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

The Meeting was called to order at 3:00 p.m. Present: Council Chair Spatz; Council Members: Camp, Carroll, Cook, Emery, Hornung, Snyder; City Clerk, Joan B. Ross.

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

READING OF THE MINUTES

SNYDER Having been appointed to read the minutes of the City Council proceedings of June 28, 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 AWARD OF EXCELLENCE

Mayor Beutler came forward to present the Mayor’s Award of Excellence for the month of June, 2010 to a team from the StarTran Division, Colin Clark and Toni Kent, in the category of Customer Relations. At the end of Toni’s shift a man ran up to a nursing home on O Street. When she told him the next bus would be along in 30 minutes he started crying saying he received a call that his mother was close to passing away and he could not wait for the next bus. She offered to take him to the nursing home in her own car at which time her Supervisor, Colin, came along and upon hearing the situation offered to take him to the nursing home instead.

Greg MacLean, Director of Public Works & Utilities, came forward to say we do have a heart, we are all human and are all a part of the same community. He is very proud to say these two individuals are an example of that in reaching out when the time is right.

Toni Kent, expressed her appreciation for the award and that it is a pleasure working for StarTran.

Colin Clark, stated he has enjoyed his time working for Star Tran and feels he did what anyone would have done. Thanks for the recognition.

Dennis Newman, StarTran bus operator, stated the drivers face challenges every day with the passengers and their needs. He commented Toni & Colin are a small pool of great folks that work everyday to make the City proud of what they do and upon hearing what they had done submitted a letter nominating them for the Mayor’s Award of Excellence.

PUBLIC HEARING

APPOINTING ARTHUR PARKS TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A TERM TO EXPIRE DECEMBER 31, 2012 - Arthur Parks, Claims Manager for State Farm Insurance, came forward to give some personal information about himself and to say he was happy to serve.

Councilman Camp expressed the Council’s appreciation of his commitment of service to LES.

This matter was taken under advisement.

CHANGE OF ZONE 10014 - APPLICATION OF HOOG GEBOUW LLC FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO B-2 PLANNED UNIT DEVELOPMENT, ON PROPERTY GENERALLY LOCATED AT N. 84TH STREET AND HOLDREGE STREET FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY WHICH ALLOWS RESIDENTIAL AND APPROXIMATE 176,000 SQUARE FEET OF COMMERCIAL FLOOR AREA INCLUDING AN 86 ROOM HOTEL IN THE UNDERLYING B-2 ZONED AREA - Pam L. Dingman, Engineering Design Consultants, 1021 D Street, representing the applicant. A modification of the Northwood zoning from a traditional use permit that has had a number of administrative amendments to it. They have met with the neighborhood association twice who have requested a 50 foot buffer. The assistant Planning Director was at one of the neighborhood meetings to answer questions which was very helpful. This is a privately funded project with no tax dollars being used.

This matter was taken under advisement.

AMENDING CHAPTER 6.02 OF THE LINCOLN MUNICIPAL CODE RELATING TO ANIMALS, DEFINITIONS, BY AMENDING SECTION 6.02.130 TO INCLUDE “FOWL” IN THE DEFINITION OF “ANIMAL”; AMENDING SECTION 6.02.130 TO AMEND THE DEFINITION OF “CHIEF ANIMAL CONTROL OFFICER” TO PROVIDE THAT SAID INDIVIDUAL SHALL HAVE THE RESPONSIBILITY AND AUTHORITY FOR ENFORCING ALL PROVISIONS OF TITLE 6 OF THE LINCOLN MUNICIPAL CODE; AMENDING SECTION 6.02.150 TO MORE FULLY DEFINE “DANGEROUS DOG”; ADDING A NEW SECTION NUMBERED 6.02.365 TO PROVIDE A DEFINITION FOR “MEDICAL TREATMENT”; AMENDING SECTION 6.02.450 TO MORE FULLY DEFINE “POTENTIALLY DANGEROUS DOG”; AMENDING SECTION 6.02.490, “RUN AT LARGE,” TO PROVIDE THAT INVISIBLE FENCING SHALL NOT BE CONSIDERED A FENCE; ADDING A NEW SECTION NUMBERED 6.02.495 TO PROVIDE A DEFINITION FOR “SERVICE ANIMAL”; REPEALING SECTIONS 6.02.500 AND 6.02.560, THE DEFINITIONS OF “SEVERE INJURY” AND “WOUND”, RESPECTIVELY, IN THEIR ENTIRETY.

AMENDING CHAPTER 6.04 OF THE LINCOLN MUNICIPAL CODE RELATING TO ANIMAL CONTROL REGULATIONS - GENERALLY, BY AMENDING SECTION 6.04.020 TO INCLUDE WILD ANIMALS AND TO GRANT THE DIRECTOR AUTHORITY TO IMPound THE ANIMAL OR ORDER THE OWNER TO REMOVE OR DESTROY THE ANIMAL; ADDING A NEW SECTION NUMBERED 6.04.025 TO PROVIDE AN EXEMPTION FROM LICENSING FEES FOR SERVICE ANIMALS; AMENDING SECTION 6.04.120
AMENDING CHAPTER 6.12 OF THE LINCOLN MUNICIPAL CODE RELATING TO CATS BY AMENDING
AMENDING CHAPTER 6.10 OF THE LINCOLN MUNICIPAL CODE RELATING TO DANGEROUS AND
AMENDING CHAPTER 6.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO DOGS BY AMENDING

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TO AMEND THE PROHIBITION AGAINST ANIMALS RUNNING AT LARGE; AMENDING SECTION 6.04.140 TO DEFINE THE DIRECTOR'S AUTHORITY AND THE DOG'S AUTHORITY TO REMOVE REFERENCE TO "FOUL" AND TO EXPAND THE SECTION TO COVER ALL OF TITLE 6 OF THE LINCOLN MUNICIPAL CODE; AMENDING SECTION 6.04.150 TO INCREASE REQUIREMENTS THAT AN OWNER OF AN IMPOUNDED ANIMAL MUST MEET BEFORE RELEASEING SAID ANIMAL; AMENDING SECTION 6.04.260 TO INCREASE THE MINIMUM DEPTH AT WHICH DEAD ANIMALS MUST BE BURIED; AMENDING SECTION 6.04.315 TO INCREASE THE DIRECTOR'S AUTHORITY TO INSPECT, CARE FOR, AND IMPOUND ANIMALS SHOWING SIGNS OF ABUSE OR NEGLECT; ADDING A NEW SECTION NUMBERED 6.04.355 TO MAKE IT UNLAWFUL FOR THE OWNER OF ANY ANIMAL TO ALLOW SAID ANIMAL TO KILL, BITE, OR ATTACK ANY HUMAN BEING OR DOMESTIC ANIMAL; TO AMEND SECTION 6.04.360 TO CHANGE LANGUAGE ASSOCIATED WITH DECLARING AN ANIMAL VIOLENT; AMENDING SECTION 6.04.400 TO MAKE IT UNLAWFUL TO PROHIBIT FALSE INFORMATION TO AN ANIMAL CONTROL OFFICER REGARDING AN ANIMAL; AMENDING SECTION 6.04.435 TO REPEAL THE SPECIFIC PENALTY PROVISIONS OF THIS SECTION; ADDING A NEW SECTION NUMBERED 6.04.437 TO PROVIDE A DEFINITION AND PROCESS FOR DECLARING AN "IRRESPONSIBLE ANIMAL OWNER"; AMENDING SECTION 6.04.440 TO CHANGE THE GENERAL PENALTY PROVISIONS FOR CHAPTER 6.04 OF THE LINCOLN MUNICIPAL CODE.

AMENDING CHAPTER 6.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO DOGS BY AMENDING SECTION 6.08.020 AND 6.08.030 TO REMOVE THE SPECIFIC PENALTY PROVISIONS FOR THESE SECTIONS; AMENDING SECTION 6.08.060 TO INCREASE THE LICENSE FEE FOR ALL DOGS TO $50.00; REPEALING SECTION 6.08.065 RELATED TO REQUIREMENTS TO QUALIFY AS A SERVICE DOG AND LICENSE EXEMPTION; REPEALING SECTIONS 6.08.090 (REVOCATION OF LICENSE) AND 6.08.130 (DOGS RUNNING AT LARGE), 6.08.160 (BARKING, HOWLING OR YELPING DOGS), 6.08.250 (HOLDING IMPOUNDED DOGS), 6.08.260 (SHELTER FEE; RELEASE FROM SHELTER), AND 6.08.280 (IMPOUNDING TIME LIMIT) IN THEIR ENTIRETY AS SAID PROVISIONS ARE CUMULATIVE WITH OTHER SECTIONS OF TITLE 6 OF THE LINCOLN MUNICIPAL CODE; AMENDING SECTION 6.08.350 TO CHANGE THE MINIMUM PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF CHAPTER 6.08 OF THE LINCOLN MUNICIPAL CODE;

AMENDING CHAPTER 6.10 OF THE LINCOLN MUNICIPAL CODE RELATING TO POTENTIALLY DANGEROUS DOGS BY AMENDING SECTION 6.10.030 TO CLARIFY LANGUAGE RELATED TO DECLARING A DOG DANGEROUS OR POTENTIALLY DANGEROUS; ADDING A NEW SECTION NUMBERED 6.10.035 TO DEFINE THE DUTIES OF AN OWNER OF A DOG DECLARED DANGEROUS OR POTENTIALLY DANGEROUS; AMENDING SECTION 6.10.040 TO REQUIRE THAT OWNERS OF POTENTIALLY DANGEROUS DOGS REGISTER THEIR DOGS IN THE SAME MANNER REQUIRED OF THE OWNERS OF DANGEROUS DOGS AND TO REQUIRE WRITTEN CONFIRMATION FROM A VETERINARIAN THAT A DANGEROUS OR POTENTIALLY DANGEROUS DOG IS MICROCHIPPED; ADDING A NEW SECTION NUMBERED 6.10.045 TO MAKE IT UNLAWFUL TO PROVIDE FALSE INFORMATION TO THE DIRECTOR OR AN ANIMAL CONTROL OFFICER REGARDING AN ANIMAL; AMENDING SECTION 6.10.050 RELATING TO THE REGISTRATION REQUIREMENTS FOR POTENTIALLY DANGEROUS DOGS; ADDING A NEW SECTION NUMBERED 6.10.055 TO PROHIBIT PERSONS FROM KEEPING A DOG WITHIN THE CORPORATE LIMITS OF THE CITY OF LINCOLN THAT WAS PREVIOUSLY DECLARED POTENTIALLY DANGEROUS OR DANGEROUS BY ANOTHER ANIMAL CONTROL AUTHORITY; AMENDING SECTION 6.10.060 TO CHANGE THE REQUIREMENTS RELATED TO THE CONFINEMENT OF POTENTIALLY DANGEROUS DOGS; CONFIRMING SECTION 6.10.070 TO REQUIRE THAT POTENTIALLY DANGEROUS DOGS BE SECURED BY A LEASH AND MUZZLED WHEN SUCH DOG IS BEYOND ITS OWNER'S PROPERTY; AMENDING SECTION 6.10.090 TO CHANGE THE PROVISIONS RELATED TO WHEN DANGEROUS AND POTENTIALLY DANGEROUS DOGS MAY BE CONFISCATED BY AN ANIMAL CONTROL OFFICER; ADDING A NEW SECTION NUMBERED 6.10.095 TO PROHIBIT ANY PERSON OWNING A DANGEROUS DOG WHO IS CONVICTED OF VIOLATING TITLE 6 OF THE LINCOLN MUNICIPAL CODE FROM AGAIN DECLARING THAT DOG pushes a dog or pet of unknown origin to a dog or cat size of being or domestic animal; to AMEND SECTION 6.08.400 TO CHANGE THE MINIMUM PENALTIES FOR VIOLATIONS OF CHAPTER 6.08 OF THE LINCOLN MUNICIPAL CODE; AMENDING SECTION 6.08.410 TO REMOVE THE SPECIFIC PENALTY PROVISIONS FOR VIOLATIONS OF CHAPTER 6.08 OF THE LINCOLN MUNICIPAL CODE; AMENDING SECTION 6.08.415 TO REMOVE THE SPECIFIC PENALTY PROVISIONS FOR VIOLATIONS OF CHAPTER 6.08 OF THE LINCOLN MUNICIPAL CODE; AMENDING SECTION 6.08.140 TO CHANGE THE MINIMUM PENALTIES FOR VIOLATIONS OF CHAP

Mr. Beal stated three dogs are allowed by one owner unless they are...

He asked how many dogs one owner could have?

He also discussed the implications of underground fencing and the need to increase pet ownership responsibility. It was proposed to increase the penalty for an "irresponsible animal owner".

This matter was taken under advisement.
APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND MC2, INC. FOR THE ANNUAL SUPPLY OF MOYNO PUMPS AND PARTS FOR A FOUR-YEAR TERM;

APPROVING A MULTI-YEAR CONTRACT BETWEEN BLUE ROCK CONSTRUCTION SERVICES, LLC AND THE CITY OF LINCOLN FOR GRAFFITI REMOVAL (QUOTE 3014) FOR A FOUR-YEAR TERM;

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND ALL ROAD BARRICADES, INC. FOR TRAFFIC CONTROL RENTAL DEVICES (QUOTE 3003) FOR A FOUR-YEAR TERM - Bob Walla, Assistant Purchasing Agent, came forward to answer questions on these multi-year contracts.

This matter was taken under advisement.

PRE-EXISTING USE PERMIT NO. 13D - APPLICATION OF HOPPE HALL, INC. TO REDUCE THE NUMBER OF REQUIRED PARKING STALLS ON PROPERTY GENERALLY LOCATED AT SOUTH 48TH STREET AND BRIAR PARK DRIVE - John Hoppe, Jr., Box 6074, Lincoln, NE, stated they are trying to adjust the number of parking stalls back to 192. They had borrowed some parking from Briarpark which is 48th and Old Cheney. This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING ARTHUR PARKS TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A TERM TO EXPIRE DECEMBER 31, 2012 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85914

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

That the appointment of Arthur Parks to the Lincoln Electric System Administrative Board to fill an unexpired term expiring December 31, 2012 is hereby approved.

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

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

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF MAY, 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. (5-21)

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR APRIL 2010: CHARTER FIBERLINK - NEBRASKA, LLC; MAY 2010: ACN COMMUNICATION SERVICES, AT&T COMMUNICATIONS OF MIDWEST, BUDGET PREPAY, COMTEL TELECOM ASSETS, 6X8, INC., GRANITE TELECOMMUNICATIONS, INETWORKS GROUP, INC., LEVEL 3 COMMUNICATIONS, QWEST COMMUNICATIONS COMPANY, TMC DIGITAL PHONE, VONAGE AMERICA - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR 1ST QUARTER 2010 (AMENDED): B & O PHONE, TIME WARNER CABLE (UNDERPAYMENT) - JANUARY 2010 (AMENDED): ENHANCED COMMUNICATIONS NETWORK, LIGHTYEAR NETWORK SOLUTIONS, ZONE TELECOM; MARCH 2010 (AMENDED): NORSTAN NETWORK SERVICES; APRIL 2010: ACN COMMUNICATIONS SERVICES, ALLTEL COMM OF NE, AT&T COMM OF MIDWEST, BROADBAND DYNAMICS, BROADVIEW COMM., BUSINESS TELECOM, CELLCO PARTNERSHIP, CINCINNATI BELL ANY DISTANCE, CTCI LONG DISTANCE, CRICKET, GLOBAL CROSSING, GLOBALSTAR USA, GRANITE, IBM GLOBAL, INTELLICALL OPERATOR SERVICES, KDDI AMERICA, MCLEODUSA, NEBRASKA TECHNOLOGY & TELECOMM., NETWORK BILLING SYSTEMS, NEW CINGULAR WIRELESS, NEW EDGE NETWORKS, NORSTAN, OMAHA CELLULAR, ONSTAR, PRIMUS, PUBLIC COMMUNICATIONS SERVICES, QWEST COMM., SIOUX CITY MSA, SPRINT COMM. CO. LP, TCG OMAHA, TELECORP COMM., TON SERVICES, TRACFONE WIRELESS, TRANS NATIONAL, TWC DIGITAL PHONE, URCC OF GREATER IOWA, URCC OF NEBRASKA/KANSAS, VERIZON WIRELESS, VIRGIN MOBILE USA, VOICETEL, WORKING ASSET FUNDING SERVICE, WWC LICENSE, XO COMMUNICATIONS SERVICES, MAY 2010: ATS MOBILE TELEPHONE, BT AMERICAS, D & D COMM., ENHANCED, FIRST COMMUNICATIONS, GLOBALCOM, GRASSHOPPER GROUP, INTELLICALL OPERATOR SERVICES, LIGHTYEAR NETWORK SOLUTIONS, MCI, NEXTTEL WEST CORP, NORLITE INC., NPCR, NORTAN NETWORK, NOS COMM., NSVOICE, NOVEGA VENTURE PARTNERS, SBC LONG DISTANCE, SPRINT COMM. CO. LP, SPRINT SPECTRUM LP, 360NETWORKS, TELECOM MANAGEMENT, TOTAL HOLDINGS, TRK-M COMM., TSG GLOBAL, UNITE PRIVATE NETWORKS, VIAERO WIRELESS, WHOLESALE CARRIER SERVICES, WINDSTREAM, WINDSTREAM NEBRASKA, YOUR COMM. INC., ZONE TELECOM - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

LINCOLN AIRPORT AUTHORITY RESOLUTION NO. 526 STATING THAT NO TAX LEVY SHOULD BE MADE FOR AIRPORT PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (54-2)

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JUNE 21, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JUNE 28, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk.
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PETITIONS & COMMUNICATIONS

INFORMAL PAVING PETITION FOR ALLEY PAVING DISTRICT FOR THE ALLEY BEHIND PROPERTY AT 1329 DAVIES AVENUE SUBMITTED BY PETE TROY, OWNER OF TROY’S AUTOMOTIVE - CLERK presented said petition which was referred to the Public Works & Utilities Department on 6/30/10.

THE FOLLOWING HAS BEEN REFERRED TO THE PLANNING DEPARTMENT:
Special Permit No. 10026 - Req. by Paul and Arla Meyer for expansion of a nonconforming use on property generally located at NW 48th Street and W. Adams Street.

LIQUOR RESOLUTIONS - NONE

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND FIRST UNITED METHODIST CHURCH/WAVERLY FOR THE LEASE OF SPACE BY AGING PARTNERS FOR ITS SENIOR CENTER. PROGRAM AT 14410 FOLKES ST, WAVERLY, NEBRASKA FROM SEPTEMBER 1, 2010 TO AUGUST 31, 2011 - CLERK read an ordinance, introduced by Jayne Snyder, accepting and approving a Leasing Agreement between the City and First United Methodist Church/Waverly, for the lease of office space by the Aging Partners for its Senior Center Program located at 14410 Folkstone Street, Waverly, NE 68462 for a term of September 1, 2010 through August 31, 2011, the second time.

CHANGE OF ZONE 10014 - APPLICATION OF HOOG GBOUW LLC FOR A CHANGE OF ZONE FROM B-2 PLANNED UNID-OWN BUSINESS DISTRICT TO B-2 PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY TO ALLOW A 176,000 SQUARE FOOT COMMERCIAL BUILDING IN THE UNDERLYING B-2 ZONED AREA - CLERK read an ordinance, introduced by Jayne Snyder, amending the Lincoln Zoning District Maps attached to and made a part of Title 7 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

AMENDING CHAPTER 6.02 OF THE LINCOLN MUNICIPAL CODE RELATING TO ANIMALS, DEFINITIONS, BY AMENDING SECTION 6.02.030 TO INCLUDE “FOWL” IN THE DEFINITION OF “ANIMAL”; AMENDING SECTION 6.02.130 TO ADD THE DEFINITION OF “CHIEF ANIMAL CONTROL OFFICER” TO PROVIDE THAT SAID INDIVIDUAL SHALL HAVE THE RESPONSIBILITY AND AUTHORITY FOR ENFORCING ALL PROVISIONS OF TITLE 6 OF THE LINCOLN MUNICIPAL CODE; AMENDING SECTION 6.02.160 TO MORE FULLY DEFINE “DANGEROUS DOG”; ADDING A NEW SECTION NUMBERED 6.02.365 TO PROVIDE A DEFINITION FOR “MEDICAL TREATMENT”; AMENDING SECTION 6.02.450 TO MORE FULLY DEFINE “POTENTIALLY DANGEROUS DOG”; AMENDING SECTION 6.02.480, “RUN AT LARGE,” TO PROVIDE THAT INVISIBLE FENCING SHALL NOT BE CONSIDERED A FENCE; ADDING A NEW SECTION NUMBERED 6.02.490 TO PROVIDE A DEFINITION FOR “SERVICE ANIMAL”; REPEALING SECTIONS 6.02.500 AND 6.02.560, THE DEFINITIONS OF “SEVERE INJURY” AND “WOUND”, RESPECTIVELY, IN THEIR ENTIRETY - CLERK read an ordinance, introduced by Jayne Snyder, amending Chapter 6.02 of the Lincoln Municipal Code relating to Animals, Definitions by amending Section 6.02.030 to include “fowl” in the definition of “animal”; amending Section 6.02.130 to amend the definition of “Chief Animal Control Officer” to provide that said individual shall have the responsibility and authority for enforcing all provisions of Title 6 of the Lincoln Municipal Code; amending Section 6.02.160 to more fully define “dangerous dog”; adding a new section numbered 6.02.365 to provide a definition for “medical treatment”; amending Section 6.02.450 to more fully define “potentially dangerous dog”; amending Section 6.02.480, “Run at Large,” to provide that invisible fencing shall not be considered a fence; adding a new section numbered 6.02.490 to provide a definition for “service animal”; repealing Sections 6.02.500 and 6.02.560, the definitions of “severe injury” and “wound”, respectively, in their entirety; and repealing Sections 6.02.030, 6.02.130, 6.02.160, 6.02.450, and 6.02.490 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 6.04 OF THE LINCOLN MUNICIPAL CODE RELATING TO ANIMAL CONTROL REGULATIONS - GENERALLY, BY AMENDING SECTION 6.04.020 TO INCLUDE WILD ANIMALS AND TO GRANT THE DIRECTOR AUTHORITY TO IMPOUND THE ANIMAL OR ORDER THE OWNER TO REMOVE OR DESTROY THE ANIMAL. ADDING A NEW SECTION NUMBERED 6.04.025 TO PROVIDE AN EXEMPTION FROM LICENSING FEES FOR SERVICE ANIMALS; AMENDING SECTION 6.04.120 TO AMEND THE PROHIBITION AGAINST ANIMALS RUNNING AT LARGE; AMENDING SECTION 6.04.130 TO DEFINE THE DIRECTOR’S AUTHORITY TO IMPOUND AND RELEASE ANIMALS IN VIOLATION OF TITLE 6 OF THE LINCOLN MUNICIPAL CODE; AMENDING SECTION 6.04.135 TO PROVIDE THAT SAID INDIVIDUAL SHALL HAVE THE RESPONSIBILITY AND AUTHORITY FOR ENFORCING ALL PROVISIONS OF TITLE 6 OF THE LINCOLN MUNICIPAL CODE; AMENDING SECTION 6.04.150 TO REQUIRE THAT AN OWNER OF AN IMPOUNDED ANIMAL MUST MEET BEFORE RELEASING SAID ANIMAL; AMENDING SECTION 6.04.260 TO INCREASE THE MINIMUM DEPTH AT WHICH ALL HOMES MUST BE BUILT; AMENDING SECTION 6.04.315 TO INCLUDE NONCOMPLIANCE WITH THE DIRECTOR’S AUTHORITY TO INSPECT, CARE FOR, AND IMPOUND ANIMALS SHOWING SIGNS OF ABUSE OR NEGLECT; ADDING A NEW SECTION NUMBERED 6.04.355 TO MAKE IT UNLAWFUL FOR ANY PERSON TO ALLOW SAID ANIMAL TO KILL, HURT, OR ATTACK ANY HUMAN BEING OR DOMESTIC ANIMAL; TO AMEND SECTION 6.04.360 TO CHANGE LANGUAGE ASSOCIATED WITH DECLARING AN ANIMAL VIOLENT; AMENDING SECTION 6.04.400 TO MAKE IT A VIOLATION TO PROVIDE FALSE INFORMATION TO THE DIRECTOR OR AN ANIMAL CONTROL OFFICER REGARDING AN ANIMAL; AMENDING SECTION 6.04.435 TO REPEAL THE SPECIFIC PENALTY PROVISIONS OF THIS SECTION; ADDING A NEW SECTION NUMBERED 6.04.437 TO PROVIDE THAT A PETITION FOR DECLARING “POTENTIALLY DANGEROUS ANIMAL OWNER” AMENDING SECTION 6.04.440 TO CHANGE THE GENERAL PENALTY FOR VIOLATION OF TITLE 6 OF THE LINCOLN MUNICIPAL CODE; AMENDING SECTION 6.04.450 TO AMEND THE PROHIBITION AGAINST ANIMALS RUNNING AT LARGE; REPEALING SECTIONS 6.02.030, 6.02.130, 6.02.160, 6.02.450, and 6.02.490 of the Lincoln Municipal Code as hitherto existing, the second time.
AMENDING CHAPTER 6.10 OF THE LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Jayne Snyder, amending Section 6.10 of the Lincoln Municipal Code relating to Animal Control Regulations - Generally, by amending Section 6.04.020 to include wild animals and to grant the Director authority to impound the animal or order the owner to remove or destroy the animal; adding a new section numbered 6.04.025 to provide an exemption from licensing fees for service animals; amending Section 6.04.120 to amend the prohibition against barking at large; amending Section 6.04.100 to define the Director's authority to impound and release animals in violation of Title 6 of the Lincoln Municipal Code; amending Section 6.04.140 to change the general penalty provisions for Chapter 6.04 of the Lincoln Municipal Code; amending Section 6.04.150 to remove references to "fowl" and to expand the section to cover all of Title 6 of the Lincoln Municipal Code; amending Section 6.04.170 to provide a definition and process for declaring that a dog is dangerous or potentially dangerous; amending Section 6.04.180 to require written confirmation from a veterinarian that a dangerous or potentially dangerous dog is microchipped; adding a new section numbered 6.04.190 to make it unlawful to remove any marking used for identification from a dangerous or potentially dangerous dog; adding a new section numbered 6.04.200 to require that potentially dangerous dogs register their dogs in the same manner required of the owners of dangerous dogs; adding a new section numbered 6.04.210 to require written confirmation from a veterinarian that a dangerous or potentially dangerous dog is microchipped; and repealing Section 6.04.220 (Removal of License). 

AMENDING CHAPTER 6.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO DOGS BY AMENDING SECTION 6.08.020 AND 6.08.030 TO REMOVE THE SPECIFIC PENALTIES FOR VIOLATIONS OF THESE SECTIONS; AMENDING SECTION 6.08.060 TO INCREASE THE LICENSE FEE FOR ALL DOGS TO $50.00; REPEALING SECTION 6.08.065 RELATED TO REQUIREMENTS TO QUALIFY AS A SERVICE DOG AND LICENSE EXEMPTION; REPEALING SECTIONS 6.08.090 (REVOCATION OF LICENSE), 6.08.110 (DOGS RUNNING AT LARGE), 6.08.135 (BARKING, HOWLING OR YELPING DOGS), 6.08.250 (HOLDING IMPOUNDED DOGS), 6.08.260 (SHELTER FEE; RELEASE FROM SHELTER), AND 6.08.280 (IMPONDING TIME LIMIT) IN THEIR ENTIRETY AS SAID PROVISIONS ARE CUMULATIVE WITH OTHER SECTIONS OF TITLE 6 OF THE LINCOLN MUNICIPAL CODE; AMENDING SECTION 6.08.350 TO CHANGE THE MINIMUM PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF CHAPTER 6.08 OF THE LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Jayne Snyder, amending Section 6.08.120 of the Lincoln Municipal Code relating to Dogs by amending Section 6.08.020 and 6.08.030 to remove the specific penalty provisions for these sections; amending Section 6.08.060 to increase the license fee for all dogs to $50.00; repealing Section 6.08.065 related to requirements to qualify as a service dog and license exemption; repealing Sections 6.08.090 (Revocation of License), 6.08.110 (Dogs Running at Large), 6.08.135 (Barking, Howling or Yelping Dogs), 6.08.250 (Holding Impounded Dogs), 6.08.260 (Shelter Fee; Release from Shelter), and 6.08.280 (Impounding Time Limit) in their entirety as said provisions are cumulative with other sections of Title 6 of the Lincoln Municipal Code; amending Section 6.08.350 to change the minimum penalties for violations of the provisions of Chapter 6.08 of the Lincoln Municipal Code, and repealing Sections 6.08.020, 6.08.030, 6.08.060, and 6.08.350 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 6.10 OF THE LINCOLN MUNICIPAL CODE RELATING TO DANGEROUS AND POTENTIALLY DANGEROUS DOGS BY AMENDING SECTION 6.10.020 AND 6.10.030 TO REPEAL THE SPECIFIC PENALTIES FOR VIOLATIONS OF THESE SECTIONS; AMENDING SECTION 6.10.060 TO INCREASE THE LICENSE FEE FOR ALL DOGS TO $50.00; REPEALING SECTION 6.10.065 RELATED TO REQUIREMENTS TO QUALIFY AS A SERVICE DOG AND LICENSE EXEMPTION; REPEALING SECTIONS 6.10.090 (REVOCATION OF LICENSE), 6.10.110 (DOGS RUNNING AT LARGE), 6.10.135 (BARKING, HOWLING OR YELPING DOGS), 6.10.250 (HOLDING IMPOUNDED DOGS), 6.10.260 (SHELTER FEE; RELEASE FROM SHELTER), AND 6.10.280 (IMPONDING TIME LIMIT) IN THEIR ENTIRETY AS SAID PROVISIONS ARE CUMULATIVE WITH OTHER SECTIONS OF TITLE 6 OF THE LINCOLN MUNICIPAL CODE; AMENDING SECTION 6.10.350 TO CHANGE THE MINIMUM PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF CHAPTER 6.10 OF THE LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Jayne Snyder, amending Section 6.10.020 of the Lincoln Municipal Code relating to Dogs by amending Section 6.10.030 and 6.10.050 to remove the specific penalty provisions for these sections; amending Section 6.10.060 to increase the license fee for all dogs to $50.00; repealing Section 6.10.065 related to requirements to qualify as a service dog and license exemption; repealing Sections 6.10.090 (Revocation of License), 6.10.110 (Dogs Running at Large), 6.10.135 (Barking, Howling or Yelping Dogs), 6.10.250 (Holding Impounded Dogs), 6.10.260 (Shelter Fee; Release from Shelter), and 6.10.280 (Impounding Time Limit) in their entirety as said provisions are cumulative with other sections of Title 6 of the Lincoln Municipal Code; amending Section 6.10.350 to change the minimum penalties for violations of the provisions of Chapter 6.10 of the Lincoln Municipal Code, and repealing Sections 6.10.020, 6.10.030, 6.10.060, and 6.10.350 of the Lincoln Municipal Code as hitherto existing, the second time.
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

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

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND MC2, INC. FOR THE ANNUAL SUPPLY OF MOYNO PUMPS AND PARTS FOR A FOUR-YEAR TERM - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85916

That the attached contract between the City of Lincoln and Mc2, Inc., in accordance with Bid No. 10-005, for the Annual Supply of Moyno Pumps and Parts for a four-year period, upon the terms as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by 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 BETWEEN THE CITY AND ALL ROAD BARRICADES, INC. FOR TRAFFIC CONTROL RENTAL DEVICES (QUOTE 3003) FOR A FOUR-YEAR TERM - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85917

That the attached multi-year contract between the City of Lincoln and All Road Barricades, Inc. for Traffic Control Rental Devices (Quote 3003), for a 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.

Introduced by Jayne Snyder
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
WHEREAS, Hoppe Hall Inc. has submitted an application in accordance with Sections 27.27.080 of the Lincoln Municipal Code designated as Pre-Existing Use Permit No. 13 to amend Pre-Existing Use Permit No. 13 in order to reduce the number of required parking stalls from 255 to 189 on property generally located at S. 48th Street and Briarpark Drive, and legally described as:

Lots 1 and 2, Briarpark Plaza Addition and Outlot C, Briarhurst Addition, Lincoln, Lancaster County, Nebraska; 

WHEREAS, the real property adjacent to the area included within the site plan for this amendment to the pre-existing use permit will not be adversely affected; and 

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Hoppe Hall Inc., hereinafter referred to as "Permittee", to amend Pre-Existing Use Permit No. 13 in order to reduce the number of required parking stalls from 255 to 189, on the property legally described above be and the same is hereby granted under the provisions of Section 27.31.100 of the Lincoln Municipal Code upon condition that operation of said development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the reduction of parking from 255 stalls to 189 stalls.

2. Before receiving building permits the Permittee shall provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of this use permit has been provided. In addition, before receiving building permits the Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final site plan including all droits-rez with all required revisions listed below:
   a. Add a note to the site plan stating the Resolution number approving the parking reduction from 255 to 189.
   b. Remove from the site plan the 6 stalls south of Earl May that are being used for seasonal sales.
   c. Show that the 18 stalls in the northeast corner of the parking lot can be re-striped to meet design standards.
   d. Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with Chapter 27.69 of the Lincoln Zoning Ordinance and must be approved by Building & Safety Department prior to installation."
   e. Show the Sonic property as part of the use permit but note that this property is not included as part of the stalls of required parking.

3. Before occupying buildings all development and construction must substantially comply with the approved plans.

4. All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the Permittee or an appropriately established association approved by the City.

5. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

6. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.

7. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans; however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Approved and adopted this 12th day of July, 2010.

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

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

APPROVING AN AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY TO COMPENSATE THE ADDITIONAL COSTS INCURRED TO PROVIDE OFFICE SERVICES TO THE CITY COUNCIL BECAUSE OF THE VACANCY IN THE CITY COUNCIL POSITION OF EXCLUDED SENIOR OFFICE ASSISTANT SINCE FEBRUARY 3, 2010 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage, and WHEREAS, the City of Lincoln, Nebraska and the County of Lancaster provide services to the City Council and Lancaster County Commissioners; and WHEREAS, the City of Lincoln, Nebraska and Lancaster County are seeking to enter into an Interlocal Agreement on July 2, 2003 (County Contract No. 03-0339 and City Resolution No. A-82177) to cooperate in providing a receptionist to serve both the City Council and Lancaster County Commissioners by sharing in the cost of provision of receptionist services; and WHEREAS, the City and County desire to amend the agreement to compensate the County for additional costs incurred in providing office services to the City Council.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the Amendment to the Interlocal Agreement between the City of Lincoln, Nebraska and Lancaster County, Nebraska, attached hereto as Exhibit 'A', in connection with sharing the costs of a receptionist, upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.
City Clerk is directed to return one fully executed copy of said Interlocal Agreement to Kerry Eagan, Lancaster County Commissioner's Office for filing with the County.

Introduced by Jayne Snyder
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 FACILITIES AGREEMENT BETWEEN THE CITY AND THE WEST HAYMARKET JOINT PUBLIC AGENCY AND THE ISSUANCE OF NOT TO EXCEED $100,000,000.00 OF THE AGENCY'S GENERAL OBLIGATION FACILITY BONDS, SERIES 2010 - CLERK read an ordinance, introduced by John Camp, of the City of Lincoln, Nebraska approving (A) a facilities agreement between the City and the West Haymarket Joint Public Agency and (B) the issuance of not to exceed $100,000,000.00 of the agency's General Obligation Facility Bonds, Series 2010A; and related matters, the first time.

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

CHANGE OF ZONE 10007 - APPLICATION OF KENT PRIOR FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 98TH STREET AND HOLDREGE STREET - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required)
AMENDING TITLE 3 OF THE LINCOLN MUNICIPAL CODE RELATING TO REVENUE AND FINANCE BY ADDING A NEW CHAPTER 3.28 TO PROVIDE FOR THE LEVY OF A HOTEL OCCUPATION TAX; TO ESTABLISH DEFINITIONS; TO PROVIDE FOR ADMINISTRATION, COLLECTIONS, RETURNS, DELINQUENCIES AND RECOVERY OF UNPAID AMOUNTS RELATED TO THE TAX; TO DETERMINE HOW TAX REVENUE WILL BE USED; AND TO PROVIDE A SUNSET PROVISION FOR THE TAX - PRIOR to reading:
EMERY
Moved to amend Bill No. 10-72 as follows:
1. On page 1, line 21, after the word "three" insert the word "separate".
2. On page 1, line 22, after the word "public", insert the words "or guest".
3. On page 2, line 5, strike the words "Occupied" and insert in lieu thereof the word "Hotel".
4. On page 2, line 14, at the end of the line before the period, insert the words "for consideration".
5. On page 2, line 15, after the word "business", insert the phrase "of operating a hotel for consideration".
6. On page 2, line 17, after the phrase "shall mean" insert the following: "the total monetary charge to the public or guest for the use of space in a hotel only if the space is one ordinarily used for accommodations and shall not include the charge for any food or beverage served or personal services rendered to the occupant of such space. Said total monetary charge shall include the actual rental rate charged for the hotel room and".
7. On page 2, at the end of line 24 after the word "charged" insert the words "to the public or guest".
8. On page 3, line 2, strike the word "rooms" and strike the word "lodging" and insert in lieu thereof the words "hotel room".
9. On page 3, line 3, strike the words "hotel operator" and insert in lieu thereof the following: "person engaged in the business of operating a hotel" and after the word "all" insert the word "occupation".
10. On page 3, line 4, strike the word "guests" and insert in lieu thereof the following: "public or guest or whether or not a third party provided a hotel room or arranged for occupancy for any period of time, such person shall remain responsible for the occupation tax described under this chapter levied on the total consideration charged to the public or guest".
11. On page 6, lines 3, 13, 14, 18 and 20, strike the word "person" and insert in lieu thereof the word "tax payer".
12. On page 6, line 4, after the word "any" insert the word "part".

That the Amendment to the Interlocal Agreement between the City of Lincoln, Nebraska and Lancaster County, Nebraska, attached hereto as Exhibit 'A', in connection with sharing the costs of a receptionist, upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.
City Clerk is directed to return one fully executed copy of said Interlocal Agreement to Kerry Eagan, Lancaster County Commissioner's Office for filing with the County.

Introduced by Jayne Snyder
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 FACILITIES AGREEMENT BETWEEN THE CITY AND THE WEST HAYMARKET JOINT PUBLIC AGENCY AND THE ISSUANCE OF NOT TO EXCEED $100,000,000.00 OF THE AGENCY'S GENERAL OBLIGATION FACILITY BONDS, SERIES 2010 - CLERK read an ordinance, introduced by John Camp, of the City of Lincoln, Nebraska approving (A) a facilities agreement between the City and the West Haymarket Joint Public Agency and (B) the issuance of not to exceed $100,000,000.00 of the agency's General Obligation Facility Bonds, Series 2010A; and related matters, the first time.

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

CHANGE OF ZONE 10007 - APPLICATION OF KENT PRIOR FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 98TH STREET AND HOLDREGE STREET - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required)
AMENDING TITLE 3 OF THE LINCOLN MUNICIPAL CODE RELATING TO REVENUE AND FINANCE BY ADDING A NEW CHAPTER 3.28 TO PROVIDE FOR THE LEVY OF A HOTEL OCCUPATION TAX; TO ESTABLISH DEFINITIONS; TO PROVIDE FOR ADMINISTRATION, COLLECTIONS, RETURNS, DELINQUENCIES AND RECOVERY OF UNPAID AMOUNTS RELATED TO THE TAX; TO DETERMINE HOW TAX REVENUE WILL BE USED; AND TO PROVIDE A SUNSET PROVISION FOR THE TAX - PRIOR to reading:
EMERY
Moved to amend Bill No. 10-72 as follows:
1. On page 1, line 21, after the word "three" insert the word "separate".
2. On page 1, line 22, after the word "public", insert the words "or guest".
3. On page 2, line 5, strike the words "Occupied" and insert in lieu thereof the word "Hotel".
4. On page 2, line 14, at the end of the line before the period, insert the words "for consideration".
5. On page 2, line 15, after the word "business", insert the phrase "of operating a hotel for consideration".
6. On page 2, line 17, after the phrase "shall mean" insert the following: "the total monetary charge to the public or guest for the use of space in a hotel only if the space is one ordinarily used for accommodations and shall not include the charge for any food or beverage served or personal services rendered to the occupant of such space. Said total monetary charge shall include the actual rental rate charged for the hotel room and".
7. On page 2, at the end of line 24 after the word "charged" insert the words "to the public or guest".
8. On page 3, line 2, strike the word "rooms" and strike the word "lodging" and insert in lieu thereof the words "hotel room".
9. On page 3, line 3, strike the words "hotel operator" and insert in lieu thereof the following: "person engaged in the business of operating a hotel" and after the word "all" insert the word "occupation".
10. On page 3, line 4, strike the word "guests" and insert in lieu thereof the following: "public or guest or whether or not a third party provided a hotel room or arranged for occupancy for any period of time, such person shall remain responsible for the occupation tax described under this chapter levied on the total consideration charged to the public or guest".
11. On page 6, lines 3, 13, 14, 18 and 20, strike the word "person" and insert in lieu thereof the word "tax payer".
12. On page 6, line 4, after the word "any" insert the word "part".

That the Amendment to the Interlocal Agreement between the City of Lincoln, Nebraska and Lancaster County, Nebraska, attached hereto as Exhibit 'A', in connection with sharing the costs of a receptionist, upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.
City Clerk is directed to return one fully executed copy of said Interlocal Agreement to Kerry Eagan, Lancaster County Commissioner's Office for filing with the County.

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

CLERK: Read an ordinance, introduced by Adam Hornung, amending Title 3 of the Lincoln Municipal Code relating to Revenue and Finance by adding a new Chapter 3.26 to provide for the levy of a car rental occupation tax; to establish definitions; to provide for administration, collections, returns, delinquencies and recovery of unpaid amounts related to the tax; to determine how tax revenue will be used; and to provide a sunset provision for the tax, the third time.

HORNUNG: Moved to pass the ordinance as amended. Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

The ordinance, being numbered #19407, is recorded in Ordinance Book #26, Page 894.

AMENDING TITLE 3 OF THE LINCOLN MUNICIPAL CODE RELATING TO REVENUE AND FINANCE BY ADDING A NEW CHAPTER 3.26 TO PROVIDE FOR THE LEVY OF A CAR RENTAL OCCUPATION TAX; TO ESTABLISH DEFINITIONS; TO PROVIDE FOR ADMINISTRATION, COLLECTIONS, RETURNS, DELINQUENCIES AND RECOVERY OF UNPAID AMOUNTS RELATED TO THE TAX; TO DETERMINE HOW TAX REVENUE WILL BE USED; AND TO PROVIDE A SUNSET PROVISION FOR THE TAX - PRIOR to reading:

EMERY: Moved to amend Bill No. 10-73 as follows:
1. On page 8, lines 9 through 11, strike the language "upon the joint Public Agency, created to manage and operate the City arena, meeting all of its financing obligations related to the costs and other lawful expenditures of the arena and associated improvements and insert in lieu thereof the following: no later than January 1, 2046.

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

CLERK: Read an ordinance, introduced by Adam Hornung, amending Title 3 of the Lincoln Municipal Code relating to Revenue and Finance by adding a new Chapter 3.26 to provide for the levy of a car rental occupation tax; to establish definitions; to provide for administration, collections, returns, delinquencies and recovery of unpaid amounts related to the tax; to determine how tax revenue will be used; and to provide a sunset provision for the tax, the third time.

HORNUNG: Moved to pass the ordinance as amended. Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

The ordinance, being numbered #19408, is recorded in Ordinance Book #26, Page 909.

AMENDING TITLE 3 OF THE LINCOLN MUNICIPAL CODE RELATING TO REVENUE AND FINANCE BY ADDING A NEW CHAPTER 3.26 TO PROVIDE FOR THE LEVY OF A CAR RENTAL OCCUPATION TAX; TO ESTABLISH DEFINITIONS; TO PROVIDE FOR ADMINISTRATION, COLLECTIONS, RETURNS, DELINQUENCIES AND RECOVERY OF UNPAID AMOUNTS RELATED TO THE TAX; TO DETERMINE HOW TAX REVENUE WILL BE USED; AND TO PROVIDE A SUNSET PROVISION FOR THE TAX - PRIOR to reading:

EMERY: Moved to amend Bill No. 10-74 as follows:
1. On page 8, lines 9 through 11, strike the language "upon the joint Public Agency, created to manage and operate the City arena, meeting all of its financing obligations related to the costs and other lawful expenditures of the arena and associated improvements and insert in lieu thereof the following: no later than January 1, 2046.

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

CLERK: Read an ordinance, introduced by Adam Hornung, amending Title 3 of the Lincoln Municipal Code relating to Revenue and Finance by adding a new Chapter 3.26 to provide for the levy of a car rental occupation tax; to establish definitions; to provide for administration, collections, returns, delinquencies and recovery of unpaid amounts related to the tax; to determine how tax revenue will be used; and to provide a sunset provision for the tax, the third time.

HORNUNG: Moved to pass the ordinance as amended. Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

The ordinance, being numbered #19409, is recorded in Ordinance Book #26, Page 924.

AMENDING CHAPTER 3.24 OF THE LINCOLN MUNICIPAL CODE RELATING TO OCCUPATION TAXES BY AMENDING SECTION 3.24.080, TELECOMMUNICATION OCCUPATION TAX, TO DEFINE IN MORE DETAIL THAT THE TELECOMMUNICATION OCCUPATION TAX APPLIES TO ALL TELECOMMUNICATION SERVICES, INCLUDING THE PROVISION OF EQUIPMENT, AND TO MAKE THE OCCUPATION TAX APPLICABLE TO ALL BUSINESSES SELLING TELECOMMUNICATION EQUIPMENT; AMENDING SECTION 3.24.090 TO PROVIDE WHEN THE TELECOMMUNICATION OCCUPATION TAX FROM ALL BUSINESSES ARE DUE AND TO AUTHORIZE THE QUARTERLY COMPOUNDING OF INTEREST FOR LATE PAYMENTS; AMENDING SECTION 3.24.100 TO REQUIRE MONTHLY STATEMENTS BE SUBMITTED BY ALL BUSINESSES PAYING THE TELECOMMUNICATION OCCUPATION TAX AND TO PROVIDE FOR AUDITS AND ACCESS TO RECORDS; AND AMENDING SECTION 3.24.160 TO ELIMINATE THE REQUIREMENT THAT THE CITY TREASURER DIRECT THE CITY ATTORNEY TO BRING AN ACTION FOR UNPAID TAXES - PRIOR to reading:

COOK: Moved to delay action for one week to July 19, 2010. Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

CLERK: Read an ordinance, introduced by Adam Hornung, amending Chapter 3.24 of the Lincoln Municipal Code relating to Occupation Taxes by amending Section 3.24.080, Telecommunication Occupation Tax, to define in more detail that the telecommunication occupation tax applies to all telecommunication services, including the provision of equipment, and to make the occupation tax applicable to all businesses selling telecommunication equipment; amending Section 3.24.090, to provide when the telecommunication occupation tax from all businesses is due and to authorize the quarterly compounding of interest for late payments; amending Section 3.24.160 to require monthly statements be submitted by all businesses paying the occupation tax and to provide for audits and access to
records; amending Section 3.24.160 to eliminate the requirement that the City Treasurer direct the City Attorney to bring suit for unpaid taxes; and repealing Sections 3.24.080, 3.24.090, 3.24.100, and 3.24.160 of the Lincoln Municipal Code as hitherto existing, the third time.

ANNOUNCEMENT

Chairman Spatz announced the budget meeting previously scheduled for July 23, 2010 from 1:00 p.m. to 5:00 p.m. has been changed to 3:30 p.m. to 6:00 p.m. on the same date. This will be the Friday before changes in the budget are voted on. This will also be noted on the Internet.

Jon Camp, Council Member, noted there will be budget hearings open to the public starting July 13, 2010 in Room 113. Jonathan Cook, Council Member, clarified, the meetings are open to the public, however, public comment is not allowed.

OPEN MICROPHONE

Jane Svoboda, address not given, came forward presenting ancient and present day history of human behaviors to include remedies of the time for various illnesses. This matter was taken under advisement.

Mike Morosin, 1500 N. 15th St., came forward to present information of moving expenses paid for by the City of Lincoln assisting his move allowing for the Antelope Valley project. He feels audits within the City Departments are needed based upon this information. This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND ERIK ALM FOR THE LEASE OF OFFICE SPACE BY AGING PARTNERS FOR ITS PERSONAL & FAMILY SERVICES PROGRAM AT 1325 N. CHESTNUT STREET, WAHOO, NE 68066 FOR A TERM OF JULY 1, 2010 THROUGH JUNE 30, 2011 - Clerk requested a motion to remove from Pending.

CAMP Moved to remove Bill No. 10-48 from Pending to have 1st reading on July 19th, 2010 with Public Hearing on July 26, 2010. Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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

ADJOURNMENT 4:02 P.M.

CAMP Moved to adjourn the City Council meeting of July 12, 2010. Seconded by Cook & 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