THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MARCH 29, 2010 AT 5:30 P.M.

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

Council Chair Emery announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

HORNUNG Having been appointed to read the minutes of the City Council proceedings of March 22, 2010 reported having done so, found same correct. Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

RECOGNITION OF GUESTS

Council Chair Emery welcomed Girl Scout Troop 245 to the City Council meeting.

PUBLIC HEARING

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY’S PERSONNEL SYSTEM BY AMENDING SECTION 2.76.380, SICK LEAVE WITH PAY, RELATING TO EMPLOYEES IN A PAY RANGE PREFIXED BY M TO PROVIDE THAT 65% OF AN EMPLOYEE’S ACCUMULATED SICK LEAVE WILL BE PAID UPON RETIREMENT, DEATH, OR REDUCTION IN FORCE; AMENDING SECTION 2.76.395, VACATION LEAVE WITH PAY, TO INCREASE THE MAXIMUM NUMBER OF VACATION HOURS THAT AN EMPLOYEE WITH A PAY RANGE PREFIXED BY M MAY ACCUMULATE OVER AND ABOVE THEIR ANNUAL EARNING RATE FROM 40 TO 80 HOURS; APPROVING A LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN "M" CLASS EMPLOYEES ASSOCIATION TO BE EFFECTIVE AUGUST 20, 2009; APPROVING A LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN "M" CLASS EMPLOYEES ASSOCIATION TO BE EFFECTIVE AUGUST 19, 2010; AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF SENIOR ATTORNEY; AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY REVISIONING THE CLASSIFICATION OF ATTORNEY II; AMENDING CHAPTER 2.78 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY’S PERSONNEL SYSTEM BY AMENDING SECTION 2.78.010 COMPENSATION PLAN ESTABLISHED TO EXCLUDE EMPLOYEES WITH A PAY RANGE PREFIXED BY M; AMENDING SECTIONS 2.78.020 ANNUAL LEAVE, 2.78.025 VARIABLE MERIT PAY PLAN, AND 2.78.030 SICK LEAVE TO DELETE THE REFERENCES TO EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER M; AND REPEALING 2.78 TITLE PAGE AND SECTIONS 2.78.010, 2.78.020, 2.78.025, AND 2.78.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING; AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIEWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "M" TO BE EFFECTIVE AUGUST 20, 2009 - Mark Koller, Personnel Director, came forward to explain that in the 2009-2010 contract for this current year, there is a 1% wage increase, with six positions being benchmarked which is typical for a Court Industrial Relations (CIR) ruling. Employees with over 10 years up to 30 years are eligible for an annual longevity award. The vacation carryover was increased from 60 to 80 hours and if they are a 56 hour work week employee it goes from 80 to 100 hours. The amount of sick leave to be paid into the Post Employee Health Plan at retirement will go from 50% to 65% which would be to help pay insurance premiums upon retirement. The amount the City will pay for single health plan goes from 75% to 98%. The retirement match that currently is 2 to 1 will now be 1.3 to 1 for new hires of which the employee will be contributing 7% to the City’s 9%. The voluntary deferred compensation contribution is up a half percent. The payout of PEHP would cost the City approximately $300,000. The increase of the dental plan is worth about $2,300 per year. The longevity would add approximately $110,000. Rick Hoppe, Mayor’s Chief of Staff, stated the 1% increase in wages for M Class is equivalent to about $150,000.

Don Taute, Law Department, came forward to provide further information. The wage increase and longevity was already factored in the budget that has been adopted. There are approximately four retirements per year at which the PEHP payout is approximately $20,000. It is a prevalent practice with other Cities to pay out sick leave and some may pay a portion of the health insurance premium to retirees. In answer to the question of comparability the State of Nebraska has a system in place that states Public Employees cannot strike so the Industrial Relations Act is provided for all public entities to resolve any industrial disputes, employee or employer, seeking a determination on wages, hours, and working conditions and other conditions of employment or employees in the public sector. They compare to other entities that have workers exhibiting like or similar skills under like or similar conditions prevalent in other communities. Jayne Snyder, Council Member, stated the retirement match of 1.3 to 1 for new hires is lower than the County and the State of Nebraska. This is the first time in 30 years we have gone from the 2 to 1 match.
Kyle Fisher, 1135 M Street, on behalf of the Lincoln Chamber of Commerce came forward to recognize the efforts of the City Council and the Administration to move away from the 2 to 1 retirement match. They will continue to work at the State level on CIR reform with the goal of trying to get the City's contributions to mirror a little bit closer to the private sector businesses. The private sector constituents wages remain flat, their employer contributions to retirement funds lessened or cut and overall benefits are being decreased in these economic times.

Mr. Koller added M Class is not on a step system it is on a Broadband system. Broadband is based on performance and the award of the supervisor. There is a lower end and a top end of the scale of which they can top out. The effective date of the contract is based on the pay period and the end of the fiscal year.

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 MARCH 1 - 15, 2010 - Rod Confer, City Attorney, came forward to request this Resolution be amended by removing the claim of Tom R. Davis from the list of Denied claims for further review.

This matter was taken under advisement.

APPROVING A THREE-YEAR MAINTENANCE RENEWAL CONTRACT BETWEEN THE CITY AND NUMARA FOR TRACK-IT SOFTWARE MAINTENANCE - Ken Kuszak, Information Services, stated this is used for tracking inventory of PC’s and help desk software. This is before the Council because they were offered a three year contract which will be a savings to the City of $9,128.00.

This matter was taken under advisement.

APPROVING A PROFESSIONAL SERVICES CONTRACT BETWEEN THE CITY, ON BEHALF OF THE LINCOLN-ANCASTER COUNTY HEALTH DEPARTMENT, AND LINCOLN ACTION PROGRAM FOR MEDICAL SERVICES FROM FEBRUARY 1, 2010 THROUGH JANUARY 31, 2013 - Bruce Dart, Health Department Director, stated this is a longtime program that is going from a one year agreement to a three year agreement with the Lincoln Action Program for medical services.

This matter was taken under advisement.

APPROVING SUPPLEMENT NO. 2 TO COOPERATIVE AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR PROJECT NO. NH-6-(154) TO PERFORM A LOCATION STUDY, ENVIRONMENTAL DOCUMENT, AND LOCATION PUBLIC HEARING ON U.S. HIGHWAY & BETWEEN CORNHUSKER HIGHWAY AND WEST O STREET - Roger Figard, Public Works & Utilities Dept., stated this is consistent with previous contracts with the State of Nebraska. The State continues to work on the environmental study and engineering and those project costs have grown and by agreement we’re required to pay 20%. This agreement will authorize increasing it $90,400. This is for Sun Valley Blvd. from West O to Cornhusker Highway. It will study alternatives that would continue Sun Valley Blvd., as it exists today, from O Street over to about 11th and Cornhusker to Sun Valley Blvd. north over to where Haymarket Park is then west to the left and continue up to 1st Street and connect to Cornhusker Highway at 1st Street and Cornhusker Highway then abandon part of that which goes over I-180. That is the preferred alternative of the Department of Roads and is still in the environmental process. The whole document still has not been approved by the Federal Highway Administration. This has been going on since June 11, 2003. The money for Sun Valley Blvd. is not currently in the Nebraska Department of Roads six year program so the time for completion will be beyond that. In order to get an approved environmental document you have to have a financial plan and at this point the State does not have a financial plan. The State has already accomplished some of this work so the City is obligated by a previous agreement to reimburse them for work done to this point.

This matter was taken under advisement.

APPROVING OMAHA EXPOSITION & RACING, INC. DBA LINCOLN RACE COURSE AS A KENO SATELLITE SITE AT 1800 STATE FAIR PARK - Katrina Coffey, Vice President of Marketing for Big Red Keno, 11248 John Galt Blvd., Omaha, NE, came forward to answer questions. Judd Bietz, Director of Operations of the Lincoln Race Course, was also available for questions.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING DEBBY BREHM TO THE STARTRAN ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING OCTOBER 20, 2012 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Debby Brehm to the StarTran Advisory Board for a three-year term expiring October 20, 2012 is hereby approved by the City Council.

Introduced by Jonathan Cook
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
REGULAR MEETING
MARCH 29, 2010
Page 397

SETTING THE HEARING DATE OF MONDAY, APRIL 26, 2010 AT 5:30 P.M. FOR BOARD OF EQUALIZATION ON THE NORTH 27TH STREET MAINTENANCE IMPROVEMENT DISTRICT AND UNIVERSITY PLACE MAINTENANCE BUSINESS IMPROVEMENT DISTRICT - CLERK requested approval of date of Monday, April 26, 2010 at 5:30 p.m.

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

CITY CLERK LETTER AND MAYOR’S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON MARCH 15, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk.

ANNUAL REPORT FOR THE YEAR 2009 PREPARED BY LAW DEPARTMENT DATED MARCH 15, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

CHANGE OF ZONE 10007 - APPLICATION OF M. KENT AND MARSHA PRIOR FROM AG TO AGR ON PROPERTY GENERALLY LOCATED AT N. 98TH STREET AND HOLDREGE STREET.

FORMAL PETITION FOR PAVING DISTRICT NO. 2630 IN GLYNOAKS DR., SUBMITTED BY ROBERT E. CALDWELL, HAMPTON ENTERPRISES, INC. - CLERK presented said petition which was referred to the Law Department.

SETTING THE HEARING DATE OF APRIL 5, 2010 AT 3:00 P.M. FOR APPLICATION OF ONE INVESTMENT, LLC dba COMFORT SUITES FOR A CLASS C LIQUOR LICENSE DESCRIBED AS ONE ROOM ON THE FIRST FLOOR APPROXIMATELY 29' X 13' LOCATED AT 331 N. COTNER BLVD. - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85789

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 5, 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 One Investment, LLC dba Comfort Suites for a Class C liquor license described as one room on the first floor approximately 29’ x 13’ located at 331 N. Cotner Blvd.

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

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

LIQUOR RESOLUTIONS - NONE

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

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY’S PERSONNEL SYSTEM BY AMENDING SECTION 2.76.380, SICK LEAVE WITH PAY, RELATING TO EMPLOYEES IN A PAY RANGE PREFIXED BY M TO PROVIDE THAT 65% OF AN EMPLOYEE’S ACCUMULATED SICK LEAVE WILL BE PAID UPON RETIREMENT, DEATH, OR REDUCTION IN FORCE; AMENDING SECTION 2.76.395, VACATION LEAVE WITH PAY, TO INCREASE THE MAXIMUM NUMBER OF VACATION HOURS THAT AN EMPLOYEE WITH A PAY RANGE PREFIXED BY E MAY ACCUMULATE OVER AND ABOVE THEIR ANNUAL EARNING RATE FROM 40 TO 80 HOURS - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 2.76 of the Lincoln Municipal Code relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter “M,” the second time.


AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF SENIOR ATTORNEY - CLERK read an ordinance, introduced by Adam Hornung, amending Section 1 of Ordinance No. 18971 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M," by creating the job classification of "Senior Attorney", the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY REVISING THE CLASSIFICATION OF ATTORNEY II - CLERK read an ordinance, introduced by Adam Hornung, amending Section 1 of Ordinance No. 18971 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M," by changing the pay range for the position of Attorney II from an M03 ($61,228.96 - $119,394.08) to an M02 ($48,821.76 - $99,569.60), the second time.
AMENDING CHAPTER 2.78 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY’S PERSONNEL
AMENDING SECTION 2.78.010 COMPENSATION PLAN ESTABLISHED TO EXCLUDE
EMPLOYEES WITH A PAY RANGE PREFIXED BY M; AMENDING SECTIONS 2.78.020 ANNUAL
LEAVE, 2.78.025 VARIABLE MERIT PAY PLAN, AND 2.78.030 SICK LEAVE TO DELETE THE
REFERENCES TO EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER M; AND REPEALING
2.78 TITLE PAGE AND SECTIONS 2.78.010, 2.78.020, 2.78.025, AND 2.78.030 OF THE
LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance,
introduced by Eugene Carroll, amending Chapter 2.78 of the Lincoln Municipal
Code relating to the City’s Personnel System by amending Section 2.78.020,
Management Compensation Plan; Annual Leave, relating to employees in a pay range
prefixe by M, to delete the provision req M, to delete the provision regarding forfeiture of unused leave and
to amend provisions for carry over of annual leave; adding a new Section
2.78.027 relating to longevity pay for employees in a pay range prefixed by M;
and repealing Section 2.78.020 of the Lincoln Municipal Code as hitherto
existing, the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY
RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIMESTERLY AND HOURLY PAY RANGE
EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE
ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "M" TO BE EFFECTIVE AUGUST 20,
2009 - CLERK read an ordinance, introduced by Eugene Carroll, adopting pay
schedules and schedules of pay ranges for employees of the City of Lincoln,
Nebraska whose classifications are assigned to pay ranges prefixed by the letter
"M" and repealing Ordinance No. 18971, passed by City Council on August 6, 2007,
the second time.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING
DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 1 - 15, 2010 - PRIOR to
reading:
COOK Moved to Bill No. 10R-83 in the following manner:
On line 14, the claim of Tom R. Davis should be removed from the list of Denied
Claims.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
CLERK Read the following resolution, introduced by Jonathan Cook, who moved its
adoption as amended:
A-85790 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 March 16, 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
by the Office of the City Attorney, as shown by the attached report, are hereby
approved:
DENIED CLAIMS
Jacqueline Mudge $ 175.00 Katherine D. Tarkian $706.08
Keri and Scott Wiley 119.44 Curtis Bishop 166.16
Kristin M. Howells 650.46 Kristin M. Howells 600.88
Rachel D. Boomgaard 130.55
Dwight Endler 589.34
Karyn & Albert Maxey Sr. 205.34
James W. Wickless 1,253.73
Carrie DeSchuiteneer 266.41
Nolan R. Johnson 95.00
Edenton South Homeowners Association NAS
Matthew Schmidt 548.80
Eric J. Rittenhouse 1,174.43
* 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.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING A THREE-YEAR MAINTENANCE RENEWAL CONTRACT BETWEEN THE CITY AND NUMARA FOR
TRACK-IT SOFTWARE MAINTENANCE - CLERK read the following resolution, introduced
by Jonathan Cook, who moved its adoption:
A-85791 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached three-year maintenance renewal for Numara Track-It
software maintenance between the City of Lincoln and Numara Software, in
accordance with the proposal to renew for a three-year period, is hereby
approved and the Mayor is authorized to execute the agreement and any subsequent
amendments on behalf of the City of Lincoln.

The City Clerk is directed to return a copy of this resolution and a
fully executed maintenance contract to Numara Software, c/o Anthony D. Boyd,
Customer Account Manager, 2202 N. Westshore Boulevard, Suite 650, Tampa, FL
33607

Introduced by Jonathan Cook
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
APPROVING A PROFESSIONAL SERVICES CONTRACT BETWEEN THE CITY, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND LINCOLN ACTION PROGRAM FOR MEDICAL SERVICES FROM FEBRUARY 1, 2010 THROUGH JANUARY 31, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85792

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, That the Professional Services Contract between the City of Lincoln and Lincoln Action Program, Inc., for the Lincoln-Lancaster County Health Department to provide medical services for up to 140 pregnant women and/or children enrolled in Lincoln Action Program's Early Head Start Program for a period of February 1, 2010 through January 31, 2013, upon the terms and conditions as set forth in said Professional Services Contract, 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 Lincoln Action Program, Inc.

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

APPROVING SUPPLEMENT NO. 2 TO COOPERATIVE AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR PROJECT NO. NH-6-6(154) TO PERFORM A LOCATION STUDY, ENVIRONMENTAL DOCUMENT, AND LOCATION PUBLIC HEARING ON U.S. HIGHWAY 6 BETWEEN CORNHUSKER HIGHWAY AND WEST O STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85793

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

That the attached Supplemental Agreement No. 2 to Cooperative Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. NH-6-6(154) for a Feasibility Study and an Environmental Document on U.S. Highway 6 between Cornhusker Highway and West O Street, in accordance with the terms and conditions contained in said Supplemental Agreement No.2 is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. This Agreement authorizes additional expenditures not to exceed $83,400 for a total revised amount of $246,000 upon the terms and conditions of said Agreement, and shall not be exceeded without written authorization from the City.

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

APPROVING OMAHA EXPOSITION & RACING, INC. DBA LINCOLN RACE COURSE AS A KENO SATELLITE SITE AT 1800 STATE FAIR PARK - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85794

WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for a joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of a keno type lottery with Keno Lottery Services, LLC, a Nebraska limited liability company; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno Contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno Contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of Omaha Exposition & Racing, Inc. dba Lincoln Race Course, 1800 State Fair Park, Lincoln, NE 68504.

The City Clerk is directed to return an executed copy of this Resolution to Omaha Exposition & Racing, Inc. dba Lincoln Race Course.

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

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

AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT; A DEED OF TRUST, SECURITY AGREEMENT AND ASSIGNMENT OF RENTS AND LEASES; AND, A TAX COMPLIANCE AGREEMENT IN CONNECTION WITH THE ISSUANCE OF NOT TO EXCEED $3,362,000 PRINCIPAL AMOUNT OF THE CITY’S INDUSTRIAL DEVELOPMENT PROMISSORY REVENUE NOTE (NEBRASKA SCHOOL ACTIVITIES ASSOCIATION) SERIES 2010, - CLERK read an ordinance, introduced by Adam Hornung, authorizing the execution and delivery of a Lease Agreement; a Deed of Trust, Security Agreement and Assignment of Rents and Leases; and, a Tax Compliance Agreement in connection with the issuance of not to exceed $3,362,000 principal amount of the City's Industrial Development Promissory Revenue Note (Nebraska School Activities Association) Series 2010, the first time.
AMENDING SECTION 9.44.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO FIREWORKS REGULATION TO DEFINE "PERMISSIBLE FIREWORKS" IN THE CITY OF LINCOLN TO CORRESPOND WITH PERMISSIBLE OR CONSUMER FIREWORKS AS DEFINED IN NEBRASKA STATUTES - CLERK read an ordinance, introduced by John Spatz, amending Section 9.44.010 of the Lincoln Municipal Code relating to fireworks regulations to define "permissible fireworks" in the City of Lincoln to correspond with permissible or consumer fireworks as defined in Nebraska statutes; and repealing Section 9.44.010 of the Lincoln Municipal Code as hitherto existing, the first time.

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND NEBRASKA NATIONAL BANK FOR GOLF COURSE MAINTENANCE EQUIPMENT FOR USE BY THE CITY PARKS AND RECREATION GOLF DIVISION FOR A FIVE YEAR TERM (Request 2nd & 3rd Readings w/Action on 3/22/10) - CLERK read an ordinance, introduced by Eugene Carroll, accepting and approving a Lease Agreement between the City of Lincoln, Nebraska ("City") and Nebraska National Bank ("Lessor") for a five-year lease of golf course maintenance equipment for use by the City Parks and Recreation Golf Division, the third time.

CARROLL Moved to pass the ordinance as read. Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None. The ordinance, being numbered #19364, is recorded in Ordinance Book #26, Page 72.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY, NEBRASKA GOLF & TURF, INC. AND NEBRASKA NATIONAL BANK FOR 240 GOLF CARS AND 10 UTILITY VEHICLES FOR USE BY THE CITY PARKS AND RECREATION GOLF DIVISION FOR A FIVE YEAR TERM (Request 2nd & 3rd Readings w/Action on 3/22/10) - CLERK read an ordinance, introduced by Eugene Carroll, accepting an approving a Lease Agreement between the City of Lincoln, Nebraska ("City"), Nebraska Golf & Turf, Inc. And Nebraska National Bank ("Lessor") for the lease of 240 golf cars and 10 utility vehicles for use by the City Parks and Recreation Golf Division, the third time.

CARROLL Moved to pass the ordinance as read. Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None. The ordinance, being numbered #19365, is recorded in Ordinance Book #26, Page 72.

ADOPTING AN AMENDED AND RESTATED CITY OF LINCOLN EMPLOYEES' RETIREMENT PLAN AND TRUST FOR CIVILIAN (NON-UNIFORMED SERVICE) EMPLOYEES PROVIDING FOR A CHANGE IN EMPLOYER CONTRIBUTIONS FOR EMPLOYEES Hired AFTER A DATE CERTAIN AND ADOPTING IRS INTERIM AMENDMENTS NOS. 1 AND NO. 2. (10/5/09 - ACTION DELAYED WEEKLY TO 3/16/2010) - PRIOR to reading:

SNYDER Moved to delay action of Bill No. 09-132 one week to 4/05/2010. Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None. CLERK Read an ordinance, introduced by Jane Snyder, adopting an amended and restated version of the City of Lincoln Employees' Retirement Plan and Trust to provide that the employer contribution for employees hired on or after November 4, 2010 will be an amount equal to 3% of an employee's compensation up to and including $4,800.00 plus 6% of his or her compensation in excess of $4,800.00; to adopt Interim Amendment No. 1 relating to final IRS regulations under Internal Revenue Code Section 415 and Section 411(d)(6); and to adopt Interim Amendment No. 2 relating to the plan qualification requirements under the Pension Protection Act of 2006 (PPA) and other I.R.S. guidance; and to repeal Ordinance No. 17685 as hitherto existing, the third time.

OPEN MICROPHONE

Jane Svoboda, came forward to give her perception of the Health Care Reform bill. This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to April 5, 2010. Seconded by Spatz & 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 April 5, 2010. Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
CAMP

Moved to adjourn the City Council meeting of March 29, 2010.
Seconded by Spatz & 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