THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, JULY 19, 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; Deputy City Clerk, Teresa J. Meier.

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

CAMP Having been appointed to read the minutes of the City Council proceedings of July 12, reported having done so, found same correct. Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

RECOGNITION OF INTERNATIONAL GUESTS

Pat Walter came forward on behalf of the Mayor's Committee for International Friendship to introduce five political leaders from Iraq who were in attendance at the meeting. Ms. Walter described two representatives as having roles similar to our Mayor, two were members of a City Council and one was a journalist. They were introduced as the following: Raed Al-Mashhadani, Yaqoob Al-Najati, Saad Augab Kadhi, Raad Faisal Abbas Abbas and Nazar Zrar Ahmen. State Department Escorts also in attendance were reported as the following: Muhammed Almumayz, Nael Abdelsattar and Abdullatif Alhaj Omar.

Council Chair Spatz welcomed the visitors to the meeting and to the City of Lincoln.

PUBLIC HEARING

APPLICATION OF LINCOLN PUB GROUP, INC. DBA N-ZONE FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 60 FEET BY 80 FEET IMMEDIATELY ADJACENT TO ITS LICENSED PREMISES LOCATED AT 728 1/2 Q STREET ON SEPTEMBER 4, 11, 25; OCTOBER 16, 30; NOVEMBER 13, 26, 2010 FROM 8:00 A.M. TO 12:00 A.M. - Mike Figueroa, 728 Q St., came forward as applicant to answer questions. This matter was taken under advisement.

APPLICATION OF OLD FEDERAL PLACE LLC DBA JASMINE ROOM FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 27 FEET BY 260 FEET AT 129 NORTH 10TH STREET ON SEPTEMBER 4, 11, 25; OCTOBER 16, 30; NOVEMBER 13, 26, 2010 FROM 8:00 A.M. TO 1:00 A.M. - Monte Froehlich, 129 N. 10th St., Ste. 414, came forward as applicant to answer questions. He stated the area will be the same as last year. This matter was taken under advisement.

APPLICATION OF RED HERRING CONCEPTS, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 300 FEET BY 200 FEET IN THE PARKING AREA AT 570 FALLBROOK BLVD. ON JULY 29, 2010 FROM 4:30 P.M. TO 9:00 P.M. - Tony Young, manager of Toast, 570 Fallbrook, came forward to answer questions. He stated the designated area will be for the Chamber of Commerce After Hours event. This matter was taken under advisement.

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 - Lauren Wismer, Gilmore & Bell, Bond Counsel, came forward to explain that in the facilities agreement, the Agency basically employs the City to act as manager to operate and do everything necessary for the construction and operation of the new Arena. He said because bonds will be issued in a number of series, there will be an inclusion of how the Arena revenues will be allocated and for what purposes. Mr. Wismer said the intent is to set up one structure applicable to all the series of bonds issued by the JPA. He said a key provision will monitor the financial performance and to the extent that the revenues are short, the City will make a loan to the Agency until such time that the Agency can impose an ad valorem tax to pay those monies.
back. He said with the disbursement of a reserve fund, it will save the City $2-
$3 million annually. The second purpose of the ordinance is to clarify that the
City has to indicate its approval of the issuance of the bonds by the Agency.
Scott Keene, Financial Advisor, was on hand for questioning.
Council Member Snyder reminded Council that a new Facilities Agreement is
attached to the Bond Issue and is available for review before any action takes
place next week.
John L. Austin, 826 S. 14th St., came forward to comment on the Arena and
it’s involvement with the University of Nebraska.
This matter was taken under advisement.

AUTHORIZING THE SALE OF SURPLUS PROPERTY DESCRIBED AS LOT 18, BLOCK 3, EAST PARK
ADDITION, ALSO KNOWN AS 2726 DUDLEY STREET TO CORNHUSKER BANK - David Landis,
Director of Urban Development, came forward to state the vacant property was
surplussed in 2007. He said letters were sent out to property owners within 200
feet and a “For Sale” sign was posted for 30 days. The lone $30,000 offer came
from Cornhusker Bank which intends to use it for a buffer or expansion.
This matter was taken under advisement.

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 - Council Member
Carroll informed Council that he would request that this item be placed on
indefinite pending. He said that the applicant and Planning Department have come
to an agreement and Law Department would need time to review the terms.
This matter was taken under advisement.

APPROVING A PSSI CAD SYSTEM UPGRADE AGREEMENT BETWEEN THE CITY AND PUBLIC SAFETY
SYSTEMS INCORPORATED FOR INSTALLING A PSSI SOFTWARE UPGRADE SYSTEM, PROCURING
AND INSTALLING THE COMPUTERS/SERVERS AND ASSOCIATED EQUIPMENT, PROVIDE TECHNICAL
RESOURCES TO PREPARE CUSTOM PROGRAMS AND PROVIDE TRAINING AND CONSULTING
SERVICES IN IMPLEMENTING THE UPGRADED CAD SYSTEM;
APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND
INDUSTRIAL SERVICES, INC. FOR THE ANNUAL REQUIREMENTS FOR DEAD ANIMAL REMOVAL
SERVICES, PURSUANT TO BID NO. 10-110, FOR A THREE-YEAR TERM WITH OPTION TO RENEW
FOR ONE ADDITIONAL THREE-YEAR TERM;
APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND OMB’S EXPRESS POLICE
SUPPLY FOR THE ANNUAL REQUIREMENTS FOR HI-VISIBILITY PARKAS, PURSUANT TO BID NO.
10-094, FOR A TWO-YEAR TERM WITH OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR
TERM;
APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, THE
LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION, RAYNOR DOORS OF NEBRASKA,
INC. AND PIONEER OVERHEAD DOOR, INC. FOR UNIT PRICE OVERHEAD DOOR AND ACCESSORY
REPAIR AND REPLACEMENT, PURSUANT TO BID NO. 10-034, FOR A THREE-YEAR TERM WITH
OPTION TO RENEW FOR ONE ADDITIONAL THREE-YEAR TERM - Bob Walla, Asst. Purchasing
Agent, came forward to answer questions. He said the latter three agreements are
multiple-year contracts specifically through the Purchasing Department.
Council Member Camp questioned the two-year term and cost to purchase
parkas for all of Fire Department. Mr. Walla explained the requisition & bid
process for estimated quantities based on need. He said the quantity is an
estimate, not a guaranteed purchase from a vendor. Council determined that a
motion to delay for one week could allow for more information to be obtained.
This matter was taken under advisement.

APPROVING THE 2010-2011 MAINTENANCE AND MANAGEMENT BID BUDGETS AND PROGRAM OF WORK FOR
THE DOWNTOWN LINCOLN ASSOCIATION PROGRAM FOR FISCAL YEAR 2010-11 - David Landis,
Director of Urban Development, came forward to explain there is a 0% increase of
assessment by the property owners as well as a 0% increase of contribution by
the City. He said the maintenance agreement is 1/2 City money and 1/2 DLA money.
Ed Swotek, Chairman of the Downtown Lincoln Association, came forward to express appreciation to Council for its support and encouragement.
Terry Uland, DLA President, came forward to respond to Council Member
Camp’s questions about a budget increase a few years ago as it related to the
salaries of outgoing and incoming personnel.
Mr. Swotek explained that designated funding for unfilled staff positions
compensated for the overlap.
This matter was taken under advisement.
APPROVING SUPPLEMENTAL AGREEMENT NO. 3 BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR THE USE OF SURFACE TRANSPORTATION PROGRAM FUNDS FOR THE JAMAICA NORTH TRAIL - PHASE 2 - Terry Genrich, Parks & Recreation, came forward to explain that because of full Federal oversight funding, a resolution approved by the City Council and signed by the Mayor is required. This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY REGARDING THE IMPLEMENTATION OF THE SECTION 119 PROGRAM ENTITLED “LINCOLN CLEAN WATER PROJECTS” - Miki Esposito, Public Works & Utilities Department, came forward for approval of an interlocal agreement providing for $60,000 in funding for a bioswale or linear rain garden along 8.48th Street adjacent to Union College from Calvert to Pioneers Blvd. She said the program also provides funding in the amount of $80,000 for an existing grant-funded environmental educator with Watershed Management coordinating public participation and educational programs related to water quality. This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND CONSULTANTS IN INFECTIOUS DISEASE LLC FOR MEDICAL CONSULTATION SERVICES FOR THE HEALTH DEPARTMENT FOR A TERM OF JULY 1, 2010 THROUGH JUNE 30, 2013 - Bruce Dart, Director of Health Department, came forward to answer any questions about the three-year contract. This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED MAY 31, 2010 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval;

A-85920  BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended May 31, 2010, $182,016.06 was earned from the investments of “IDLE FUNDS”. The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

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

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF JUNE, 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 JULY 12, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, AUGUST 2, 2010 AT 3:00 P.M. FOR THE APPLICATION OF MJBK, INC. DBA CORNHUSKER BOTTLE SHOP FOR A CLASS D LIQUOR LICENSE LOCATED AT 2310 N. 1ST STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption;

A-85921  BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 2, 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 the Application of MJBK, Inc. dba Cornhusker Bottle Shop for a Class D Liquor license located at 2310 N. 1st Street.

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

Introduced by Eugene Carroll
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 10015 - Req. by Clyde Anderson amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Section 27.41.040 to allow any permitted use which exceeds the maximum height permitted in the H-2 Highway Business District to be allowed as a special permitted use in said district; amending Section 27.43.040 to allow any permitted use which exceeds the maximum height permitted in the H-3 Highway Commercial District to be allowed as a special permitted use in said district; amending Section 27.63.250 to provide that a permitted use exceeding the maximum height permitted in the district may be allowed in the H-2 and H-3 zoning districts by a special permit; and repealing Sections 27.41.040, 27.43.040, and 27.63.250 of the Lincoln Municipal Code as hitherto existing.

Special Permit No. 10027 - Req. by Clyde Anderson to allow a flag pole to exceed the maximum height in the H-3 Highway Commercial District on property generally located at N. 27th Street and Wildcat Drive.

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

Administrative Amendment No. 10026 to Change of Zone No. 07018 Glynoaks Planned Unit Development approved by the Planning Director on July 8, 2010 requested by REGA Engineering Group, Inc. to reconfigure Lots 45 and 46, Block 2, to accommodate the proper right-of-way dedication and planned turn lane in S. 84th Street and to show a five foot wide public access easement on Lots 45 and 46, Block 2, adjacent to S. 84th Street for a sidewalk and to show a ten foot wide public access easement on Lot 46, Block 2, adjacent to Glynoaks Drive for a sidewalk and to allow a bank with a drive-through facility on Lot 46, Block 2, on property generally located at S. 84th Street and Glynoaks Drive.

Administrative Amendment No. 10030 to Special Permit No. 893A Fairfield Park 1st Addition approved by the Planning Director on July 9, 2010 requested by Nebraska Surgery Center to add a note stating that the rear yard setback is 19 feet for lots north of Parkside Lane on property generally located at N. 3rd Street and Fairfield Street.

LIQUOR RESOLUTIONS

APPLICATION OF LINCOLN PUB GROUP, INC. DBA N-ZONE FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 60 FEET BY 80 FEET IMMEDIATELY ADJACENT TO ITS LICENSED PREMISES LOCATED AT 728 1/2 Q STREET ON SEPTEMBER 4, 11, 25; OCTOBER 16, 30; NOVEMBER 13, 26, 2010 FROM 8:00 A.M. TO 12:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Lincoln Pub Group, Inc. dba N-Zone for a Special Designated License to cover an area measuring approximately 60 feet by 80 feet immediately adjacent to its licensed premises located at 728 1/2 Q Street, Lincoln, Nebraska, on September 4, 11, 25, October 16, 30, and November 13, 26, 2010 between the hours of 8:00 a.m. and 12:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

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

APPLICATION OF OLD FEDERAL PLACE LLC DBA JASMINE ROOM FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 27 FEET BY 260 FEET AT 129 NORTH 10TH STREET ON SEPTEMBER 4, 11, 25; OCTOBER 16, 30; NOVEMBER 13, 26, 2010 FROM 8:00 A.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Old Federal Place LLC dba Jasmine Room for a Special Designated License to cover an outdoor area measuring approximately 27 feet by 260 feet at 129 North 10th Street on September 4, 11, 25; October 16, 30; November 13, 26, 2010 from 8:00 a.m. to 1:00 a.m. be approved with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

Introduced by Jon Camp
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
LLC dba Jasmine Room for a Special Designated License to cover an area measuring approximately 27 feet by 260 feet adjacent to its licensed premises located at 129 North 10th Street, Lincoln, Nebraska, on September 4, 11, 25, October 16, 30, and November 13, 26, 2010 between the hours of 8:00 a.m. and 1:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.
5. Any food sold shall be provided by a licensed and inspected establishment.

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

APPLICATION OF RED HERRING CONCEPTS, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 300 FEET BY 200 FEET IN THE PARKING AREA AT 570 FALLBROOK BLVD., LINCOLN, NEBRASKA, ON JULY 29, 2010 FROM 4:30 P.M. TO 9:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Red Herring Concepts, LLC dba Toast for a Special Designated License to cover an area measuring approximately 300 feet by 200 feet in the parking lot area at 570 Fallbrook Blvd., Lincoln, Nebraska, on the 29th day of July, 2010, between the hours of 4:30 p.m. and 9:00 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.
5. Adequate parking is to be provided for customer parking.

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

ORDINANCES - 2ND 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 in principal amount of the agency’s General Obligation Facility Bonds, Series 2010A; and related matters, the second time.

AUTHORIZING 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 second time.

CHANGE OF ZONE 10097 - APPLICATION OF KENT PRIOR FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AG AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 98TH STREET AND HOLDREGE STREET - PRIOR to reading:

CARROLL Moved to Place Bill No. 10-86 on Pending, No Date Certain.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
CLERK Read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITIONS OF CLAIMS SET FORTH FOR THE PERIOD OF JUNE 16 - 30, 2010 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85926 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: The claims listed in the attached report, marked as Exhibit "A", dated July 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, are hereby disapproved. The City Attorney or his/her designee, 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:

<table>
<thead>
<tr>
<th>DENIED CLAIMS</th>
<th>ALLOWED/SETTLED CLAIMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heather Armstrong</td>
<td>$225.00</td>
</tr>
<tr>
<td>Black Hills Energy</td>
<td>$423.81</td>
</tr>
<tr>
<td>Arrow Stage Lines</td>
<td>$6,541.80</td>
</tr>
<tr>
<td>Rose Elembo</td>
<td>$1,627.00</td>
</tr>
<tr>
<td>Raymond C. Pierson</td>
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<td>Matthew T. Morris</td>
<td>$100.00</td>
</tr>
<tr>
<td>Black Hills Energy</td>
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</tr>
</tbody>
</table>

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

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

APPROVING A PSSI CAD SYSTEM UPGRADE AGREEMENT BETWEEN THE CITY AND PUBLIC SAFETY SYSTEMS INCORPORATED FOR INSTALLING A PSSI SOFTWARE UPGRADE SYSTEM, PROCURING AND INSTALLING THE COMPUTERS/SERVERS AND ASSOCIATED EQUIPMENT, PROVIDE TECHNICAL RESOURCES TO PREPARE CUSTOM PROGRAMS AND PROVIDE TRAINING AND CONSULTING SERVICES IN IMPLEMENTING THE UPGRADED CAD SYSTEM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85926 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached PSSI CAD System Upgrade Agreement between the City and Public Safety Systems Incorporated for installing a PSSI Software Upgrade System, procuring and installing the computers/servers and associated equipment, provide technical resources to prepare custom programs, and provide training and consulting services in implementing the upgraded CAD system, upon the terms and conditions as set forth in said agreement is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one copy of said Agreement to E. Kossa, Public Safety Systems, Inc. Suite 204, 10001 Derekwood Lane, Lanham, MD 20706 and one copy of said agreement to the Finance Department.

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND INDUSTRIAL SERVICES, INC. FOR THE ANNUAL REQUIREMENTS FOR DEAD ANIMAL REMOVAL SERVICES, PURSUANT TO BID NO. 10-110, FOR A THREE-YEAR TERM WITH OPTION TO RENEW FOR ONE ADDITIONAL THREE-YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85927 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached contact between the City of Lincoln, Lancaster County and Industrial Services, Inc., in accordance with Bid No. 10-110, for the Annual Requirements for Dead Animal Removal for a three-year term with option to renew for one additional three-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 Jon Camp
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND OMB’S EXPRESS POLICE SUPPLY FOR THE ANNUAL REQUIREMENTS FOR HI-VISIBILITY PARKAS, PURSUANT TO BID NO. 10-094, FOR A TWO-YEAR TERM WITH OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - PRIOR to reading:

CAMP Moved to delay Action for one week on Bill No. 10R-159 with continued Public Hearing to July 26, 2010.

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION, RAYNOR DOORS OF NEBRASKA, INC. AND PIONEER OVERHEAD DOOR, INC. FOR UNIT PRICE OVERHEAD DOOR AND ACCESSORY REPAIR AND REPLACEMENT, PURSUANT TO BID NO. 10-034, FOR A THREE-YEAR TERM WITH OPTION TO RENEW FOR ONE ADDITIONAL THREE-YEAR TERM - PRIOR to reading:

CAMP Moved MTA #1 to amend Bill No. 10R-163 as follows:
1. On page 1, line 4, after the words "Nebraska Inc." insert the following language: and Pioneer Overhead Door, Inc.

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

APPROVING THE 2010-2011 MAINTENANCE AND MANAGEMENT BID BUDGETS AND PROGRAM OF WORK FOR THE DOWNTOWN LINCOLN ASSOCIATION PROGRAM FOR FISCAL YEAR 2010-11 - PRIOR to reading:

CARROLL Moved MTA #1 to amend Bill No. 10R-164 by substituting (1) the Downtown Lincoln Association Budget Assumptions Proposed for 2010-2011 Maintenance Bid, and (2) the Downtown Lincoln Association Maintenance Bid Budget for the period of September 1, 2010 to August 31, 2011 attached hereto for the same two documents attached to Attachment "A" to Bill No. 10R-164.

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

APPROVING SUPPLEMENTAL AGREEMENT NO. 3 BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR THE USE OF SURFACE TRANSPORTATION PROGRAM FUNDS FOR THE JAMAICA NORTH TRAIL - PHASE 2 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Supplemental Agreement No. 3 between the City of Lincoln and the State of Nebraska Department of Roads for Project No. ENH-55(160),tate CR-12879, to increase the maximum federal funding amount outlined due to additional hours required to prepare and revise the environmental documents, meet new requirements as outlined in the LPA Guidelines Manual, and coordinate design

Introduced by Jon Camp

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
and agreements with the BNSF Railway related to the construction of the Jamaica North Trail - Phase 2 (B), in accordance with the terms and conditions contained in said Supplemental Agreement No. 3, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement and the executed Exhibit "A" to Terry Genrich, Parks and Recreation Department, for transmittal and execution by the State Department of Roads.

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY REGARDING THE IMPLEMENTATION OF THE SECTION 319 PROGRAM ENTITLED "LINCOLN CLEAN WATER PROJECTS" - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

**BE IT RESOLVED BY THE CITY Council of the City of Lincoln, Nebraska:**
That the attached Inter-Governmental Agreement between the City of Lincoln and the Nebraska Department of Environmental Quality, regarding the implementation for the Section 319 Project entitled "Lincoln Clean Water Projects," 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. This Agreement provides for Section 319 grant funding to provide for education programs and materials for demonstration projects, and to provide some funding for a series of bioswales along a project along S. 48th Street.

The City Clerk is hereby directed to transmit a copy of the executed original Agreement to Ben Higgins, Public Works Department, for transmittal to the Nebraska Department of Environmental Quality.

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

APPROVING AN AGREEMENT BETWEEN THE CITY ON BEHALF OF THE LINCOLN-LANCASHER COUNTY HEALTH DEPARTMENT AND CONSULTANTS IN INFECTIOUS DISEASE LLC FOR MEDICAL CONSULTATION SERVICES FOR THE HEALTH DEPARTMENT FOR A TERM OF JULY 1, 2010 THROUGH JUNE 30, 2013 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

**BE IT RESOLVED BY THE City Council of the City of Lincoln, Nebraska:**
That the Service Contract between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and Consultants in Infectious Disease, LLC for medical consultation services for the Health Department for a term of July 1, 2010 through June 30, 2013, upon the terms and conditions as set forth in said Agreement, which is attached hereto 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 hereby 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 the Consultants in Infectious Disease, LLC.

Introduced by Jon Camp
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 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. (5/24/10 - PLACED ON INDEFINITE PENDING) (7/12/10 - REMOVED FROM PENDING TO HAVE 1ST READING 7/19/10, P.H. 7/26/10) - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln and Erik Alm for the lease of office space by the Aging Partners for its Personal & Family Services program located at 1325 N. Chestnut Street, Wahoo, NE 68066, for a term of July 1, 2010 through June 30, 2011, the first time.

AMENDING CHAPTER 5.38 OF THE LINCOLN MUNICIPAL CODE RELATING TO LICENSES AND REGULATIONS FOR MOTELS, HOTELS, ROOMING, LODGING AND APARTMENT HOUSES BY AMENDING SECTION 5.38.010 TO ADD AND REVISE DEFINITIONS; AMENDING SECTION 5.38.040, COMPLIANCE WITH MINIMUM STANDARD HOUSING AND INSPECTION, TO PROVIDE FOR INSPECTIONS,
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SCHEDULES AND FEES FOR PERMIT ISSUANCE AND COMPLIANCE; AND AMENDING SECTION 5.38.110, PENALTY FOR VIOLATIONS, TO INCREASE THE MINIMUM FINES FOR VIOLATIONS OF CHAPTER 5.38 - CLERK read an ordinance, introduced by Eugene Carroll, amending Chapter 5.38 of the Lincoln Municipal Code relating to Licenses and Regulations for Motels, Hotels, Rooming, Lodging and Apartment Houses by amending Section 5.38.010 to add and revise definitions; amending Section 5.38.040, Compliance with Minimum Standard Housing and Inspection, to provide for inspections, schedules and fees for permit issuance and compliance; amending Section 5.38.110, Penalty for Violations, to increase the minimum fines for violations of Chapter 5.38; and repealing Sections 5.38.010, 5.38.040, and 5.38.110 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 21.05 OF THE LINCOLN MUNICIPAL CODE, THE PROPERTY MAINTENANCE CODE, BY AMENDING SECTION 21.05.120, VIOLATIONS, TO PROVIDE FOR INCREASED INSPECTIONS AND FEES FOR PROPERTIES NOT IN COMPLIANCE WITH THIS TITLE; AND AMENDING SECTION 21.05.240 TO ADD AND AMEND DEFINITIONS - CLERK read an ordinance, introduced by Eugene Carroll, amending Chapter 21.05 of the Lincoln Municipal Code, the Property Maintenance Code, by amending Section 21.05.120, Violations, to provide for increased inspections and fees for properties not in compliance with this title; amending Section 21.05.240 to add and amend definitions; and repealing Sections 21.05.120 and 21.05.240 of the Lincoln Municipal Code as hitherto existing, the first time.

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

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 3.24.120 TO REQUIRE MONTHLY STATEMENTS BE SUBMITTED BY ALL BUSINESSES PAYING THE 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 SUIT FOR UNPAID TAXES - PRIOR to reading:

HORNUNG Moved MTA #1 to amend Bill No. 10-75 in the following manner:

1. On page 1, line 3, strike the comma, and in line 4 strike "including the provision of equipment" and insert "and telecommunications equipment, as defined in the Ordinance.
2. On page 1, line 9, after "records;" insert amending Section 3.24.150 to provide written interpretations of applicability of the occupation tax.
3. On page 1, line 11, after 3.24.100, insert 3.24.150.
4. On page 1, line 20, strike "for each account related".
5. On page 2, line 7, after "wire", insert fiber optics.
6. On page 2, line 14, strike the second "equipment" and insert communication device.
7. On page 2, lines 17 through 19, strike beginning with the second "and" in line 17 through "telecommunications" in line 19 and insert Telecommunications.
8. On page 2, lines 20 and 21, after "hubs" insert lamp and key systems or private branch exchanges and strike beginning with "or" through "service" in line 21.
11. On page 3, line 9, after (3) insert commercial and after the first "services" insert as defined in 47 U.S.C. § 332(d)(1).
12. On page 3, line 13, strike "and telecommunications equipment".
13. On page 3, line 18, after the second "services" insert or fees.
14. On page 3, line 21, strike "and".
15. On page 3, line 24, strike the period and insert ; and
16. On page 3, after line 24, insert (7) Telephone cards, phone cards, calling cards, rechargeable cards, telephone tokens and any other method or device used in purchasing prepaid minutes, prepaid telecommunication service, or pay-as-you-go services.
17. On page 4, after line 7, insert the following:
   (5) Any charges or services prohibited from being taxed by the Internet Tax Freedom Act.
   (6) Any sales taxes imposed by the State of Nebraska pursuant to Neb. Rev. Stat. 77-2703.
18. On page 4, line 24, strike "the last day" and insert or before the 15th.
19. On page 5, line 1, after "receipts" insert for the preceding month.
20. On page 5, after 15, add a new Section 4 to read as follows:
   Section 4. That Section 3.24.150 of the Lincoln Municipal Code be amended to read as follows:
   3.24.150 Tax, When Due; Treasurer to Collect.
   It is hereby made the duty of any person desiring to exercise, carry on or engage in any occupation within the provisions of this chapter, to pay to the City Treasurer the amount specified for the occupation tax, as provided for in this chapter. The amount of the occupation tax shall be due and payable to the City Treasurer immediately after such person shall begin business in any occupation within the provisions of this chapter. Any person, firm, partnership, corporation, or association affected by the telecommunications occupation tax may make written request of the City Finance Department to issue a written interpretation as to applicability or non-applicability of the occupation tax to particular sales of telecommunication equipment or telecommunication services. Any responses shall be made available to the public for review in order to inform all interested parties of the interpretation provided.
21. On pages 5 and 6, renumber the subsequent Sections accordingly.

COOK Seconded the motion.

HORNUNG That motion to clarify makes a number of technical changes, clarifies that this includes fiber-optics, provides a little less detail on the ever-evolving definition of equipment, it references Nebraska State Statutes in a few situations, it adds further clarification that telephone cards, phone cards, calling cards, re-chargeable cards, telephone tokens, and other methods are to be included. It adds a few more exclusions and it also provides a method for persons to approach the Finance Department for written interpretations as to applicability or non-applicability of the occupation tax to particular sales of telecommunication equipment or telecommunication services. Any responses shall be made available to the public for review in order to inform all interested parties of the interpretation provided.

COOK Seconded the motion.

HORNUNG The amendments to the term telecommunication services are intended to clarify them and the expansive reading of the term was always intended. The act of the City Council in amending this term is not indicative of an intention to change the previous meaning of the term but rather to clarify that a broad approach was intended and should be used in interpreting telecommunication services. In essence, the ordinance was always intended to imply a telecommunication occupation tax to a broad array of telecommunication services whether they were explicitly enumerated or not. It is this council's hope to remind those that are affected by this ordinance that this is an evolving area and an attempt has been and was made to apply the tax, in addition to the express categories, to any toll services and charges, other telecommunication services any similar communication services, like devices, and other similar telecommunication services, because the telecommunications industry and the technology that is at our disposal today is going to be much different than what would be at our disposal two, five or ten years from now. This is a living, breathing ordinance and we need the ability to be somewhat adaptive to the changing times of technology. I hope that helps clarify the record.

CLERK Read an amended 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 telecommunications equipment, as defined in the ordinance, 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
occupation tax and to provide for audits and access to records; amending Section 3.24.150 to provide written interpretations of applicability of the occupation tax; 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, 3.24.150 and 3.24.160 of the Lincoln Municipal Code as hitherto existing, 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 #19410, is recorded in Ordinance Book #26, Page 561.

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 FOLKESTONE STREET, WAVERLY, NEBRASKA FROM SEPTEMBER 1, 2010 TO AUGUST 31, 2011 - CLERK read an ordinance, introduced by Jayne Snyder, accepting and approving a Lease Agreement between the City of Lincoln and First United Methodist Church of Waverly, for the office space occupied by the Aging Partners Center Program located at 14410 Folkestone Street, Waverly, NE 68462 for a term of September 1, 2010 through August 31, 2011, the third time.

SNYDER Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered #19411, is recorded in Ordinance Book #26, Page 561.

CHANGE OF ZONE 10014 - APPLICATION OF HOOG OBERG 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 APPROXIMATELY 176,000 SQUARE FEET OF COMMERCIAL FLOOR AREA INCLUDING AN 86 ROOM HOTEL 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 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

SNYDER Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered #19412, is recorded in Ordinance Book #26, Page 561.

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 6.02.150 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 "POSSIBLY 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 - PRIOR to reading:

EMERY Moved MTA #1 to amend Bill No. 10-77 as follows:
1. On page 4, line 8, after the word "shelter" insert the following: ", or within the real property limits of the owner and in the owner's presence."
2. On page 4, line 10, strike the following language: "Invisible fencing shall not be considered a fence for purposes of this title."

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

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 "foal" 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 “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 third time.

SNEYDER 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 #19413, is recorded in Ordinance Book #26, Page 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 6.04.140 TO REMOVE REFERENCES TO “FOWL” AND TO EXPAND THE SECTION TO COVER ALL OF TITLE 6 OF THE LINCOLN MUNICIPAL CODE; AMENDING SECTION 6.04.150 TO OUTLINE THE REQUIREMENTS 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 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 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 CREATE A DEFINITION AND PROCESSES FOR DECLARING THAT SOMEONE IS AN "IRRESPONSIBLE ANIMAL OWNER"; AMENDING SECTION 6.04.440 TO CHANGE THE GENERAL PENALTY PROVISIONS FOR CHAPTER 6.04 OF THE LINCOLN MUNICIPAL CODE - PRIOR to reading:

COOK Moved MTA #1 to amend Bill No. 10-78 as follows:

1. On page 14, line 8, strike the word “seven” and insert in lieu thereof the word “three”.

2. On page 14, line 9 after the word “period” insert the following: “where three of the convictions are associated with any one animal belonging to said person”.

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

COOK Moved to amend Bill No. 10-78 in the following manner:

1. On page 14, lines 6, 8 and 10, change "twenty-four" to "thirty-six" (and any other occurrences).

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

CAMP Moved to amend Bill No. 10-78 in the following manner:

1. On page 14, after line 26, add a new Subsection (e) Any animal associated with conviction is hereby required to be microchipped, payable by the owner. (No Second.)

CAMP Withdrew his motion.

CAMP Moved to delay action on Bill No. 10-78 for one week to July 26, 2010. Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

CLERRR Read an ordinance, introduced by Jayne Snyder, 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 6.04.140 to remove references to “fowl” and to expand the section to cover all of Title 6 of the Lincoln Municipal Code; amending Section 6.04.150 to outline the requirements 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 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 6.04.160 to change language associated with declaring an animal vicious; amending Section 6.04.400 to make it unlawful 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 create a definition and process for declaring that someone is an "Irresponsible Animal Owner"; amending Section 6.04.440 to change the general penalty provisions for Chapter 6.04 of the Lincoln Municipal Code; and repealing Sections 6.04.020, 6.04.120, 6.04.130, 6.04.140, 6.04.150, 6.04.260, 6.04.315, 6.04.360, 6.04.400, 6.04.435, 6.04.440 of the Lincoln Municipal Code as hitherto existing, the third time.

AMENDING CHAPTER 6.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO DOGS BY AMENDING SECTION 6.08.020 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 SECTION 6.08.090 (REVOCATION OF LICENSE), 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; 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 PRIOR to reading:

COOK Moved MTA #1 to amend Bill No. 10-79 as follows:
1. On page 2, line 11, after the word "chapter." insert the following new sentence:
   "License fees shall be set by the Director, subject to the approval of the Mayor."
2. On page 2, lines 20 and 21, strike the phrase "amended to read as follows:" and insert in lieu thereof the following: "and the same is hereby repealed."
3. From page 2, line 22, through page 3, line 16, strike the language in its entirety.
   Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: Camp.

CLERK Read an ordinance, introduced by Jayne Snyder, 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), 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; 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 third time.

SNYDER 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 #19414, is recorded in Ordinance Book #26, Page

AMENDING CHAPTER 6.10 OF THE LINCOLN MUNICIPAL CODE RELATING TO DANGEROUS AND 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 REMOVE ANY MARKING USED FOR IDENTIFICATION FROM A DANGEROUS OR POTENTIALLY DANGEROUS DOG; REPEALING 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 THE PREVIOUSLY DECLARING ANIMAL CONTROL AUTHORITY; AMENDING SECTION 6.10.060 TO CHANGE THE REQUIREMENTS RELATED TO THE CONFINEMENT OF DANGEROUS DOGS; AMENDING 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 OWNING ANOTHER DANGEROUS DOG FOR A PERIOD OF TEN YEARS; AMENDING SECTION 6.10.110 TO CLARIFY LANGUAGE RELATED TO APPEALING A DECLARATION THAT A DOG IS POTENTIALLY DANGEROUS OR DANGEROUS; AMENDING SECTION 6.10.120 TO INCREASE THE MINIMUM PENALTIES FOR VIOLATIONS OF CHAPTER 6.10 OF THE LINCOLN MUNICIPAL CODE - PRIOR to reading:

COOK Moved MTA #1 to amend Bill No. 10-80 in the following manner:
1. On page 6, line 10, strike the language "potentially dangerous or ".
2. On page 6, at the end of line 12, insert a new sentence as follows:
   "It shall be unlawful for any owner of a potentially dangerous dog to permit such dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash."

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

COOK Moved MTA #2 to amend Bill No. 10-80 as follows:
1. On page 3, lines 17 and 18, strike the following language: "of $25.00 for a potentially dangerous dog and $35.00 for a dangerous dog " and in lieu thereof insert the following: ", as set by the Director, subject to the approval of the Mayor"

Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: Camp.

CLERK Read an ordinance, introduced by Jayne Snyder, amending Chapter 6.10 of the Lincoln Municipal Code relating to Dangerous and 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 in the same manner as required of 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 remove any marking used for identification from a dangerous or potentially dangerous dog; repealing 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 provisions related to the confinement of dangerous dogs; amending 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 or when 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 owning another dangerous dog for a period of ten years; amending Section 6.10.110 to clarify language related to appealing a declaration that a dog is potentially dangerous or dangerous; amending Section 6.10.120 to increase the minimum penalties for violations of Chapter 6.10 of the Lincoln Municipal Code; and repealing Sections 6.10.030, 6.10.040, 6.10.050, 6.10.060, 6.10.070, 6.10.080, 6.10.100, and 6.10.120 of the Lincoln Municipal Code as hitherto existing, the third time.

SNYDER 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 #19415, is recorded in Ordinance Book #26, Page

AMENDING CHAPTER 6.12 OF THE LINCOLN MUNICIPAL CODE RELATING TO CATS BY AMENDING SECTION 6.12.020 TO REMOVE THE SPECIFIC PENALTY PROVISIONS FOR THIS SECTION; AMENDING SECTION 6.12.030 TO REMOVE THE SPECIFIC PENALTY PROVISIONS FOR THIS SECTION; AMENDING SECTION 6.12.120 TO INCREASE LICENSE FEES FOR CATS; REPEALING SECTION 6.12.210, HOLDING IMPOUNDED CATS; REPEALING SECTION 6.12.220, SHELTER FEE, RELEASE FROM SHELTER; REPEALING SECTION 6.12.250, IMPOUNDING TIME LIMIT; AMENDING SECTION 6.12.290 TO INCREASE THE MINIMUM PENALTY PROVISIONS SET FOR VIOLATIONS OF CHAPTER 6.12 OF THE LINCOLN MUNICIPAL CODE - PRIOR to reading:
COOK Moved MTA #1 to amend Bill No. 10-81 as follows:
1. On page 2, line 8, after the word "chapter." insert the following new sentence:
   "License fees shall be set by the Director, subject to the approval of the Mayor."
2. On page 2, lines 15 and 16, strike the phrase "amended to read as follows:" and insert in lieu thereof the following: "and the same is hereby repealed."
3. From page 2, line 17 through page 3, line 14, strike the language in its entirety.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: Camp.


Snyder 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 #19416, is recorded in Ordinance Book #26, Page

MISCELLANEOUS BUSINESS

PENDING -

CHANGE OF ZONE 07010 - APPLICATION OF STEVE M. CHAMPoux FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AG AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 134TH AND A STREETS. (Request of applicant to continue P.H. to 5/7/07) (4/16/07 - 2nd Reading & P.H. Con’t. to 5/7/07 w/ Action 5/14/07) (Request to Delay Action w/con’t. P.H. to 7/23/07) (5/14/07 - Action Delayed w/con’t. P.H. to 7/23/07) (Request to Place on Pending - No Date Certain) (7/23/07 - Placed on Pending, No Date Certain) (Request of Applicant to Withdraw COZ) - PRIOR to reading:

Camp Moved to withdraw Bill No. 07-58.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, having been WITHDRAWN, was assigned the File #39-4603 & was placed on file in the Office of the City Clerk.

Camp Moved to extend the remainder of the Pending List to July 26, 2010.
Seconded by Carroll & 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 26, 2010.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
CAMP Moved to adjourn the City Council meeting of July 19, 2010.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Teresa J. Meier, Deputy City Clerk
Sandy L. Dubas, Senior Office Assistant