

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, AUGUST 14, 2006 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Newman; Council Members: Cook, Camp, Eschliman, Marvin, McRoy; City Clerk, Joan E. Ross; Absent: Svoboda.

Council Chair Newman asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of August 7, 2006, reported having done so, found same correct.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.

MAYOR'S AWARD OF EXCELLENCE

Mayor Seng presented the Mayor's Award of Excellence for the month of July, 2006 to Officer John Amen of the Lincoln Police Department in the category of Productivity.

Sgt. Wright, Lincoln Police Dept., expressed his appreciation of the many hours Officer Amen spent of his own time developing a computer program for accident reports which saves the Officers much time.

PUBLIC HEARING

APPLICATION OF MICHAEL MARTS, INC. DBA MICHAEL MART FOR A CLASS D LIQUOR LICENSE AT 2801 N.W. 48TH STREET;

MANAGER APPLICATION OF MICHAEL A. MCCURDY FOR MICHAEL MARTS, INC. DBA MICHAEL MART AT 2801 N.W. 48TH STREET - Kelly Tollefsen, 201 N. 8th St., #300, took the oath and came forward as the Attorney representing Michael Mart to ask for approval of the application and to answer any questions.

Michael McCurdy, P.O. Box 81846, took oath and came forward to answer questions.

This matter was taken under advisement.

MANAGER APPLICATION OF DOUGLAS LARKINS FOR WHITEHEAD OIL COMPANY DBA U-STOP CONVENIENCE SHOP AT 3244 CORNHUSKER HIGHWAY - Doug Larkins, 4436 Witherbee Blvd., took the oath and came forward to answer questions.

This matter was taken under advisement.

APPROVING A TRANSFER OF APPROPRIATIONS AND CASH (WHERE APPROPRIATE) BETWEEN PROJECTS WITHIN SEVERAL FUNDS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT - Margaret Remmenga, Business Manager of Public Works Dept., stated several of the Capitol Improvement Projects have been completed during the fiscal year and have existing appropriations. To remove these from the books it is requested to transfer these appropriations to other projects not completed. Discussion followed.

This matter was taken under advisement.

AMENDING TITLE 5 OF THE LINCOLN MUNICIPAL CODE RELATING TO LICENSES AND REGULATIONS BY AMENDING OR REPEALING SECTIONS WITHIN CHAPTER 5.41, SALVAGING, RECYCLING AND COMPOSTING OPERATIONS, TO DELETE PROVISIONS RELATING TO SALVAGING OPERATIONS AND TO MAKE CHAPTER 5.41 APPLY ONLY TO RECYCLING AND COMPOSTING OPERATIONS; ADDING A NEW CHAPTER 5.43 ENTITLED SALVAGE DEALERS AND SALVAGE COLLECTORS TO ESTABLISH AND RELOCATE PROVISIONS DEALING WITH SALVAGING OPERATIONS PREVIOUSLY FOUND IN CHAPTER 5.41 - Jonathan Cook, Council Member, stated Rick Hoppe of the Mayor's Office will try to pull together the affected departments and salvage operators to work on changes of the definitions.

COOK Moved to continue Public Hearing and have action on Bill No. 06-137 September 11, 2006.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.

Fred Hoke, no address given, came forward representing the Home Builders Association in support of the legislation. Discussion followed.

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Rick Hoppe, Aide to Mayor Seng, stated those who want to get in touch with him can call him at 441-8280 or at rhoppe@lincoln.ne.gov.

David Borsuk, Fond du Lac, Wisconsin, came forward representing Sadoff Industries in support of this legislation. He volunteered himself or a representative of his company to participate on the task force. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 06021 - AMENDING SECTIONS 27.69.046 AND 27.69.081 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIGNS IN THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND I-3 EMPLOYMENT CENTER DISTRICT, RESPECTIVELY, TO DELETE THE REQUIREMENT THAT THE ON-PREMISES GROUND SIGN FOR A FREE-STANDING PAD SITE BUILDING BE LOCATED WITHIN THIRTY FEET OF THE BUILDING - Ray Hill, Planning Dept., came forward to explain the amendment proposed. Discussion followed.

This matter was taken under advisement.

STREET NAME CHANGE 06003 - RENAMING THAT PORTION OF S.W. 78TH STREET SOUTH OF WEST WALIN LANE AS S.W. 77TH STREET, LOCATED IN MEADOW VIEW 1ST ADDITION - Ray Hill, Planning Dept., came forward to explain the renaming of S.W. 78th Street to help people find the street. Discussion followed.

This matter was taken under advisement.

AMENDING SECTION 9.36.100 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE UNLAWFUL POSSESSION OF FIREARMS BY ADDING CONVICTIONS FOR CRIMES OF ASSAULT, UNLAWFUL INTRUSION, VIOLATION OF CUSTODY, DOMESTIC ASSAULT, FIRST DEGREE CRIMINAL TRESPASS, CONTRIBUTING TO THE DELINQUENCY OF A CHILD, PUBLIC INDECENCY/EXPOSURE, OPERATING A VEHICLE TO AVOID/FLEE ARREST, ANY VIOLATION OF THE NEBRASKA UNIFORM CONTROLLED SUBSTANCES ACT, UNLAWFUL USE OF TOXIC COMPOUNDS, AND MORE THAN TWO CONVICTIONS FOR DWI AND/OR REFUSAL TO SUBMIT TO A CHEMICAL TEST, TO THE PRE-EXISTING LIST OF NAMED OFFENSES, CONVICTION OF WHICH PRECLUDE POSSESSION OF ANY FIREARM;

AMENDING CHAPTER 9.36 OF THE LINCOLN MUNICIPAL CODE RELATING TO WEAPONS BY ADDING A NEW SECTION NUMBERED 9.36.130 TO MAKE IT UNLAWFUL TO POSSESS FIREARMS OR DANGEROUS WEAPONS IN CITY AND/OR COUNTY FACILITIES - Jonathan Cook, Council Member, stated he asked the Law Dept. to prepare an amendment of Bill No. 06-141 to add banning weapons from domestic or substance abuse facilities or shelters as well.

Tom Casady, Chief of Police, came forward to ask approval of this ordinance. Discussion followed.

Jordan Austin, Fairfax, VA, came forward representing the National Rifle Association in opposition to these ordinances and to request an opinion from the State Attorney General. Discussion followed.

Gary Muckel, 6531 Carlsbad Dr., a retired scientist with the US Department of Agriculture, came forward in opposition to these ordinances.

Virginia Baldwin, 18601 Midway Rd., Walton, NE came forward in support of these ordinances.

Merv Goodrick, 3403 SW 84th Street, came forward in opposition to these ordinances. Discussion followed.

Richard Esquivel, 733 W. Cuming Street, came forward to make general comments.

Pat Double, 2120 W. South Street, came forward in opposition. Discussion followed.

Corrie Wesley, 5300 Leighton Avenue, came forward representing St. Monica's Substance Abuse and Mental Health facilities in support of this legislation. Letters from St. Monica and the Friendship Home in support were presented to be placed on file. She asked that other Human Service agencies and child care facilities be included as well. Discussion followed.

Chief Casady came forward to address previous comments and to answer questions. Discussion followed.

Dana Roper, City Attorney, came forward to clarify and respond to questions. Discussion followed.

This matter was taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF MICHAEL MARTS, INC. DBA MICHAEL MART FOR A CLASS D LIQUOR LICENSE AT 2801 N.W. 48TH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-83967 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 Michael Marts, Inc. dba Michael Mart for a Class "D" liquor license at 2801 N.W. 48th Street, Lincoln, Nebraska, for the license period ending April 30, 2007, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Dan Marvin

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.

MANAGER APPLICATION OF MICHAEL A. MCCURDY FOR MICHAEL MARTS, INC. DBA MICHAEL MART AT 2801 N.W. 48TH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-83968 WHEREAS, Michael Marts, Inc. dba Michael Mart located at 2801 N.W. 48th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Michael A. McCurdy be named manager;

WHEREAS, Michael A. McCurdy 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. McCurdy 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 Dan Marvin

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.

MANAGER APPLICATION OF DOUGLAS LARKINS FOR WHITEHEAD OIL COMPANY DBA U-STOP CONVENIENCE SHOP AT 3244 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-83969 WHEREAS, Whitehead Oil Company dba U-Stop Convenience Shop located at 3244 Cornhusker Highway, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Douglas Larkins be named manager;

WHEREAS, Douglas Larkins 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 Douglas Larkins 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 Dan Marvin

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND SHERIDAN LUTHERAN CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 6955 OLD CHENEY ROAD FOR A PERIOD OF JULY 17, 2006 THROUGH SEPTEMBER 30, 2006 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln and Sheridan Lutheran Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center Program at 6955 Old Cheney Road, Lincoln, NE for a term beginning July 17, 2006 through September 30, 2006, the second time.

APPROVING A TRANSFER OF APPROPRIATIONS AND CASH (WHERE APPROPRIATE) BETWEEN PROJECTS WITHIN SEVERAL FUNDS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT - CLERK read an ordinance, introduced by Jon Camp, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Water Construction Fund, Sanitary Sewer Construction Fund, Solid Waste Revenue Fund, Street Construction Fund, and Vehicle Tax Fund within the Public Works & Utilities Department, the second time.

AMENDING TITLE 5 OF THE LINCOLN MUNICIPAL CODE RELATING TO LICENSES AND REGULATIONS BY AMENDING OR REPEALING SECTIONS WITHIN CHAPTER 5.41, SALVAGING, RECYCLING AND COMPOSTING OPERATIONS, TO DELETE PROVISIONS RELATING TO SALVAGING OPERATIONS AND TO MAKE CHAPTER 5.41 APPLY ONLY TO RECYCLING AND COMPOSTING OPERATIONS; ADDING A NEW CHAPTER 5.43 ENTITLED SALVAGE DEALERS AND SALVAGE COLLECTORS TO ESTABLISH AND RELOCATE PROVISIONS DEALING WITH SALVAGING OPERATIONS PREVIOUSLY FOUND IN CHAPTER 5.41 - Prior to reading:

COOK Moved to continue Public Hearing and have Action on Sept. 11, 2006.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.

CLERK Read an ordinance, introduced by Jon Camp, amending Title 5 of the Lincoln Municipal Code relating to Licenses and Regulations by amending Sections 5.41.010, 5.41.020, 5.41.030, 5.41.050, 5.41.060, 5.41.070, 5.41.160, and 5.41.170 to delete provisions relating to salvaging and recycling operations and thereby making Chapter 5.41, currently entitled Salvaging, Recycling and Composting Operations, apply only to recycling and composting operations and recyclables drop off locations, and repealing Sections 5.41.110, 5.41.120, and 5.41.130 from Chapter 5.41 to relocate the provisions of those sections and to add new sections containing additional provisions in a new Chapter 5.43 entitled Salvage Dealers and Salvage Collectors to establish provisions dealing only with salvaging and recycling operations; and repealing Sections 5.41.010, 5.41.020, 5.41.030, 5.41.050, 5.41.060, 5.41.070, 5.41.160, and 5.41.170 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 06021 - AMENDING SECTIONS 27.69.046 AND 27.69.081 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIGNS IN THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND I-3 EMPLOYMENT CENTER DISTRICT, RESPECTIVELY, TO DELETE THE REQUIREMENT THAT THE ON-PREMISES GROUND SIGN FOR A FREE-STANDING PAD SITE BUILDING BE LOCATED WITHIN THIRTY FEET OF THE BUILDING - CLERK read an ordinance, introduced by Jon Camp, amending Sections 27.69.046 and 27.69.081 of the Lincoln Municipal Code to relating to signs in the B-2 and I-3 zoning districts, respectively, to delete the requirement that the on-premises ground sign for a free-standing pad site building be located within thirty feet of the building; and repealing Sections 27.69.046 and 27.69.081 of the Lincoln Municipal Code as hitherto existing, the second time.

STREET NAME CHANGE 06003 - RENAMING THAT PORTION OF S.W. 78TH STREET SOUTH OF WEST WALIN LANE AS S.W. 77TH STREET, LOCATED IN MEADOW VIEW 1ST ADDITION - CLERK read an ordinance, introduced by Jon Camp, changing the name of the portion of S.W. 78th Street south of West Walin Lane to S.W. 77th Street located in Meadow View 1st Addition, as recommended by the street Name Committee, the second time.

AMENDING SECTION 9.36.100 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE UNLAWFUL POSSESSION OF FIREARMS BY ADDING CONVICTIONS FOR CRIMES OF ASSAULT, UNLAWFUL INTRUSION, VIOLATION OF CUSTODY, DOMESTIC ASSAULT, FIRST DEGREE CRIMINAL TRESPASS, CONTRIBUTING TO THE DELINQUENCY OF A CHILD, PUBLIC INDECENCY/EXPOSURE, OPERATING A VEHICLE TO AVOID/FLEE ARREST, ANY VIOLATION OF THE NEBRASKA UNIFORM CONTROLLED SUBSTANCES ACT, UNLAWFUL USE OF TOXIC COMPOUNDS, AND MORE THAN TWO CONVICTIONS FOR DWI AND/OR REFUSAL TO SUBMIT TO A CHEMICAL TEST, TO THE PRE-EXISTING LIST OF NAMED OFFENSES, CONVICTION OF WHICH PRECLUDE POSSESSION OF ANY FIREARM - CLERK read an ordinance, introduced by Jon Camp, amending Section 9.36.100 of the Lincoln Municipal Code relating to the unlawful possession of firearms by adding convictions for crimes of assault, unlawful intrusion, violation of custody, domestic assault, first degrees criminal trespass, contributing to the delinquency of a child, public indecency/exposure, operating a vehicle to avoid/flee arrest, any violation of the Nebraska Uniform Controlled Substances Act, unlawful use of toxic compounds, and more than two convictions for DWI and/or refusal to submit to a chemical test, to the pre-existing list of named offenses, conviction of which preclude possession of any firearm; and repealing Section 9.36.100 of the Lincoln Municipal code as hitherto existing, the second time.

AMENDING CHAPTER 9.36 OF THE LINCOLN MUNICIPAL CODE RELATING TO WEAPONS BY ADDING A NEW SECTION NUMBERED 9.36.130 TO MAKE IT UNLAWFUL TO POSSESS FIREARMS OR DANGEROUS WEAPONS IN CITY AND/OR COUNTY FACILITIES - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 9.36 of the Lincoln Municipal Code relating to Weapons by adding a new section numbered 9.36.130 to make it unlawful to possess firearms or dangerous weapons in city and/or county facilities, the second time.

RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JULY 16 - 31, 2006- CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83970 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 August 1, 2006, 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</u>		<u>ALLOWED OR SETTLED</u>	
Michael Brainard	\$300,000.00	Troy Zornes & Jennifer Zornes	\$9,000.00
Corey Hibbert	800.00	Chris McQuillan	900.81
Srinivas Polisetty	100.00	Robert Graybosch	235.30
First Comp Insurance		Richard Singer	662.41
(File #FNE000003887)	NAS*	Dave Coleman	39.93
		Kathleen Cheever	55.00

*No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jon Camp

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.

PETITIONS AND COMMUNICATIONS

SETTING THE HEARING DATE OF AUGUST 28, 2006 AT 5:30 P.M. FOR APPLICATION OF BLUE ORCHID, LLC DBA BLUE ORCHID FOR AN ADDITION TO PREMISES BY ADDING A SIDEWALK CAFÉ APPROXIMATELY 33' X 16' ON THE SOUTH SIDE OF 129 N. 10TH ST., STE. 111 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83971 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., August 28, 2006 at 5:30 p.m. of as soon thereafter as possible in the City Council Chambers, County-City

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Building, 555 S. 10th St., Lincoln, NE, for Application of Blue Orchid, LLC dba Blue Orchid for an addition to premises by adding a sidewalk café approximately 33 feet x 16 feet on the south side of 129 N. 10th Street, Suite 111.

Introduced by Jonathan Cook

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.

SETTING THE HEARING DATE OF AUGUST 28, 2006 AT 5:30 P.M. FOR APPLICATION OF ROBOCO, INC. DBA WASABI! FOR A LIQUOR CATERING LICENSE AT 239 N. 14TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83972 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., August 28, 2006 at 5:30 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 Roboco, Inc. dba Wasabi! for a liquor catering license at 239 N. 14th 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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON AUGUST 7, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF JUNE, 2006 FROM AQUILA - 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 APRIL, 2006: NORSTAN NETWORK; MAY, 2006; CRICKET, USCOC OF GREATER IOWA, AT&T OF MIDWEST, NEBRASKA TECHNOLOGY & TELECOMM., ALLTEL, ALLTEL COMM. OF NE, NEW CINGULAR, QUANTUM SHIFT, ACN, INTELICALL, UCN, USCOC OF NE/KS, TRANS NAT'L, ADVANCED TEL, QWEST, TELEPLUS WIRELESS, AIRLINK MOBILE, BUSINESS PROD. SOLUTIONS, CIMCO, VERIZON SELECT, NORSTAN NETWORK, GUARANTEED PHONE SERVICE, WORKING ASSETS, XO COMM., ONSTAR, GLOBAL CROSSING, VERIZON-BELL ATLANTIC, ANDIAMO, TELECORP, VIRGIN MOBILE USA, PRIMUS, BROADWING, MCLEODUSA, VOICECOM, BROADBAND DYNAMICS, COVISTA, EARTHLINK, TRACFONE, CINCINNATI BELL ANY DISTANCE, IBM GLOBAL, KDDI AMERICA; JUNE, 2006: D& D COMM., SPRINT SPECTRUM, ALLTEL NEBRASKA, ALLTEL SYSTEMS OF THE MIDWEST, SPRINT, TWC INFO SERVICES OF NEBRASKA, MCI WORLDCOM, ALLTEL, ALLTEL COMMUNICATIONS OF NE, NEXTEL PARTNERS, NETWORK BILLING, BT AMERICAS, ZONE TELECOM, TRI-M, NOS, GTC, LDMI, AFFINITY NETWORK, ACCERIS, LIGHTYEAR NETWORK SOLUTIONS, SBC LONG DISTANCE, 800 RESPONSE INFORMATION SERVICES, NEXTEL WEST, ATS MOBILE, COMTEL TELCOM ASSETS LP, NOSVA; APRIL - JUNE, 2006: TRINSIC, COMTECH 21, TOUCH 1, HELIO, NECC, MATRIX, AMERIVISION, NETWORK US - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

APPROVING THE APPOINTMENT OF ANN AMES TO THE KENO HUMAN SERVICES PREVENTION ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING JULY 31, 2007 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83973 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Ann Ames to the Keno Human Services Prevention Advisory Board to fill an unexpired term expiring July 31, 2007 is hereby approved.

Introduced by Jon Camp

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY (LESSEE) AND THE AIRPORT AUTHORITY (LESSOR) FOR LAND AND A FIRE STATION FOR A PERIOD OF 31 YEARS WITH AN ADDITIONAL TERM OF 30 YEARS; RENT TO BE PAID IN ACCORDANCE WITH THE TERMS OF THE INTERLOCAL AGREEMENT. (RELATED ITEMS: 06-142, 06R-157) - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and the Airport Authority of the City of Lincoln, Nebraska for a lease of a commercial building and grounds in Lincoln Air Park West for a term of August 1, 2006 through July 31, 2037, the first time.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE AIRPORT AUTHORITY AUTHORIZING THE AIRPORT AUTHORITY TO BUILD A FIRE STATION AND ASSOCIATED FACILITIES ON LAND TOTALING APPROXIMATELY 42,400 SQUARE FEET, TO LEASE SUCH PROPERTY TO THE CITY THROUGH A LONG TERM LEASE AGREEMENT, AND SETTING THE RENT BASED ON THE FINAL COST OF THE BUILDING(S) NOT TO EXCEED \$7,389 PER MONTH. (RELATED ITEMS: 06-142, 06R-157) (ACTION DATE: 8/28/06) - CLERK read an ordinance, introduced by Jonathan Cook, that the Interlocal Agreement between the City of Lincoln and the Lincoln Airport Authority to construct a fire station on leased premises located in Lincoln Air Park West for a 30-year term, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City, the first time.

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

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER A AND C (LCEA) - CLERK read an ordinance, introduced by Ken Svoboda, 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 letters "A," an "C"; and repealing Ordinance No. 18594, passed by the City Council on August 8, 2005, the third time.

CAMP Moved in Svoboda's absence to pass the ordinance as read.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.
The ordinance, being numbered **#18780**, is recorded in Ordinance Book #25, Page

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER B (ATU) - CLERK read an ordinance, introduced by Ken Svoboda, 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 "B"; and repealing Ordinance No. 18592, passed by the City Council on August 8, 2005, the third time.

CAMP Moved in Svoboda's absence to pass the ordinance as read.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.
The ordinance, being numbered **#18781**, is recorded in Ordinance Book #25, Page

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER E (EXCLUDED) - CLERK read an ordinance, introduced by Ken Svoboda, 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. 18590, passed by the City Council on August 8, 2005, the third time.

MARVIN Moved in Svoboda's absence to pass the ordinance as read.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.
The ordinance, being numbered **#18782**, is recorded in Ordinance Book #25, Page

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ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER F (IAFF) - CLERK read an ordinance, introduced by Ken Svoboda, 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 "F" and repealing Ordinance No. 18591, passed by the City Council on August 8, 2003, the third time.

CAMP Moved in Svoboda's absence to pass the ordinance as read.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.
The ordinance, being numbered **#18783**, is recorded in Ordinance Book #25, Page

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER M (MANAGEMENT) - CLERK read an ordinance, introduced by Ken Svoboda, 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. 18479, passed by the City Council on December 13, 2004 as amended by Ordinance No. 18674, passed by the City Council on February 6, 2006, the third time.

CAMP Moved in Svoboda's absence to pass the ordinance as read.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.
The ordinance, being numbered **#18784**, is recorded in Ordinance Book #25, Page

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER N (NAGE) - CLERK read an ordinance, introduced by Ken Svoboda, 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 "N"; and repealing Ordinance No. 18588, passed by the City Council on August 8, 2005, the third time.

MARVIN Moved in Svoboda's absence to pass the ordinance as read.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.
The ordinance, being numbered **#18785**, is recorded in Ordinance Book #25, Page

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER P (LPU) - CLERK read an ordinance, introduced by Ken Svoboda, 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 "P"; and repealing Ordinance No. 18593, passed by the City Council on August 8, 2005, the third time.

MARVIN Moved in Svoboda's absence to pass the ordinance as read.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.
The ordinance, being numbered **#18786**, is recorded in Ordinance Book #25, Page

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER X (EXCLUDED) - CLERK read an ordinance, introduced by Ken Svoboda, 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 "X" and repealing Ordinance No. 18589, passed by the City Council on August 8, 2005, the third time.

CAMP Moved in Svoboda's absence to pass the ordinance as read.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.
The ordinance, being numbered **#18787**, is recorded in Ordinance Book #25, Page

AMENDING SECTION 2.76.445 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY THE PROCEDURE TO BE FOLLOWED WHEN EMPLOYEE'S BEHAVIOR, IF SUBSTANTIATED, WOULD BE CAUSE FOR DISMISSAL; AND AMENDING SECTION 2.78.025 RELATING TO COMPENSATION PLANS TO CHANGE THE PERFORMANCE EVALUATION SCALE FOR EMPLOYEES IN PAY RANGES PREFIXED BY THE LETTER M - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 2 of the Lincoln Municipal Code by amending Section 2.76.445 within Chapter 2.76, Personnel System, to clarify the procedure to be followed when an employee's behavior, if substantiated, would be cause for dismissal; amending Section 2.78.025 within Chapter 2.78, Management Compensation

Plan, to change the Performance Evaluation Scale for employees in pay ranges prefixed by the letter "M"; and repealing Sections 2.76.445 and 2.78.025 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP Moved in Svoboda's absence to pass the ordinance as read.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.
The ordinance, being numbered #18788, is recorded in Ordinance Book #25, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Bob Reynolds, 4700 S. 47th Street, came forward to confront Councilman Camp on a statement he made reference the credibility of the Lincoln Firefighters and Paramedics and requested an apology.

Councilman Camp stated his statement was taken out of context and proceeded to explain his comments.

This matter was taken under advisement.

Richard Esquivel, 733 w. Cuming St., stated that a Firefighter stated the trucks do have seven cross bars underneath their trucks, but three are close together therefore it looks like four. He questioned as to whether this issue was political or not.

This matter was taken under advisement.

Mike Morosin, 2055 "S" Street, came forward to show photographs of the sidewalk at the corner of 10th Street in need of repair.

This matter was taken under advisement.

Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing Jerry Joyce and a number of citizens in the vicinity of 44th Street and Cornhusker Highway referencing the train whistles being blown 20 seconds prior to the crossing with 70 trains a day going through. They are requesting the railroad crossing at 44th Street be closed temporarily until a study is completed as to designating this area as a Quiet Zone. Discussion followed.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to August 21, 2006.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on August 21, 2006.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.

ADJOURNMENT 3:57 P.M.

CAMP Moved to adjourn the City Council meeting of August 14, 2006.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Svoboda.
So ordered.

Joan E. Ross, City Clerk, CMC

Judy Roscoe, Senior Office Assistant

REGULAR MEETING
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