraska Department of Health and Human Services for the Three Year Review Program related to reviewing plans for construction of new and replacement distribution mains, in accordance with 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 of Lincoln.

Introduced by Eugene Carroll

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

APPROVING SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO MODIFY LANGUAGE FOR PROJECT LETTING BY NDOR AND INVOICE PROCEDURES, AND TO ADD LANGUAGE TO DESCRIBE DUTIES AND ASSURANCES OF A RESPONSIBLE CHARGE FOR THE ANTELOPE VALLEY NORTH/SOUTH ROAD FROM K TO Q STREET, STATE PROJECT NO. CM-55(142) - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-86002 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Supplemental Agreement No. 1 between the City of Lincoln and the State of Nebraska Department of Roads for Project No. CM-565(142), to modify language for project letting by NDOR and invoice procedures, and to add language to describe duties and assurances of a Responsible Charge for the Antelope Valley North/South Road from K to Q Streets, in accordance with the terms and conditions contained in said Supplemental Agreement No. 1, 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 Supplemental Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Eugene Carroll

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

APPROVING TWO CONTRACT AGREEMENTS BETWEEN THE CITY AND NAPA AND FACTORY MOTOR PARTS FOR THE ANNUAL REQUIREMENTS FOR VEHICLE/EQUIPMENT MAINTENANCE PARTS AND ACCESSORIES, PURSUANT TO BID NO. 10-108, FOR THREE YEAR TERMS WITH OPTIONS FOR ONE ADDITIONAL ONE-YEAR TERM - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-86003 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached City of Lincoln, Lancaster County, and the Lincoln Lancaster County Public Building Commission Contract Agreements with NAPA and Factory Motor Parts for Annual Requirements for Vehicle/Equipment Maintenance Parts and Accessories, Inc., in accordance with Bid No. 10-108, for three year terms with options for one additional one-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 Cook & 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 LEASE AGREEMENT BETWEEN THE CITY AND HICKMAN PRESBYTERIAN CHURCH FOR THE LEASE OF SPACE BY AGING PARTNERS FOR ITS SENIOR CENTER PROGRAM AT 300 EAST THIRD STREET, HICKMAN, NEBRASKA FROM SEPTEMBER 1, 2010 TO AUGUST 31, 2011 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a lease of office space by the Aging Partners for its Senior Center program located at 300 E. Third Street, Hickman, NE 68372, for a term of September 1, 2010 through August 31, 2011, the first time.

AMENDING CHAPTER 3.24 OF THE LINCOLN MUNICIPAL CODE RELATING TO OCCUPATION TAXES BY AMENDING SECTION 3.24.080 TO PROVIDE THAT THE SELLER OF TELECOMMUNICATION EQUIPMENT MAY ITEMIZE THE TAX LEVIED ON A BILL, RECEIPT OR OTHER INVOICE TO THE PURCHASER AND AMENDING SECTION 3.24.100 TO CLARIFY THAT THE COMPANIES PAYING THE TELECOMMUNICATION OCCUPATION TAX HAVE UNTIL THE END OF THE MONTH TO PAY THE TAX FROM THE PREVIOUS MONTH - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 3.24 of the Lincoln Municipal Code relating to occupation taxes by amending Section 3.24.080 to provide that the seller of telecommunications equipment may itemize the tax levied on a bill, receipt, or other invoice to the purchaser; amending Section 3.24.100 to clarify that the companies paying the telecommunication occupation tax have until the end of the month to pay the tax from the previous month; and repealing Sections 3.24.080 and 3.24.100 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 14.55 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIDEWALK VENDORS BY AMENDING SECTION 14.55.050, APPLICATION FOR PERMIT, TO ALLOW VENDORS IN THE B-3 COMMERCIAL DISTRICT AND TO PROVIDE ADDITIONAL APPLICATION SUBMITTAL REQUIREMENTS BY PERSONS SEEKING A VENDOR'S PERMIT TO OPERATE IN THE B-3 COMMERCIAL DISTRICT; AMENDING SECTION 14.55.070 RELATING TO RESTRICTIONS ON PUSHCARTS TO REDUCE THE REQUIRED EIGHT-FOOT PEDESTRIAN PATH TO A SIX-FOOT PEDESTRIAN PATH AFTER THE LOCATION OF ANY PUSH CART OR STAND WITHIN ANY SIDEWALK SPACE AND ADDING A NEW SECTION NUMBERED 14.55.075 TO PROVIDE ADDITIONAL RESTRICTIONS ON PUSHCARTS OPERATING IN THE B-3 COMMERCIAL DISTRICT - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 14.55 of the Lincoln Municipal Code relating to Sidewalk Vendors by amending Section 14.55.050, Application for Permit, to allow vendors in the B-3 Commercial District and to provide additional application submittal requirements by persons seeking a vendor's permit to operate in the B-3 Commercial District; amending Section 14.55.070 relating to Restrictions on Pushcarts to reduce the required eight-foot pedestrian path to a six-foot pedestrian path after the location of any pushcart or stand within any sidewalk space; adding a new section numbered 14.55.075 to provide Additional Restrictions on Pushcarts Operating in the B-3 Commercial District; and repealing Sections 14.55.050 and 14.55.070 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 5.20.130 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE HOURS DURING WHICH PUBLIC DANCING IS PROHIBITED - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 5.20.130 of the Lincoln Municipal Code relating to Dances to allow the closing time of adult public dances to be consistent with the closing time provided in Chapter 5.20.130 of the Lincoln Municipal Code as hitherto existing, the first time.

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

APPROVING THE 98TH AND HOLDREGE CONDITIONAL ZONING AGREEMENT BETWEEN M. KENT AND MARSHA PRIOR AND THE CITY OF LINCOLN REGARDING A CHANGE OF ZONE FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL TO ALLOW THREE SINGLE FAMILY DWELLING LOTS, ONE OUTLOT, AND A BUILD THROUGH PLAN FOR FUTURE URBANIZATION ON PROPERTY GENERALLY LOCATED AT 98TH STREET AND HOLDREGE STREET - PRIOR to reading:

SNYDER Moved to Delay Action on Bill No. 10R-183 for one week to September 20, 2010.

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

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 - PRIOR to reading:

SNYDER Moved to Delay Action on Bill No. 10-86 for one week to September 20, 2010.

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

CLERK Read an ordinance, introduced by Jon Camp, 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 third time.

STREET NAME CHANGE 10005 - RENAMING WHITE PINE DRIVE AS "ELDORADO DRIVE" IN WILDERNESS HILLS 4TH ADDITION, GENERALLY LOCATED AT SOUTH 30TH STREET AND WHISPERING HILLS BOULEVARD - CLERK read an ordinance, introduced by Jon Camp, changing the name of an existing street located in Wilderness Hills 4th Addition, generally located at South 30th Street and Whispering Hills Boulevard, from White Pine Drive to Eldorado Drive, as recommended by the Street Name Committee, the third time.

CARROLL 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 #19446, is recorded in Ordinance Book #27, Page

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION BY AMENDING SECTION 8.06.145 TO INCREASE THE PERMIT FEET FOR OPEN BURNING; AMENDING SECTION 8.08.060 TO INCREASE THE PERMIT FEES FOR A BODY ART ESTABLISHMENT; AMENDING SECTION 8.08.150 TO INCREASE THE INITIAL PERMIT FEE FOR A BODY ART PRACTITIONER; AMENDING SECTION 8.12.035 TO INCREASE THE PERMIT FEE FOR A SMALL FAMILY CHILD CARE HOME; AMENDING SECTION 8.14.037 TO INCREASE THE PERMIT FEES ASSOCIATED WITH CHILD CARE PROGRAMS; AMENDING SECTION 8.20.150 TO INCREASE THE PERMIT FEES ASSOCIATED WITH FOOD ESTABLISHMENTS; AMENDING SECTION 8.24.150 TO INCREASE THE PERMIT FEE FOR A VARIANCE TO THE PROVISIONS OF LMC SECTION 8.24.090 RELATING TO NOISE DISTURBANCES; AMENDING SECTION 8.38.090 TO INCREASE THE PERMIT FEE FOR THE OPERATION OF A CLASS A OR CLASS B SWIMMING POOL; AMENDING SECTION 8.40.070 TO INCREASE THE PERMIT FEES ASSOCIATED WITH THE OPERATION OF SPA FACILITIES; AND AMENDING SECTION 8.44.070 TO INCREASE THE PERMIT FEES ASSOCIATED WITH THE CONSTRUCTION AND REPAIR OF WATER WELLS AND TO PROVIDE THAT SUCH PERMITS SHALL BE ANNUAL RATHER THAN BIENNIAL - CLERK read an ordinance, introduced by Jon Camp, amending Title 8 of the Lincoln Municipal Code relating to Health and Sanitation by amending Section 8.06.145 to increase the permit fee for open burning; amending Section 8.08.060 to increase the permit fees for a body art establishment; amending Section 8.08.150 to increase the initial permit fee for a body art practitioner; amending Section 8.12.035 to increase the permit fee for a small family child care home; amending Section 8.14.037 to increase the permit fees associated with child care programs; amending Section 8.20.150 to increase the permit fees associated with food establishments; amending Section 8.24.150 to increase the permit fee for a variance to the provisions of LMC Section 8.24.090 relating to noise disturbances; amending Section 8.38.090 to increase the permit fee for the operation of a Class A or Class B swimming pool; amending Section 8.40.070 to increase the permit fees associated with the operation of spa facilities; amending Section 8.44.070 to increase the permit fees associated with the construction and repair of water wells and to provide that such permits shall be annual rather than biennial; and repealing Sections 8.06.145, 8.08.060, 8.08.150, 8.12.035, 8.14.037, 8.20.150, & 8.24.150, 8.38.090, 8.40.070 and 8.44.070 of the Lincoln Municipal Code as hitherto existing the third time.

CARROLL 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 #19447, is recorded in Ordinance Book #27, Page

AMENDING CHAPTER 5.41 OF THE LINCOLN MUNICIPAL CODE RELATING TO SALVAGE, RECYCLING AND COMPOSTING OPERATIONS BY AMENDING SECTION 5.41.050 TO INCREASE RELATED PERMIT FEES; AND AMENDING SECTION 5.41.060 TO INCREASE THE ANNUAL OCCUPATION TAX LEVIED ON SALVAGE OPERATIONS OR COMMERCIAL COMPOSTING OPERATIONS - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 5.41 of the Lincoln Municipal Code relating to Salvage, Recycling and Composting Operations by

amending Section 5.41.050 to increase related permit fees; amending Section 5.41.060 to increase the annual occupation tax levied on salvage operations or commercial composting operations; and repealing Sections 5.41.050 and 5.41.060 of the Lincoln Municipal Code as hitherto existing the third time.

CARROLL 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 #19448, is recorded in Ordinance Book #27, Page

AMENDING TITLE 24 OF THE LINCOLN MUNICIPAL CODE RELATING TO PLUMBING AND SEWERS BY AMENDING SECTION 24.38.070 TO INCREASE THE PERMIT FEES ASSOCIATED WITH ON-SITE WASTEWATER TREATMENTS SYSTEMS; AND AMENDING SECTION 24.42.110 RELATING TO FEES ASSOCIATED WITH PROPERTY TRANSFERS WITH ON-SITE WASTEWATER TREATMENT SYSTEMS TO INCREASE THE FEE FOR EVALUATION AND REVIEW OF PROPERTY TRANSFER INSPECTOR REPORTS AND NECESSARY SITE VISITS BY THE HEALTH DIRECTOR. - CLERK read an ordinance, introduced by Jon Camp, amending Title 24 of the Lincoln Municipal Code relating to Plumbing and Sewers by amending Section 24.38.070 to increase the permit fees associated with on-site wastewater treatments systems; amending Section 24.42.110 relating to fees associated with property transfers with on-site wastewater treatment systems to increase the fee for evaluation and review of Property Transfer Inspector reports and necessary site visits by Health Director; and repealing Sections 24.38.070 and 24.42.110 of the Lincoln Municipal Code as hitherto existing, the third time.

CARROLL 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 #19449, is recorded in Ordinance Book #27, Page

OPEN MICROPHONE

Jane Svoboda, address not given, came forward to share her concerns about the use of subliminal messages through various devices to the general public. She stated the Chinese teach subliminals in schools and in the United States the Chinese give away free subliminal software. She feels we need to get 100% of Chinese out of our country.

This matter was taken under advisement.

John Austin, 826 S. 14th Street, came forward to ask why Jane Ford who was Director of the Lancaster County Health Department years ago was fired? He reported he talked to two police officers who told him you could go through a stop sign as long as you're not going over 5 mph. The State and the County Sheriff say you have to come to a complete stop. He witnessed a near accident due to someone running a stop sign. He asked who owns the park benches downtown? He feels Antelope Valley will become a mess collecting papers, etc. and asked who is going to clean this up?

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

COOK Moved to extend the Pending List to September 20, 2010.
Seconded by Hornung & 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 September 20, 2010.
Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.

ADJOURNMENT 3:40 P.M.

COOK Moved to adjourn the City Council meeting of September 13, 2010.
Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.

Teresa J. Meier, Deputy City Clerk

Judy Roscoe, Senior Office Assistant

REGULAR MEETING
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