THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, AUGUST 9, 2010 AT 2:00 P.M.

The Meeting was called to order at 2:00 p.m. Present: Council Chair Spatz; Council Members: Camp, Carroll, Cook, Emery, Hornung; City Clerk, Joan E. Ross; Absent: Snyder.

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

EMERY Having been appointed to read the minutes of the City Council proceedings of August 2, reported having done so, found same correct.

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

PUBLIC HEARING

APPROVING AMENDMENT NO. 2 TO THE VILLAGE GARDENS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND VILLAGE GARDENS DEVELOPMENT COMPANY, LLC, RELATING TO THE ANNEXATION OF APPROXIMATELY 15.5 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 62ND STREET AND YANKEE HILL ROAD;

ANNEXATION NO. 10001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 15.5 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 62ND STREET AND YANKEE HILL ROAD;

CHANGE OF ZONE NO. 10006 - APPLICATION OF VILLAGE GARDENS DEVELOPMENT FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 62ND STREET AND YANKEE HILL ROAD - Mark Palmer, Olsson Associates, appeared on behalf of the applicant to answer questions.

This matter was taken under advisement.

ADOPTING AN AMENDED AND RESTATLED VERSION OF THE CITY OF LINCOLN EMPLOYEES’ RETIREMENT PLAN AND TRUST TO PROVIDE THAT THE EMPLOYER CONTRIBUTION FOR EMPLOYEES HIRED IN POSITIONS AND PAY RANGES PREFIXED BY THE LETTER “N” ON OR AFTER SEPTEMBER 1, 2010 WILL BE AN AMOUNT EQUAL TO 9% OF AN EMPLOYEE’S COMPENSATION, AND TO FURTHER PROVIDE THAT THE MANDATORY EMPLOYER CONTRIBUTION FOR EMPLOYEES HIRED IN POSITIONS AND PAY RANGES PREFIXED BY THE LETTER “N” ON OR AFTER SEPTEMBER 1, 2010 WILL BE IN AN AMOUNT EQUAL TO 7% OF AN EMPLOYEE’S COMPENSATION;

ADOPTING AN AMENDED AND RESTATLED VERSION OF THE CITY OF LINCOLN EMPLOYEES’ RETIREMENT PLAN AND TRUST TO PROVIDE THAT THE EMPLOYER CONTRIBUTION FOR EMPLOYEES HIRED IN POSITIONS AND PAY RANGES PREFIXED BY THE LETTERS “A”, “B” AND “C” ON OR AFTER SEPTEMBER 1, 2010 WILL BE AN AMOUNT EQUAL TO 9% OF AN EMPLOYEE’S COMPENSATION, AND TO FURTHER PROVIDE THAT THE MANDATORY EMPLOYER CONTRIBUTION FOR EMPLOYEES HIRED IN POSITIONS AND PAY RANGES PREFIXED BY THE LETTERS “A”, “B” AND “C” ON OR AFTER SEPTEMBER 1, 2010 WILL BE IN AN AMOUNT EQUAL TO 7% OF AN EMPLOYEE’S COMPENSATION - Mark A. Koller, Director of Personnel, came forward to explain the change in the retirement plan from the 2 to 1 match to the 9% to 7% match.

This matter was taken under advisement.

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY FOR CONSTRUCTION OF A CONCRETE VERANDA ADDITION AT VINCENZO’S RESTAURANT AT 808 P STREET - Bill Whitley came forward on behalf of Vincenzo’s to answer questions.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JULY 26, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)
REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF JUNE, 2010 FROM BLACK HILLS/NEBRASKA GAS UTILITY CO., LLC - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

LINCOLN WATER & WASTEWATER SYSTEM Recapitulation of daily cash receipts for the month of July, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REPORT FROM CITY TREASURER OF E911 surcharge for 2nd quarter 2010: ACN COMMUNICATION SERVICES; May 2010: CHARTER FIBERLINK - NEBRASKA, LLC; June 2010: ACN COMMUNICATION SERVICES, AT&T TELECOMMUNICATIONS, COMTROL, TELCOM ASSETS, 8X8, INC., GRANITE TELECOMMUNICATIONS LLC, INetworks GROUP, INC., LEVEL 3 COMMUNICATIONS, QWEST, TWC DIGITAL PHONE, VONAGE AMERICA - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR APRIL 2010: MEGAPATH; 2nd quarter 2010: AMERIVISION, CAUSE BASED, COMTECH 21, DIGIZIP.COM, ENHANCED, INNETWORKS GROUP, NICCC TELECOM, OPX, ORBIT, PAG TELECOMMUNICATIONS, T-MOBILE, T-MOBILE COMMUNICATIONS, TELCOS SERVICES, INC., TECOM OF MIDWEST, BROADBAND DYNAMICS, BROADWING, BUSINESS TELECOM, CCELCO PARTNERSHIP, CINCINNATI BELL ANY DISTANCE, COVISTA, CRICKET COMMUNICATIONS, CTI LONG DISTANCE, DCT TELECOM GROUP, GLOBAL CROSSINGS TELECOMMUNICATIONS, GLOBALSTAR USA, GRANITE, IBM GLOBAL, INTELLICALL OPERATOR, KDDI AMERICA, MCLIBODUSA, NEBRASKA TECHNOLOGY, NEW CIRCULAR WIRELESS, NEW EDGE NETWORK, OMAHA CELLULAR, ONSTAR LLC, PRIMUS, PUBLIC COMM. SERVICES, QWEST COMMUNICATIONS, SIOUX CITY MSA, TCG OMAHA, TELCORP, TON SERVICES, TRACFONE WIRELESS, TRANS NATIONAL, TWC DIGITAL PHONE, UCN, USCC OF GREATER IOWA, USCC OF NEBRASKA/KANSAS, VERIZON WIRELESS, VIRGIN MOBILE USA, VOICECOM, WORKING ASSETS FUNDING SERVICE, WKC LICENSE, XD COMMUNICATIONS; June 2009: AT&T MOBILE TELEPHONE, BT AMERICAS, COVISTA, D&D COMMUNICATIONS, DCT TELECOM GROUP, 800 RESPONSES, ENHANCED, FIRST COMMUNICATIONS, GLOBALCOM, GRASSHOPPER GROUP, IBM, LIGHTYEAR NETWORK, MCI, NEXTEL WEST CORP, NORTH, NOS COMMUNICATIONS, NOSVA LIMITED PARTNERSHIP, NOVEA VENTURE PARTNERS, NPC, SRC LONG DISTANCE, SHAFFER COMMUNICATIONS, SPRINT COMMUNICATIONS, SPRING SPECTRUM, TELECOM MANAGEMENT, 360NETWORKS, TOTAL HOLDINGS, TRI-M COMM, TSG GLOBAL, UNITE PRIVATE, WHOLESALE CARRIER SERVICES, WINDSTREAM NEBRASKA, YESTEL USA, ZONE TELECOM - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, AUGUST 23, 2010 AT 3:00 P.M. FOR THE APPLICATION OF NEBRASKA FRESH-MEX, LLC DBA QDOBA MEXICAN GRILL FOR A CLASS I LIQUOR LICENSE LOCATED AT 211 N. 12TH STREET - CLERK read the following resolution, introduced by Adam Hornung.

CAMP Moved its adoption:
A-85950
BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 23, 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 Nebraska Fresh-Mex, LLC dba Qdoba Mexican Grill for a Class I liquor license located at 211 N. 12th Street.

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

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

THE FOLLOWING HAVE BEEN PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:
Administrative Amendment No. 10016 to Special Permit No. 09022 Wilderness Place Planned Service Commercial approved by the Planning Director on July 27, 2010 requested by Engineering Design Consultants, LLC to reduce the 100 foot setback for certain uses along the east property lines to a 50 foot green space with additional landscaping on the corner between the driveway on Crescent Drive and the driveway on S. 33rd Street per the submitted landscape plan. This plan retains the use restriction that no convenience store, gas pumps, fast food restaurants and car washes are permitted on the eastern half of Lot 1 unless they are incidental and accessory to the auto dealership. This property is generally located on the southwest corner at S. 33rd Street and Yankee Hill Road.
LIQUOR RESOLUTIONS - NONE

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

APPROVING AMENDMENT NO. 2 TO THE VILLAGE GARDENS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND VILLAGE GARDENS DEVELOPMENT COMPANY, LLC, RELATING TO THE ANNEXATION OF APPROXIMATELY 15.5 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 62ND STREET and YANKER HILL ROAD. (RELATED ITEMS: 10R-182, 10-99, 10-100) (ACTION DATE: 8/16/10)

ANNEXATION NO.10001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 15.5 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 62ND STREET and YANKER HILL ROAD. (RELATED ITEMS: 10R-182, 10-99, 10-100) (ACTION DATE: 8/16/10) - CLERK read an ordinance, introduced by Doug Emery, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18209, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE NO. 10006 - APPLICATION OF VILLAGE GARDENS DEVELOPMENT FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 62ND STREET and YANKER HILL ROAD. (RELATED ITEMS: 10R-182, 10-99, 10-100) (ACTION DATE: 8/16/10) - CLERK read an ordinance, introduced by Doug Emery, 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.

ADOPTING AN AMENDED AND RESTATED VERSION OF THE CITY OF LINCOLN EMPLOYEES’ RETIREMENT PLAN AND TRUST TO PROVIDE THAT THE EMPLOYER CONTRIBUTION FOR EMPLOYEES HIRED IN POSITIONS AND PAY RANGES PREFIXED BY THE LETTER "N" ON OR AFTER SEPTEMBER 1, 2010 WILL BE AN AMOUNT EQUAL TO 9% OF AN EMPLOYEE’S COMPENSATION; AND TO FURTHER PROVIDE THAT THE MANDATORY EMPLOYER CONTRIBUTION FOR EMPLOYEES HIRED IN POSITIONS AND PAY RANGES PREFIXED BY THE LETTER "N" ON OR AFTER SEPTEMBER 1, 2010 WILL BE IN AN AMOUNT EQUAL TO 7% OF AN EMPLOYEE’S COMPENSATION - CLERK read an ordinance, introduced by Doug Emery, adopting an amended and restated version of the City of Lincoln Employees’ Retirement Plan and Trust to provide that the employer contribution for employees hired in positions and pay ranges prefixed by the letters "N" on or after September 1, 2010 will be an amount equal to 9% of an employee’s compensation; and to further provide that the mandatory employee contribution for employees hired in positions and pay ranges prefixed by the letters "N" on or after September 1, 2010 will be in an amount equal to 7% of an employee’s compensation, the second time.

ADOPTING AN AMENDED AND RESTATED VERSION OF THE CITY OF LINCOLN EMPLOYEES’ RETIREMENT PLAN AND TRUST TO PROVIDE THAT THE EMPLOYER CONTRIBUTION FOR EMPLOYEES HIRED IN POSITIONS AND PAY RANGES PREFIXED BY THE LETTERS "A”, “B” AND "C" ON OR AFTER SEPTEMBER 1, 2010 WILL BE AN AMOUNT EQUAL TO 9% OF AN EMPLOYER’S COMPENSATION; AND TO FURTHER PROVIDE THAT THE MANDATORY EMPLOYER CONTRIBUTION FOR EMPLOYEES HIRED IN POSITIONS AND PAY RANGES PREFIXED BY THE LETTERS "A", “B” AND "C" ON OR AFTER SEPTEMBER 1, 2010 WILL BE IN AN AMOUNT EQUAL TO 7% OF AN EMPLOYEE’S COMPENSATION - CLERK read an ordinance, introduced by Doug Emery, adopting an amended and restated version of the City of Lincoln Employees’ Retirement Plan and Trust to provide that the employer contribution for employees hired in positions and pay ranges prefixed by the letters “A”, “B” and “C” on or after September 1, 2010 will be an amount equal to 9% of an employee’s compensation, the second time.

AMENDING TITLE 2 OF THE LINCOLN MUNICIPAL CODE, OFFICERS, DEPARTMENTS AND PERSONNEL, BY AMENDING SECTIONS 2.62.010, 2.65.010 and 2.66.010 RELATING TO THE ESTABLISHMENT OF POLICE AND FIRE PENSION FUND ARE TO BE MADE - CLERK read an ordinance, introduced by Doug Emery, amending Title 2 of the Lincoln Municipal Code, Officers, Departments and Personnel, by amending Sections 2.62.010, 2.65.010 and 2.66.010 relating to the establishment of Police and Fire Pension Plans A, B and C, respectively, to amend the date by which the required city normal cost contributions to the Police and Fire Pension Fund are to be made; and repealing Sections 2.62.010, 2.65.010 and 2.66.010 of the Lincoln Municipal Code as hitherto existing, the second time.
AMENDING SECTION 2.42.040 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT THE PARKING SERVICES DIVISION OF THE URBAN DEVELOPMENT DEPARTMENT SHALL BE RESPONSIBLE FOR MANAGING ON-STREET AND OFF-STREET PARKING OF THE CITY OF LINCOLN; AMENDING CHAPTER 10.02 OF THE LINCOLN MUNICIPAL CODE RELATING TO DEFINITIONS ASSOCIATED WITH VEHICLES AND TRAFFIC TO PROVIDE DEFINITIONS FOR "PARKING CONTROL OFFICER" AND "PARKING SERVICES ENFORCEMENT AREA"; AMENDING SECTION 10.06.010 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT THE DIRECTOR OF PUBLIC WORKS AND UTILITIES SHALL DETERMINE WHERE PUBLIC PARKING WILL BE METERED OR OTHERWISE REGULATED; AMENDING SECTION 10.06.040 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT PARKING CONTROL OFFICERS SHALL HAVE THE POWER TO ISSUE CITATIONS FOR THE SPECIFIC PARKING AND REGISTRATION VIOLATIONS SET FORTH IN SECTION 10.06.110(B) OF THE LINCOLN MUNICIPAL CODE; AMENDING SECTION 10.34.020 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT THE PARKING SERVICES DIVISION OF THE URBAN DEVELOPMENT DEPARTMENT SHALL BE RESPONSIBLE FOR INSTALLING PARKING METERS; AMENDING SECTION 10.34.100 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT THE PARKING SERVICES DIVISION OF THE URBAN DEVELOPMENT DEPARTMENT SHALL BE RESPONSIBLE FOR THE COLLECTION OF PARKING METER FEES; AMENDING SECTION 10.36.010 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT THE DIRECTORS OF PUBLIC WORKS AND UTILITIES AND URBAN DEVELOPMENT SHALL MAKE RECOMMENDATIONS TO THE MAYOR REGARDING THE CREATION OF OFF-STREET PARKING FACILITIES; AMENDING SECTIONS 10.36.030 AND 10.36.040 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT THE DIRECTOR OF URBAN DEVELOPMENT SHALL DESIGNATE, LOCATE, AND TAKE ALL STEPS NECESSARY FOR THE EFFECTIVE OPERATION OF GATED PARKING FACILITIES; AMENDING SECTION 10.36.100 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT THE DIRECTORS OF PUBLIC WORKS AND UTILITIES SHALL DETERMINE WHERE PUBLIC PARKING WILL BE METERED OR OTHERWISE REGULATED; AMENDING SECTION 10.36.040 OF THE LINCOLN MUNICIPAL CODE TO ESTABLISH A PARKING RECORDS BUREAU WITHIN THE URBAN DEVELOPMENT DEPARTMENT; AMENDING SECTION 10.06.070 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT PARKING CONTROL OFFICERS SHALL HAVE THE POWER TO ISSUE CITATIONS FOR THE SPECIFIC PARKING AND REGISTRATION VIOLATIONS SET FORTH IN SECTION 10.06.110(B) OF THE LINCOLN MUNICIPAL CODE; AMENDING SECTION 10.06.110 OF THE LINCOLN MUNICIPAL CODE TO SET FORTH THE VIOLATIONS FOR WHICH A PARKING CONTROL OFFICER SHALL ISSUE CITATIONS; AMENDING SECTION 10.34.030 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT THE PARKING SERVICES DIVISION OF THE URBAN DEVELOPMENT DEPARTMENT SHALL BE RESPONSIBLE FOR INSTALLING PARKING METERS; AMENDING SECTION 10.34.100 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT THE PARKING SERVICES DIVISION OF THE URBAN DEVELOPMENT DEPARTMENT SHALL BE RESPONSIBLE FOR THE COLLECTION OF PARKING METER FEES; AMENDING SECTION 10.36.010 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT THE DIRECTORS OF PUBLIC WORKS AND UTILITIES AND URBAN DEVELOPMENT SHALL MAKE RECOMMENDATIONS TO THE MAYOR REGARDING THE CREATION OF OFF-STREET PARKING FACILITIES; AMENDING SECTIONS 10.36.030 AND 10.36.040 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT THE DIRECTOR OF URBAN DEVELOPMENT SHALL DESIGNATE, LOCATE, AND TAKE ALL STEPS NECESSARY FOR THE EFFECTIVE OPERATION OF GATED PARKING FACILITIES; AMENDING SECTION 10.36.100 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT THE DIRECTOR OF URBAN DEVELOPMENT SHALL BE ACCOUNTABLE FOR ANY FEES COLLECTED RELATING TO IMPOUNDED VEHICLES - CLERK read an ordinance, introduced by Doug Emery, amending Section 2.42.040 of the Lincoln Municipal Code to provide that the Parking Services Division of the Urban Development Department shall be responsible for managing on-street and off-street parking of the City of Lincoln; amending Chapter 10.02 of the Lincoln Municipal Code relating to definitions associated with Vehicles and Traffic to provide definitions for "Parking Control Officer" and "Parking Services Enforcement Area"; amending Section 10.06.010 of the Lincoln Municipal Code to provide that the Director of Public Works and Utilities shall determine where public parking will be metered or otherwise regulated; amending Section 10.06.040 of the Lincoln Municipal Code to provide that Parking Control Officers shall have the power to issue citations for the specific parking and registration violations set forth in Section 10.06.110 of the Lincoln Municipal Code; amending Section 10.06.110 of the Lincoln Municipal Code to set forth the violations for which a Parking Control Officer shall issue citations; amending Section 10.34.020 of the Lincoln Municipal Code to provide that the Parking Services Division of the Urban Development Department shall be responsible for the collection of parking meter fees; amending Section 10.34.100 of the Lincoln Municipal Code to provide that the Parking Services Division of the Urban Development Department shall be responsible for the collection of parking meter fees; amending Section 10.36.010 of the Lincoln Municipal Code to provide that the Parking Services Division of the Urban Development Department shall be responsible for the collection of parking meter fees; amending Sections 10.36.030 and 10.36.040 of the Lincoln Municipal Code to provide that the Directors of Public Works and Utilities and Urban Development shall make recommendations to the Mayor regarding the creation of off-street parking facilities; amending Sections 10.36.030 and 10.36.040 of the Lincoln Municipal Code to provide that the Director of Urban Development shall designate, locate, and take all steps necessary for the effective operation of gated parking facilities; amending Section 10.36.100 of the Lincoln Municipal Code to provide that the Director of Urban Development shall set the parking fees to be collected relating to impounded vehicles, the second time.
APPROVING THE USE OF PUBLIC RIGHT-OF-WAY FOR CONSTRUCTION OF A CONCRETE VERANDA
ADDITION AT VINCENTZ’S RESTAURANT AT 808 P STREET - CLERK read the following
resolution, introduced by Doug Emery, who moved its adoption:

WHEREAS, Vincenzo’s Inc. has submitted an application for a permit to use
256 square feet of public right-of-way on the south side of Vincenzo’s
Restaurant at 808 P Street for construction of a concrete veranda addition; and
WHEREAS, said applicant has submitted a letter of application and a site
plan which are attached hereto, marked as Exhibit “A” and Exhibit “B”
respectively, and made a part of this resolution by reference, to use the public
right-of-way as above described; and
WHEREAS, said applicant has complied with all of the provisions of
Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

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

That the application aforesaid of Vincenzo’s Inc. to use 256 square feet
of public right-of-way on the south side of the building at 808 P Street for
the purpose of constructing a concrete veranda addition, be granted as a
privilege only by virtue of and subject to strict compliance with the site plan,
the letter of application, and the following terms and conditions:

1. That the permission herein granted is granted as a privilege only,
and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln
Municipal Code including those provisions relating to the posting of a
continuing bond in the amount of $5,000, the filing of a certificate of
insurance with a minimum combined single limit of $500,000.00 aggregate for any
one occurrence, and the payment of the annual fee of $128.00 (256 square feet @
$.50 per square foot) for the use of the surface of the public right-of-way.

2. That said use shall be in full accordance with the aforesaid
application, the site plan filed therewith, and with all applicable City
ordinances and regulations.

3. The applicant, its heirs, successors or assigns shall save and
keep the City free and harmless from any and all loss or damages or claims for
damages arising from or out of the use of the public way requested herein.

4. The applicant shall require its contractor to contact Diggers
Hotline of Nebraska prior to commencing construction activities.

5. All work done under the authority of this resolution shall be
subject to the inspection and approval of the Director of Public Works of the
City of Lincoln.

6. The use of the public way herein granted and the terms and
conditions of this resolution shall be binding and obligatory upon the above-
named applicant, its successors and assigns.

7. Within thirty (30) days from the adoption of this resolution, and
before commencing any construction under the provisions hereof, the above-named
applicant shall file an unqualified written acceptance of all the terms and
conditions of this resolution with the City Clerk. Failure to do so will be
considered a rejection hereof and all privileges and authorities hereunder
granted shall thereupon automatically terminate.

8. The City Clerk is directed to deliver a copy of this resolution to
the City Treasurer for setting up an account for collection of the applicant’s
annual fee.

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

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

APPROVING THE 98TH AND HOLDREGE CONDITIONAL ZONING AGREEMENT BETWEEN M. KENT AND
MARSHA PRIOR AND THE CITY OF LINCOLN REGARDING A CHANGE OF ZONE FROM AG
AGRICULTURAL TO AG AGRICULTURAL RESIDENTIAL TO ALLOW THREE SINGLE FAMILY
DWELLING LOTS, ONE OUTLOT, AND A BUILD THROUGH PLAN FOR FUTURE URBANIZATION ON
PROPERTY GENERALLY LOCATED AT 98TH STREET AND HOLDREGE STREET. (RELATED ITEMS:
10R-183, 10-86) (ACTION DATE: 8/23/10)
CHANGE OF ZONE 10007 - 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. (7/19/10 - PLACED ON INDEFINITE PENDING, NO DATE CERTAIN) (7/26/10 - REMOVED FROM PENDING, TO HAVE 1ST READING 8/9/10) RELATED ITEMS: 10R-183, 10-865 ACTION DATES: 8/23/10. 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 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

VACATION 10006 - VACATING MULTIPLE STREETS AND ALLEYS FOR THE WEST HAYMARKET REDEVELOPMENT AREA, GENERALLY LOCATED AT APPROXIMATELY NORTH 3RD STREET TO NORTH 7TH STREET FROM S STREET TO U STREET, AND SOUTH 5TH STREET AND NORTH 5TH STREET FROM L STREET TO T STREET - CLERK read an ordinance, introduced by Adam Hornung, vacating multiple streets and alleys in the West Haymarket Redevelopment Area, needed by BNSF Railway Company (BNSF) for a future railway corridor, the first time.

VACATION 10007 - VACATING J STREET FROM APPROXIMATELY SOUTH 2ND STREET TO 100 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET, AND VACATING SOUTH 2ND STREET FROM APPROXIMATELY THE NORTH RIGHT-OF-WAY LINE OF J STREET TO 143 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF J STREET - CLERK read an ordinance, introduced by Adam Hornung, vacating J Street from approximately South 2nd Street to 100 feet east of the east right-of-way line of South 3rd Street and South 2nd Street from approximately the north right-of-way line of J Street to 143 feet south of the south right-of-way line of J Street, the first time.

CHANGE OF ZONE 10015 - 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 PROVIDE THAT ANY 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 - CLERK read an ordinance, introduced by Adam Hornung, amending Section 27.41.040 of the Lincoln Municipal Code relating to Zoning by amending Section 27.41.040 to provide that any permitted use which exceeds the maximum height permitted in the H-2 Highway Business District may be allowed as a special permitted use in said district; amending Section 27.43.040 to provide that any permitted use which exceeds the maximum height permitted in the H-2 and H-3 zoning districts may be allowed 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, the first time.

AMENDING SECTION 5.41.130 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE TIMES DURING WHICH THE SALE AND DISPENSING OF ALCOHOLIC LIQUOR IS PROHIBITED, REQUIRING AN INTERNAL REVIEW AND PROVIDING FOR AN EFFECTIVE DATE OF 6:00 A.M. ON SEPTEMBER 10, 2010 - PRIOR to reading:

CARROLL Moved to amend Bill No. 10-107 to have 2nd Reading and Public Hearing on August 30, 2010 at 5:30 p.m. Cook seconded.

EMERY Moved to amend the amendment to Bill No. 10-107 to have 2nd Reading and Public Hearing on August 23, 2010 with Action on August 30, 2010. Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Spatz; NAYS: Hornung; ABSENT: Snyder.

Final vote on the amendment:

Carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Spatz; NAYS: Hornung; ABSENT: Snyder.

CLERK read an ordinance, introduced by Adam Hornung, amending Section 5.04.130 of the Lincoln Municipal Code to change the times during which the sale and dispensing of alcoholic liquor is prohibited and requiring an internal review, repealing Section 5.04.130 of the Lincoln Municipal Code as hitherto existing; and providing for an effective date of 6:00 a.m. on September 10, 2010, the first time.
ORDINANCES - 3rd READING & RELATED RESOLUTIONS (as required)

AMENDING SECTION 10.32.070 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKING OF VEHICLES ON STREETS ADJACENT TO RESIDENTIALLY ZONED PROPERTY TO EXTEND THE LENGTH OF TIME A TRUCK CABIN TRAILER AND SELF-PROPELLED MOBILE HOME, SEMITRAILER, TRAILER, OR TRUCK-TRACTOR MAY LAWFULLY PARK FOR LOADING OR UNLOADING, DELIVERY, OR COLLECTION OF GOODS, WARES, MERCHANDISE, OR MATERIALS FROM TWO HOURS TO FOUR HOURS - PRIOR to reading:

EMERY Moved MTA #1 to Bill No. 10-90 in the following manner:
1. On page 1, line 3, strike the word "truck" positioned before the words "cabin trailer", and after the words "mobile home" strike the phrase ", semitrailer, trailer, or truck-tractor".
2. On page 1, line 16, delete the word "truck" at the end of that line.
3. On page 1, line 17 delete the phrase ", semitrailer, trailer, or truck-tractor".
4. On page 1, between lines 20 and 21, insert the following language:

"provided, however, that a truck, semitrailer, trailer, or truck-tractor may lawfully park upon a street abutting property located within the aforesaid zoning districts for that period of time necessary for the expeditious loading or unloading, delivery, or collection of goods, wares, merchandise, or materials, but in no event for a period of time exceeding two hours; and"

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

CLERK Read an ordinance, originally introduced by John Spatz, amending Section 10.32.070 of the Lincoln Municipal Code relating to parking of vehicles on streets adjacent to residentially zoned property to extend the length of time a truck cabin trailer and self-propelled mobile home, semitrailer, trailer, or truck-tractor may lawfully park upon a street abutting property located within the aforesaid zoning districts for that period of time necessary for the expeditious loading or unloading, delivery, or collection of goods, wares, merchandise, or materials, but in no event for a period of time exceeding two hours; and

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

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

The ordinance, being numbered #19423, is recorded in Ordinance Book #26, Page

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY "M" - CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "M" and repealing Ordinance No. 19370, passed by the City Council on April 5, 2010, the third time.

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

The ordinance, being numbered #19424, is recorded in Ordinance Book #26, Page

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "C" BY CHANGING THE TITLE OF THE CLASSIFICATIONS STORES CLERK II, METER READER II, AND PARKS PLUMBER II - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ordinance No. 18972 passed August 6, 2007 relating to the pay schedules of employees whose classifications

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

The ordinance, being numbered #19425, is recorded in Ordinance Book #26, Page

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "N" BY CHANGING THE TITLE OF THE CLASSIFICATIONS STORES CLERK II, METER READER II, AND PARKS PLUMBER II - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ordinance No. 18972 passed August 6, 2007 relating to the pay schedules of employees whose classifications

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are assigned to the pay range which is prefixed by the letter "N," by changing the job classification titles of "Stores Clerk II," "Meter Reader II," and "Parks Plumber II," to "Stores Clerk," "Meter Reader," and "Parks Plumber," respectively, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19426, is recorded in Ordinance Book #26, Page


COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19427, is recorded in Ordinance Book #26, Page

OPEN MICROPHONE - NONE

TOOK BREAK 2:30 P.M. RECONVENED 2:31 P.M.

ONE AND SIX YEAR STREET & HIGHWAY PROGRAM

Council Chair Spatz: This Public Hearing is held each year to fulfill State Statutory requirements for the One and Six Year Streets and Highways Program and also serves as the public hearing for the City’s Capitol Improvements Program. It should be noted that the C.I.P. is a "Funding" document only. The One Year Program lists projects proposed for final design, right-of-way acquisition, construction or study during Fiscal Year 2010. The Second Through Sixth Year (FY 2012-2016) Program lists those projects which are in some phase of development or will enter the street planning process. The Program was identified on the public hearing notice, advertised in the Lincoln Journal Star on Sunday, July 18th, 2010 plus being placed on the City’s website and on Channel 5.

Citizens have 10 days from today to submit any statements or exhibits to the Public Works Department. Therefore, all statements and exhibits received on or before, August 19th, 2010 will become a part of the public hearing record. These statements should be forwarded to Roger Figard, City Public Works Department, Engineering Services, 531 Westgate Boulevard / Suite 100, Lincoln, Nebraska 68528.

The information received will be evaluated by the Public Works Department, and subsequently by the City Council. Final action will be taken by City Council resolution adopting the First Year of the C.I.P. Budget.

The State Statutory requirement ensures that an integrated system of public roads is provided for the general welfare of the state, counties and municipalities. The program is administered by the State Board of Public Roads Classifications and Standards.

Our proposed MPO Annual Report and the Capital Improvement Program for Fiscal Years 2011 thru 2016 reflects an average annual expenditure of nearly $25.9 million dollars. This average annual expenditure is comprised of $17.9 million dollars of city revenues, $4.5 million in federal aid and $3.5 million in other funds (includes State/Federal, Train Mile Tax, and Railroad Transportation Safety District).

This FY 2011 thru 2016 Streets and Highways Program, which is also the C.I.P., was earlier voted on by the Planning Commission on May 12th, 2010.
Clerk Ross: As part of the Mayor’s proposed budget, the budget also proposes to take the following action allowed by LB 989 as passed by the 1998 Nebraska State Legislature.

1. The Mayor’s Recommended Budget anticipates the use of allowable growth, if any, in the tax base above the 2.5% already provided by LB 989 for improvements to real property as a result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any increase in valuation due to annexation, and any personal property valuation over the prior year. This change is estimated as an increase of 0.5% pending certification of final valuations from the County Assessor’s office. It is the City’s intention to utilize the final percentage change or the 2.5% increase provided for by the certified final valuations, to increase the restricted funds base and to utilize various other lid exemptions provided in LB 989. An additional 1% of lid authority can be authorized by a super majority (5) vote of the City Council. It is the Administration’s intention to ask for this additional authority in the final budget resolution.

2. The City intends to carryover all unused restricted fund authority from prior and current fiscal years as well as any unused restricted fund authority from the 2009-10 budget to future fiscal years. This unused restricted fund authority is estimated at up to $16,000,000 but depends upon final completion of lid documents to be filed with the State Auditor’s Office. It is the City’s intention to carryover all unused restricted funds authority as determined by final completion of the forms.

PUBLIC HEARING

Lynn Johnson, Director of Parks & Recreation, came forward to speak on the proposed reorganization of the Community Forestry section with an eye toward the future. He acknowledged that Steve Schwab is an experienced, capable professional who has served in the position of City Forester for the City of Lincoln for 21 years and the community support for the position is an effort for continued effective management of Lincoln’s public trees. He reassured patrons that after reassignment of responsibilities, the level of service & response to citizens’ inquiries & concerns will not change. He said the new program will develop/implement training & recruitment in the Community Forestry Volunteer Program; the newly created position will emphasize the establishment of building community relationships bringing new skills/experience to the team. He reported that Community Forestry Section staff members are licensed arborists and during the upcoming year, the Community Forestry Operations Supervisor and the new Community Forestry Planner will become International Society of Arboriculture (ISA) certified. If needed in the interim, ISA certification expertise will be supplemented by the following: three Nebraska Forest Service & statewide arborist staff & three private company arborists in Lincoln. Mr. Johnson said management of Lincoln public trees is accomplished by an organizational approach not the efforts of a single position. It is estimated that there are 108,000 ash trees growing within city limits with a majority on private property. A general readiness plan for possible Emerald Ash Borer (EAB) infestation is in place and work is being done to monitor/research control of the insect. Economically, any infestation will be done on an individual tree basis. While Council Member Camp expressed concerns about reinstating the funds, Mr. Johnson said out of no disrespect to the City Council nor to Mr. Schwab and the work he has done, the budget plan is to move ahead with the Community Forestry Planner position to bring new abilities, experience & knowledge to the team.

Rick Hoppe, Mayor’s Chief of Staff, came forward to respond to Council concerns about the division of responsibilities between the executive/legislative branches. Mr. Hoppe explained that administrative action is not an effort to show disrespect, but an effort to preserve management prerogatives of the administration and making the changes necessary to move the City forward.

David M. Black, Jr., 2626 N. 49th St., Apt. 412, came forward in opposition to the elimination of bus service to a specific area.

Lois Newman, 2441 N. 44th St., came forward in opposition to the elimination of a particular bus route. She suggested Council members experience city transportation and invited them to ride the bus themselves.
Mitch Paine, 4500 Starr. Apt. #31, came forward representing the StarTran Advisory Board following public hearing last week in Council Chambers, their body moved to accept elimination of bus routes #56 Neighborhood South & #57 Neighborhood North based on low ridership. Mr. Paine said although it may not be as efficient, there are other routes that supplement these locations.

Greg Holloway, 350 Beech, Bee, NE, came forward as the State of Nebraska Department Commander for the Disabled American Veterans in opposition to the reduction of transportation to the north/south neighborhoods as it would greatly impact patients at the Veteran's Hospital. He proposed that any City savings might be applied to the purchase of a van for use in transporting veterans in those eliminated neighborhoods.

Greg Holloway, 350 Beech, Bee, NE, came forward as the State of Nebraska Department Commander for the Disabled American Veterans in opposition to the reduction of transportation to the north/south neighborhoods as it would greatly impact patients at the Veteran's Hospital. He proposed that any City savings might be applied to the purchase of a van for use in transporting veterans in those eliminated neighborhoods.

Kyle Fischer, 1135 M St., came forward representing the Lincoln Chamber of Commerce to speak in favor of the budget. He said the Chamber looked forward to engaging in a community-wide discussion to be a part of the solution in these times of limited resources.

Laura Wiese, 3911 J St., came forward as representative of the Lincoln Neighborhood Alliance with the concern that while water rate increases continue, there are no current year CIP budget plans to replace the 80 & 100 year-old water lines that are undersized for today's fire fighting situations.

Russell Miller, 341 S. 52nd St., came forward to share his opposition to the widening of Old Cheney Road from 70th to 82nd Streets using new construction wheel tax category funds plus State Highway Allocation Funds. He contends that all the allocation funds should be used to rehabilitate the aging streets and bridges over bike trails in the large part of Lincoln inside the 1960's city limits and not on the fringes of today's Lincoln.

Chip Doolittle, 9647 Ruggles, Omaha, came forward representing his tree care company, Arbor Systems, Inc., expressing opposition to the elimination of the City Forester position. He said without professional management of tree problems, he feels the City of Lincoln is wide open to liability issues. He questioned the ability of a volunteer to apply a proper cut.

Council Chair Spatz requested a show of hands and estimated that about 30-33 citizens in attendance currently support the position of a City Forester.

Mark Harrell, PhD., 536 W. Keating Circle, came forward as an entomologist and Forest Health Program Leader for the Nebraska Forest Service expressing opposition to the elimination of the leadership position of a City Forester. He identified concerns associated with the infestation threat of EAB since its 2002 appearance in Michigan. The infestation travels 50-100 miles each year and is presently 300 miles from Nebraska. Dr. Harrell suggested the City start to identify ash trees needing removal. Within ten years of EAB arrival, as many as 55-75,000 of Lincoln's ash trees could be killed. He said in the absence of forestry experts, the work ahead will be less effective.

John Lesiak, 515 Fremont St., Parks & Recreation - Forestry, came forward in opposition to the elimination of a City Forester as it would create liability issues. He feels a priority should place tree trimming for safe vehicular travel should precede cutting of park grass. Mr. Lesiak reported that Meadowlone is predominantly forested with ash trees, so losses there could be great.

Allen Keen, 3910 S. 80th St., 34-year forestry veteran, came forward in opposition to the elimination of a City Forester.

Cathy Beecham, 3024 Stratford Ave., came forward in opposition to the elimination of a City Forester. She said the urban canopy belongs to the entire City and with the oncoming impact of EAB someone needs to be in charge.

Shannon Rosauer, 3510 Woods Ave., came forward in opposition to the elimination of a City Forester. She said retention of the position will set a proactive approach to EAB showcasing Lincoln as an example of a Green City – preserving the safety, beauty and health of trees.

Peggy Campbell, 3156 Alden Ave., came forward in opposition to the elimination of a City Forester.

Tom Hart, 381 S. 35th St., came forward in opposition to the elimination of a City Forester as he feels the reassignment of duties will neither be efficient nor financially responsible.

Vince Murphy, 4636 Knox St., came forward in opposition to the elimination of a City Forester.

Kathryn Johnston, 601 S. 18th St., Apt. 303, came forward representing the League of Human Dignity in opposition to cutting bus routes. She suggested that transportation hours be extended because as it is, riders cannot travel after 6:00 p.m. and cab fares are expensive.

Dick Patterson, 230 S. 29th St., came Forward representing Woods Park Neighborhood Advisory Board opposing the elimination of City Forester position. He concluded as an experienced professional, Mr. Schwab was instrumental in accessing grant funds used for replacement of 50-year-old Chinese elm trees.
Eric Berg, 7915 Sycamore Dr., came forward to comment on the need for a City Forester. He stated that he is a Community Forestry Coordinator with the Nebraska Forestry Service working with 630 communities around the state. He offered solutions to cut costs: 1) partner with LES for the CF position, OPPD has four of them; 2) partner with NRD for the CF position as they do urban forestry planning in the City; 3) search out grants at the State/Federal levels.

Patrick Schilke, 1435 K St., Apt. 12, came forward as a bus rider from Argosy Apartments questioning which bus routes will replace those he normally rides. Council directed him to get immediate answers from Public Works & Utilities staff present at the meeting.

Ron Ecklund, 800 Danville Circle, came forward representing LIBA in support of a budget that does not raise property taxes.

Coby Mach, came forward representing LIBA in support of a budget that does not raise property taxes. He also expressed approval of the Mayor & City Council’s efforts to reduce the 200% retirement match. He suggested that the Mayor work on reducing his own department budget as his personnel budget increased 22% since 2008. In an effort to control various department salaries, he encouraged the Mayor & City Council to actively seek state reform of the Commission of Industrial Relations (CIR). He suggested a staff line item in the Library Department before the main branch library relocates to a larger facility. Mr. Mach praised department success stories of outsourcing certain job duties. He asked Council to look at the privatization of other City services to save money.

Karina Reinke, 5840 M St., came forward with questions about changes in the Parks & Recreation Department. In an effort to compare the oncoming EAB infestation with human epidemic preparedness, Ms. Reinke stated that the Health Department budget was not cut before the arrival of the swine flu. She said the current City Forester’s research experience was evidenced when he was able to access $172,000 in grant money for use in the new Union Plaza.

Elizabeth Rupp, 4031 LaSalle St., came forward in opposition to the elimination of a City Forester. She questioned how can a Green Capitol City, home of the Arbor Day Foundation, home to 1.5 million trees, not have a City Forester?

Rod M. Confer, City Attorney, came forward to answer Council questions. He said the executive branch makes the determination of how the money will be spent. The legislative branch can appropriate the money but then it is up to the executive branch as to how it will be allocated. Mr. Confer further clarified that the Charter and ordinances give the Mayor the responsibility and authority to organize the government in the way that he sees fit and determine the positions for which those funds are going to be used.

Brad Loos, 2742 Scott Ave. came forward in opposition to the elimination of the Neighborhood North/South routes. He prefers bus service to be extended with longer hours/better routes. In response to Council questions, he feels quality is better than quantity.

Kelly Carter, 5540 Shady Creek Ct., came forward in opposition to the proposed budget. As one of the eliminated Public Service Officers, she feels that if parking services are privatized, quality of service will be lost. She said PSO’s have the training, knowledge & experience to do the job. They follow the same code of ethics as police officers.

Brenda Miller, 4911 London, came forward in appreciation as a restored Public Service Officer but was opposed to the privatization of parking services. Ms. Northcott, 7322 S. 23rd St., came forward in appreciation as a restored PSO and requested retention of the downtown PSO’s.

Bill McCamley, 1925 Van Dorn St., came forward to state he is in favor of all the new projects that improve Lincoln, including the South Beltway Project. He said in spite of all the glitzy new projects, he has noticed changes that describe a city in decline. He suggested that a tax increase of just over 50 cents per person would close the budget shortfall and leave our reserves alone.

Ed Swotek, 5340 McKelvie Rd., Chairman, Downtown Lincoln Association, came forward in support of the new parking ambassador program as it will bring a better coordinated, more efficient & more customer friendly approach which has proven to be successful in many cities throughout the country. He said the First Hour Free program is already making a significant impact downtown. Mr. Swotek said subject to approval of an RFP, solar-powered parking meters are to be installed that accept credit/debit cards.

Terry Uland, DLA President, came forward in support of the new parking ambassador program.

Stacey Bergis, 5542 Shady Creek Ct. #8, came forward with disappointment sharing that her PSO position had been eliminated but gave examples of her past experience on the job.
Marge Schlitt, 2600 C St., came forward stating that as a Lincoln resident since 1964, she feels that to continue as an All-American City, citizens need to pay more taxes.

Rosina Paolini, 1850 Dakota St., came forward with collected signatures of residents who are in favor of an increase in the property tax levy. She gave the Council written testimony from her father-in-law who could not be present due to illness.

Linda Ewoldt, 3610 W. Springview, came forward expressing appreciation as a reinstated Public Service Officer. She requested reinstatement of the other PSOs stating that the job involves more than parking enforcement.

Sue Bartek, 7100 S. 29th St., came forward to comment. She said if parking is privatized, the City will be giving away a great source of revenue.

Robert Smith, 1829 O St. #4, President of the Nebraska Arborist Association came forward to comment on best practices as he provides leadership for many groups serving on various councils and committees. He offered solutions to uphold the importance of forestry stating that green infrastructure costs less than gray infrastructure accomplishing the Mayor’s goal of a cleaner, greener Lincoln. He noted that street trees actually lengthen the life of asphalt; also, asthma rates in neighborhoods with street trees go down. Mr. Smith is the state director of the volunteer program of the National Arborist Association. He gave the example of Atlanta’s $65 - 2½ month program. Volunteers take important messages about urban forestry and communicate/market them in the community.

Jeff Altman, 2319 Winding Way, came forward on behalf of the Nebraska Commission for the Blind and Visually Impaired in opposition to the reduction of bus routes. He said 70% of blind people face unemployment, some of that due to lack of transportation. Difficulty also arises when many businesses move further out from the City’s core. He suggested Council use their power to ask the Mayor to rework the budget, raising taxes if needed, because cutting expenditures cuts into peoples’ lives.

Brad Stevens, 4301 N. 39th St., came forward as the Nebraska State Director for Prosperity representing its Lincoln members. They are in support of the principles behind the budget explaining it is balanced and does not increase taxes. He said he is astonished that 70-75% of tax revenue goes to personnel. He asked Council to show a unified effort toward reasonable, responsible CIR reform.

Cindy Jeffrey, 7524 S. 37th St., came forward as Chairwoman of the Community Forestry Board opposing budget cuts to the forestry section. As a group comprised of volunteers themselves, they support & encourage volunteers for a community forestry infrastructure and ask for appropriate management/matching skills to activities/training. She said if the position is lost, Lincoln will be the only city in the Midwest without a City Forester in comparison to 11 other cities that have one.

Dale Gardner, 4415 Calvert, came forward to request adequate funds be designated for sidewalk repair, preferably at his residence.

Richard Halvorsen, 6711 Inverness, came forward in opposition to the elimination of Public Service Officers as they are dedicated public servants who can perform as ambassadors for the City of Lincoln.

Steve Schwab, 3510 Woods Ave., came forward as Lincoln’s City Forester for the past 31 years. While he said he was not present for the hearing, he stated reasons why Lincoln needs a City Forester: 1) a Forestry Planner position description does not exist as yet; 2) a CF is an administrative position responsible for management of a city-wide program; 3) a CF position requires a degree in forestry, extensive management experience, national/local certification, licensing; 4) a CF is the only certified arborist with both ISA and NAA; 5) a CF is responsible for code enforcement on private property; 6) forestry expertise/experience is needed to respond to the catastrophic EAB infestation and reforestation plan; 7) volunteers are important but successful programs across the state are nonprofit programs started by nonprofit groups which have full-time staff/corporate funding.

This matter was taken under advisement.

TOOK BREAK 5:54 P.M. RECONVENED 6:30 P.M.

Marilyn McNabb, 1701 W. Rose St., came forward to request an increase in property tax as Lincoln is growing in population and geography. Democracy is about sharing the burden for things we cannot do for ourselves.

This matter was taken under advisement.
Council that is not a direction Lincoln is headed. He believes well-managed trees are an asset and poorly managed trees are a liability. Mr. Johnson clarified that volunteers will be trained, supervised, involved in appropriate activities and not assessing/removing hazardous trees nor working on private property. Liability issues have been worked out with Risk Management and Law Department. He said so far this year, they have had 1,100 volunteers who provided 7,600 hours of service. He stated that the bottom line is that the community will see the same level of service for less dollars. By engaging the Community Forestry Advisory Board & others in development of the new volunteer program, they will make this a productive & positive process that is right for Lincoln.

Mr. Hoppe came forward to address questions and comments. He clarified the following StarTran information: South route gets 500 trips/mo.; North route gets 900 trips/mo.; and Vets Hospital/Admin. route gets 5,000 trips/mo. Mr. Hoppe reminded everyone that while the budget increased 3.6%, overall it has been well below the rate of inflation for the past three years.

Ken Svoboda, 7309 Skyhawk Cir., came forward representing the Willard Community Center as a 6+ yr. board member in the West A Neighborhood. Following notice in July that $34,000 was no longer being funded by the City, an emergency session was called and a budget savings was achieved through the assistance of volunteers in professional capacities. In accepting a compromise of $17,000, the Willard Board hopes to transition into full self-sustainability and accept the deed to the building.

Cathy Plager, 1941 W. Peach Cir., came forward representing the Willard Community Center as Board President. Being built in 1910, Willard had been supported by the City on/off since 1973; following establishment in 1980, a partnership in cost began. WCC sponsors programs with Lakeview Community School, Roper Elementary, Park Middle School, as well as teen/elderly programming & bingo serving approximately 593 non-duplicated students in a years’ time.

Janelle Soderling, Executive Director of Willard Community Center was on hand for questioning.

Karen Vogeley, 3535 Frost Ct., came forward in opposition to the elimination of a City Forester. She suggested transferring funds from Aging Partners to Forestry as she sees more & more of the aging population enjoying parks, trails and outdoor activities in the community.

Jonathan Skean, 1700 S. 21st St., came forward in opposition to the elimination of a City Forester as he feels the position is critical to the management of the City's trees.

Steven DeLair, 3412 Woods Ave., came forward in opposition to the elimination of a City Forester as it is a position of authority, knowledge & leadership.

Lee Tripp, 2004 Booth Cir., came forward in opposition to the elimination of a City Forester as it will be a great loss to the City. Mary Schwab, 3510 Woods Ave., came forward in opposition to the elimination of a City Forester as it is a leadership position that is proactive not reactive. She asked if an entry-level Forestry Planner can be in charge of 1.5 million trees and face the oncoming Emerald Ash Borer?

Rick Bagby, 389 S. 47th St., came forward as President of the Witherbee Neighborhood Association representing over 400 paid members in Midtown Lincoln - a neighborhood of mature trees - in opposition to the proposed budget cuts in the Forestry Section.

Dan King, 2350 S. 34th St., Greater South Neighborhood Association, came forward in opposition to the elimination of the City Forester position. As Scout Master for Westminster Boy Scout Troop 61, he recounted a spring tree-planting experience with the current CF on the Rock Island Trail that will remain with middle-school boys for years to come.

John Austin, 826 South 14th St., came forward to inquire about tree trimming responsibilities. He also requested Council not to eliminate the veteran’s bus route. He suggested that senior citizens should get a bus fare discount.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP

Moved to extend the Pending List to August 9, 2010.

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

CAMP Moved to approve the resolutions to have Public Hearing on August 16, 2010. Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Spatz; NAYS: None; ABSENT: Snyder.

ADJOURNMENT  7:23 P.M.

CAMP Moved to adjourn the City Council meeting of August 9, 2010. Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Spatz; NAYS: None; ABSENT: Snyder.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant