THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, APRIL 12, 2010 AT 3:00 P.M.

The Meeting was called to order at 3:00 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

SPATZ Having been appointed to read the minutes of the City Council proceedings of April 5, 2010 reported having done so, found same correct.

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

MAYOR'S ANNUAL AWARD OF EXCELLENCE

Mayor Beutler, recognized the Mayor's Award of Excellence Committee members for the time they spend making these selections and the 2009 monthly nominees and winners. He then recognized the Annual Honorable Mention Mayor’s Award of Excellence, a team from Parks & Recreation Forestry section, in the category of Loss prevention, Customer Relations, Productivity, and Safety. Those present were Dennis Gartner, Jeff Gruber, Allen Keen, Joe Pett, and Andy Walker. They received the September Award of Excellence for removal of a tree hanging over a street and two other large damaged trees due to a recent storm. Mr. Furr reported the damaged tree to the City. He was able to watch the arborists in action and later acknowledged to the Parks Department the efficiency and thoroughness in responding to the call and the friendly response he received to his questions.

Allen Keen expressed for the group that it is gratifying to work for a place who recognizes excellence. We didn't do anything that any other crew or crews would have done that day. You work safely, speak respectfully and knowledgeably to the person then clean up real good.

Lynn Johnson, Parks & Recreation Director, thanked Bob Weyhrich, their supervisor, for nominating this group as it is important to recognize employees for the quality of work they do. He thanked the Forestry Division for the work they do for the citizens of Lincoln.

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Mayor Beutler presented Jason Brownell with the Annual Mayor's Award of Excellence. Jason Brownell, Police Officer, had previously been honored in 2005 for the Annual Mayor's Award of Excellence. This year he was nominated in the category of Customer Relations, Productivity and Safety for his work as a School Resource Officer at Lincoln Northeast High School. Jason wanted to create a drug and alcohol intervention and prevention forum at the school with the goal of providing accurate information to students who might be at risk or who might need intervention. Jason worked for months to develop a forum and successfully applied for a Federal Grant to support the project with no City money being spent on the forum. He surveyed the students to develop questions and information, he obtained merchandise from the Lincoln Police Foundation to provide incentives for student involvement and coordinated with staff and administrators. On March 14th his vision became a reality with approximately 300 students participating. He arranged for the forum to be filmed for the benefit of students at all the Lincoln area schools and counties. Jason is devoted to the community.

Jason Brownell expressed a special thank you to Sgt. Mark Meyerson who nominated him. He stated a lot of officers do exceptional work everyday without recognition. This couldn’t have been done without the assistance of a lot of other people such as the Principal of Northeast, Lincoln Police Department, and Northeast Area Committee for Teen Safety. The quickest way to cripple an officer's motivation is the lack of generous support and empathy. My direct supervisors, Sgt. Meyerson and Sgt. Arp have given me the dedicated support needed to succeed as well as Sgt. Clark and Sgt. Towle.

Chief Casady stated the program is great, but it is a thing of beauty to watch how well Jason interacts with the Northeast High School Students.

PUBLIC HEARING

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER A BY CHANGING THE PAY RANGE OF THE CLASSIFICATION CRIME ANALYSIS MANAGER - Tom Casady, Chief of Police, came forward to explain this will be replacing the position held by a Police Sargent with a civilian position. The pay range is higher because the previous spec was too low which was not in the market for this kind of work. There were no applicants for this position so Personnel investigated other agencies and came up with the current pay range. A Sargent's pay at this position would top out in the low 80's, but this proposed position will top out in the high 60's and the benefits are not as good as a Police Sargent.

This matter was taken under advisement.
CHANGE OF ZONE 10004 - APPLICATION OF JUAN AND DANA RODRIGUEZ FOR PROYECTO CULTURAL
FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO B-3 COMMERCIAL DISTRICT, ON
PROPERTY GENERALLY LOCATED AT NORTH 22ND STREET AND Y STREET - Juan Rodriguez,
6345 Adams St., came forward stating they are a youth organization that provides
instruction such as dance and soccer or whatever else the committee feels is
needed. They have been doing this for 14 years. This gives the children an
opportunity to improve themselves and their attitudes. This Change of Zone will
provide a better opportunity to serve the youth of Lincoln.
This matter was taken under advisement.

APPROVING A MULTI-YEAR CONTRACT FOR FUEL TANK MAINTENANCE AND SERVICE BETWEEN THE CITY
OF LINCOLN, LANCASTER COUNTY AND VANGUARD INDUSTRIES, INC. FOR A FOUR-YEAR TERM;
APPROVING A MULTI-YEAR CONTRACT FOR PORTABLE CHEMICAL TOILET SERVICE BETWEEN THE CITY,
LANCASTER COUNTY AND EAGLE SERVICES FOR A FOUR YEAR TERM - Bob Walla, Assistant
Purchasing Agent, came forward to answer questions of these multi-year
contracts.
This matter was taken under advisement.

ORDERING PAVING DISTRICT NO. 2630 CONSTRUCTED FROM THE INTERSECTION OF BETTY LOU BLVD.
AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AT AUGUSTA DRIVE, AND
ASSESSING THE COST THEREOF AGAINST THE BENEFITED PROPERTY - Holly Lionberger,
Public Works & Utilities Dept., stated the Council created this district on
March 15, 2010. Majority petition has been received from the adjacent property
owners so this resolution will order the paving designed and constructed. It is
Glynoaks Drive from 84th Street across from Augusta Drive over to the
intersection of Glynoaks and Betty Lou Blvd. where there is currently not a
road. This will include the construction of the box culvert. There are only
two property owners along this area, Hampton Enterprises and the City of
Lincoln.
Joe Hampton, no address given, came forward in support of this
application. This will open up a large area east of 84th Street with access to
Maxey School. This will create a new business in Lincoln, another bank, a total
new operation, in the City of Lincoln which will generate a significant increase
in sales tax. This will enable him to continue to provide an employment base
for his employees by providing jobs for them.
This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING JOY M. WARD TO THE LINCOLN HOUSING AUTHORITY BOARD TO FILL AN UNEXPIRED
TERM EXPIRING JULY 1, 2010 - CLERK read the following resolution, introduced by
Jayne Snyder, who moved its adoption:
A-85805
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Joy M. Ward to the Lincoln Housing Authority
Board to fill an unexpired term expiring July 1, 2010, is hereby approved.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPOINTING JANET GOODMAN-BANKS TO THE MAYOR’S MULTICULTURAL ADVISORY COMMITTEE TO FILL
AN UNEXPIRED TERM EXPIRING SEPTEMBER 18, 2010 - CLERK read the following
resolution, introduced by Jayne Snyder, who moved its adoption:
A-85806
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Janet Goodman-Banks to the Mayor’s Multicultural
Advisory Committee to fill an unexpired term expiring September 18, 2010, is
hereby approved.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

REAPPOINTING MICHAEL JUSTUS TO THE AUDIT ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING
MARCH 1, 2013 - CLERK read the following resolution, introduced by Jayne Snyder,
who moved its adoption:
A-85807
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Michael Justus to the Audit Advisory Board for
a three-year term expiring March 1, 2013, is hereby approved.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPOINTING SHIRLEY MORA JAMES TO THE CITIZEN POLICE ADVISORY BOARD FOR A THREE-YEAR
TERM EXPIRING NOVEMBER 17, 2012 - CLERK read the following resolution, introduced by
Jayne Snyder, who moved its adoption:
A-85808
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Shirley Mora James to the Citizen Police Advisory
Board for a three-year term expiring November 17, 2012, is hereby approved.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
APPROVING THE ASSESSMENT RESOLUTION FOR UNIVERSITY PLACE MAINTENANCE BUSINESS IMPROVEMENT DISTRICT AND ASSESSING THE COST AGAINST THE BENEFITED PROPERTIES -

Clerk read the following resolution, introduced by John Spatz, who moved its adoption:

A-85810

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

1. The cost of providing for the maintenance of certain public facilities in the University Place Maintenance Business Improvement District including:
   a. Litter and refuse removal from sidewalks, planting areas, and beautification areas within the public right-of-way;
   b. Care and maintenance, including replacement, of all landscaping, including watering, fertilizing, weeding, pruning, spraying, and removal and replacement of dead plantings;
   c. Maintenance (excluding repair) of sidewalks;
   d. General maintenance of median signs including repair and repainting; including the employment of or contracting for personnel, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked “Proposed Distribution of Assessment of the University Place Maintenance Improvement District” and made a part hereof;
   e. Maintenance (excluding repair) of sidewalks;
   f. General maintenance of median signs including repair and repainting; including the employment of or contracting for personnel, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked “Proposed Distribution of Assessment of the University Place Maintenance Improvement District” and made a part hereof;
2. The cost of said activities is the sum of $14,298.94.
3. The property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvements.
4. Each piece and parcel of property described as specially benefitted in the amount set forth herein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements.
5. The cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the University Place Maintenance Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

BE IT FURTHER RESOLVED that the City Council sit as a Board of Equalization for the purpose of equalizing said assessments on the 26th day of April, 2010, at 5:30 p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Approved this 12th day of April, 2010.

Introduced by John Spatz

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

APPROVING THE ASSESSMENT RESOLUTION FOR NORTH 27TH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT AND ASSESSING THE COST AGAINST THE BENEFITTED PROPERTIES -

Clerk read the following resolution, introduced by John Spatz, who moved its adoption:

A-85810

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

1. The cost of providing for the maintenance of certain public facilities in the North 27th Street Maintenance Business Improvement District including:
   a. Litter and refuse removal from sidewalks, planting areas, and beautification areas within the public right-of-way;
   b. Care and maintenance, including replacement, of all landscaping, including watering, fertilizing, weeding, pruning, spraying, and removal and replacement of dead plantings;
   c. Maintenance (excluding repair) of sidewalks;
   d. General maintenance of median signs including repair and repainting; including the employment of or contracting for personnel, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked “Proposed Distribution of Assessment of the North 27th Street Maintenance Improvement District” and made a part hereof;
2. The cost of said activities is the sum of $10,578.73.
3. The property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvements.
4. Each piece and parcel of property described as specially benefitted in the amount set forth herein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements.
5. The cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the North 27th Street Maintenance Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

BE IT FURTHER RESOLVED that the City Council sit as a Board of Equalization for the purpose of equalizing said assessments on the 26th day of April, 2010, at 5:30 p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Approved this 12th day of April, 2010.

Introduced by John Spatz

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

APPROVING THE ASSESSMENT RESOLUTION FOR NORTH 27TH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT AND ASSESSING THE COST AGAINST THE BENEFITTED PROPERTIES -

Clerk read the following resolution, introduced by John Spatz, who moved its adoption:

A-85810

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

1. The cost of providing for the maintenance of certain public facilities in the North 27th Street Maintenance Business Improvement District including:
   a. Litter and refuse removal from sidewalks, planting areas, and beautification areas within the public right-of-way;
   b. Care and maintenance, including replacement, of all landscaping, including watering, fertilizing, weeding, pruning, spraying, and removal and replacement of dead plantings;
   c. Maintenance (excluding repair) of sidewalks;
   d. General maintenance of median signs including repair and repainting; including the employment of or contracting for personnel, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked “Proposed Distribution of Assessment of the North 27th Street Maintenance Improvement District” and made a part hereof;
   e. Maintenance (excluding repair) of sidewalks;
   f. General maintenance of median signs including repair and repainting; including the employment of or contracting for personnel, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked “Proposed Distribution of Assessment of the North 27th Street Maintenance Improvement District” and made a part hereof;
2. The cost of said activities is the sum of $10,578.73.
3. The property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvements.
4. Each piece and parcel of property described as specially benefitted in the amount set forth herein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements.
5. The cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the North 27th Street Maintenance Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

BE IT FURTHER RESOLVED that the City Council sit as a Board of Equalization for the purpose of equalizing said assessments on the 26th day of April, 2010, at 5:30 p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Approved this 12th day of April, 2010.

Introduced by John Spatz

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hormung, Snyder, Spatz; NAYS: None.
CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MARCH 29, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF FEBRUARY, 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 E911 SURCHARGE TAX FOR OCTOBER 1, 2009 TO DECEMBER 31, 2009: TWC DIGITAL PHONE, SPRINT, SPRINT SPECTRUM, SPRINT, USCOC OF GREATER IOWA, TWC DIGITAL PHONE, VIRGIN MOBILE USA, AT&T, AT&T OF MIDWEST, NEW CIRCULAR WIRELESS, ALLTEL OF NE, OMAHA NETWORK, BUSINESS TELECOM, NOVEGA VENTURE PARTNERS, TWC DIGITAL PHONE, AT&T OF MIDWEST, LEVEL 3, LEVEL 3, BUDGET PREPAY, VONAGE AMERICA, TWC DIGITAL PHONE, ACN, CUMTEL TELECOM ASSETS - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR JANUARY, 2010: CRICKET, SPRINT SPECTRUM, SPRINT, USCOC OF GREATER IOWA, TWC DIGITAL PHONE, VIRGIN MOBILE USA, AT&T, AT&T OF MIDWEST, NEW CIRCULAR WIRELESS, ALLTEL OF NE, OMAHA NETWORK, BUSINESS TELECOM, NOVEGA VENTURE PARTNERS, TWC DIGITAL PHONE, AT&T OF MIDWEST, LEVEL 3, LEVEL 3, BUDGET PREPAY, VONAGE AMERICA, TWC DIGITAL PHONE, ACN, CUMTEL TELECOM ASSETS, NEW EDGE NETWORKS, CINCINNATI BELL ANY DISTANCE, ARIZONA TELEPHONE, WINDSTREAM, TCG OMAHA, TRACFONE WIRELESS, GLOBALSTAR USA, CTI LONG DISTANCE, VOICECOM, NETWORK BILLING SYSTEMS, NEXTEL, SPRINT, SPRINT SPECTRUM, CRICKET, DAD, 1-WIRELESS, NORSTAR NETWORK SERVICES, SPRINT, TWC DIGITAL PHONE, VONAGE AMERICA, TWC DIGITAL PHONE, AOC, IBFA, AMERICAN, TELECOM ASSETS - 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. 10012 to Use Permit/Special Permit No. 19A, Lincoln Surgical Center, approved by the Planning Director on March 31, 2010, requested by Robert Findley, to revise the building layout by relocating 3,000 square feet of floor area previously approved as a ‘Clinic/Hospital Addition’ at the west edge of the clinic/hospital to the northeast corner of the hospital and designating it as ‘Sterilization Area’ and amending the notes accordingly. Please note that if this addition is built, there is no more previously approved floor area to relocate on the site. That is, any future addition beyond what is shown on the site plan will require approval by the Planning Commission after a public hearing and notice to surrounding property owners within 200 feet, as stated in Note #1 on the site plan. Property is generally located at Lincolnshire Road and S. 70th Street.

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 10008 - Application of Olson Associates, from O-3 Office Park District to B-2 Planned Neighborhood Business District, on property legally described as Lot 1, Pioneer Woods 8th Addition, located in the SW 1/4 of Section 3-9-7, Lancaster County, Nebraska, generally located at Pioneers Boulevard and Pioneer Woods Drive. Special Permit No. 10017 - Application of Trent Young, for expansion of a nonstandard dwelling unit, to enlarge the garage that encroaches into the front yard setback, on property legally described as Lot 12, Block 56, Havelock, located in the NE 1/4 of Section 9-10-7, Lancaster County, Nebraska, generally located at N. 67th Street and Logan Avenue (6640 Logan Avenue). The Planning Commission action is final action, unless appealed to the City Council.

LIQUOR RESOLUTIONS - NONE
ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "A" BY CHANGING THE PAY RANGE OF THE CLASSIFICATION "CRIME ANALYSIS MANAGER - CLERK" read an ordinance, introduced by Jayne Snyder, amending Section 1 of Ordinance No. 18967 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A," by changing the pay range of the job classification "Crime Analysis Manager" from A1- to A13, the second time.

CHANGE OF ZONE 10004 - APPLICATION OF JUAN AND DANA RODRIGUEZ FOR PROYECTO CULTURAL FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO B-3 COMMERCIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 22ND STREET AND Y STREET - CLERK read an ordinance, introduced by Jayne Snyder, 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 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 16 - 31, 2010 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85811  BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated April 1, 2010, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

DENIED CLAIMS

None

ALLOWED/SETTLED CLAIMS

TransPaC Solutions, as recovery agent for Auto Club Insurance Association, as subrogee of Gene and Julie Mueller $6,164.23
Farmers Insurance Group, as subrogee of Barry and Sara McDougall 4,339.52
Patrick Vrdy 1,300.00
Larry L. Davison 256.63
Jesus Zapata-Aranda 4,250.00
Jessica B. Kroeker 88.08

LITIGATION SETTLEMENT

Sandra Radie $6,000.00

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. Introduction by Jayne Snyder

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

APPROVING A MULTI-YEAR CONTRACT FOR FUEL TANK MAINTENANCE AND SERVICE BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND VANGUARD INDUSTRIES, INC. FOR A FOUR-YEAR TERM - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85812  BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached multi-year Contract between the City of Lincoln, Lancaster County, and Vanguard Industries, Inc., for fuel tank maintenance and service, pursuant to Bid No. 2911, for a four-year term with the option to renew for one additional four-year term, upon the terms as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. Introduction by Jayne Snyder

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

APPROVING A MULTI-YEAR CONTRACT FOR PORTABLE CHEMICAL TOILET SERVICE BETWEEN THE CITY, LANCASTER COUNTY AND EAGLE SERVICES FOR A FOUR YEAR TERM - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85813  BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached multi-year Contract between the City of Lincoln, Lancaster County, and Eagle Services, for portable chemical toilet service, pursuant to Bid No. 2925, for a four-year term with the option to renew for one additional four-year term, upon the terms as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. Introduction by Jayne Snyder

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

ORDERING PAVING DISTRICT NO. 2630 CONSTRUCTED FROM THE INTERSECTION OF BETTY LOU BLVD. AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AT AUGUSTA DRIVE, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITED PROPERTY - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85814  WHEREAS a majority petition has been submitted by the owners of record
title of property located within Glynoaks Drive, Paving District No. 2630, being from the intersection of Betty Lou Boulevard and Glynoaks Drive to the west side of 84th Street at Augusta Drive, and said petitions have been approved and accepted by previous action of this City Council.

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

That streets in said district are hereby ordered paved, and the paving material in said paving district is hereby designated as asphaltic concrete or Portland cement concrete.

BE IT FURTHER RESOLVED that the Department of Public Works is hereby authorized and directed to proceed with the preparation of detailed plans and specifications and to obtain bids for the said paving work in accordance with this resolution.

BE IT STILL FURTHER RESOLVED that, in the event that the actual bid price exceeds 25 percent over the preliminary cost estimate for the improvements, then such bid shall not be awarded until the Council has approved such bid by resolution.

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)

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND DITTMER & DITTMER OF CRETE FOR THE LEASE OF OFFICE SPACE BY AGING PARTNERS FOR ITS PERSONAL & FAMILY SERVICES PROGRAM AT 1005 E. HIGHWAY 33, SUITE 6, CRETE, NE 68332 FOR A TERM OF JUNE 1, 2010 THROUGH MAY 31, 2011 - CLERK read an ordinance, introduced by John Spatz, accepting and approving the Lease Agreement between the City and Dittmer & Dittmer of Crete for the lease of office space by the Aging Partners for its Aging Partners Personal & Family Services program located at 1005 E. Highway 33, Suite 6, Crete, NE 68332, for a term of June 1, 2010 through May 31, 2011, the first time.

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

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND LINNETTE MCGUILL FOR THE CONSTRUCTION AND PLACEMENT OF TELECOMMUNICATIONS FACILITIES ON PROPERTY GENERALLY LOCATED NEAR HALLAM, NEBRASKA FOR A 25-YEAR TERM - CLERK read an ordinance, introduced by John Spatz, accepting and approving the Lease Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Lynnette McGuill for the construction and placement of telecommunications facilities on property generally located near Hallam, Nebraska for a 25-year term, the first time.

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

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREET FROM JUNE 5, 2010 THROUGH AUGUST 28, 2010 AND ON 8TH STREET FROM P TO Q STREETS FROM MAY 1, 2010 THROUGH OCTOBER 9, 2010 AND ON 8TH STREET FROM P TO Q STREET FROM JUNE 5, 2010 THROUGH AUGUST 28, 2010. (3/22/10 - P.H. Delayed to 4/5/10) - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public market in the Haymarket area, 7th Street from P to Q Streets and P Street from 7th to 8th Streets, from May 1, 2010 through September 9, 2010 and on 8th Street from P to Q Street from June 5, 2010 through August 28, 2010, and authorizing the Mayor to sign such Contract on behalf of the City, the third time.

Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

AUTHORIZED BY 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 John Spatz, 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 Note (Nebraska School Activities Association) Series 2010, the third time.

Hornung, Snyder, Spatz; NAYS: None.

The ordinance, being numbered #19372, is recorded in Ordinance Book #26, Page 418.
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 regulation 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 third time.

SPATZ Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Emery, Hornung, Snyder, Spatz; NAYS: Camp, Cook.
The ordinance, being numbered #19374, is recorded in Ordinance Book #26, Page

OPEN MICROPHONE

John Austin, 826, S. 14th Street, came forward in opposition to the Haymarket Arena unless the University of Nebraska builds it. Pershing Auditorium will be okay with a little modification. He feels the City of Lincoln and the City of Omaha should go together and build an arena between Lincoln & Omaha. Money should go to streets and alleys instead.
This matter was taken under advisement.

Jane Svoboda, 2445 R Street, came forward to present her proposed health care plan again.
This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -
CAMP Moved to extend the Pending List to April 19, 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 19, 2010.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT 3:51 P.M.
CAMP Moved to adjourn the City Council meeting of April 12, 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