THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, AUGUST 16, 2010 AT 3:00 P.M.

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

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

READING OF THE MINUTES

HORNUNG Having been appointed to read the minutes of the City Council proceedings of August 9 reported having done so, found same correct.

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

PROCLAMATION BY MAYOR CHRIS BEUTLER RECOGNIZING THE STAFF OF THE SPECIAL OLYMPICS 2010 USA NATIONAL GAMES

Mayor Beutler came forward stating the economic impact to Lincoln was very substantial, but as great as that was the emotional impact the athletes had on the community was the most important thing of all. There was a very talented group of people who were at the core of the success of this having the responsibility of making all of this happen. He acknowledged the City and County employees who worked hard hand in hand with the Special Olympics staff and the volunteers and the Lincoln business community who put a lot of money into the event. He presented to Charles Cooper, CEO of the Special Olympics 2010 USA National Games, and his staff a special Proclamation proclaiming Monday, August 16, 2010, Special Olympics 2010 USA National Games Staff Appreciation Day.

Charles Cooper, Special Olympics CEO, stated this was really a labor of love. His staff worked tirelessly 60 to 80 hours a week to make this a success. He expressed his appreciation to his staff and to Lincoln for what they did for the games and how they embraced the games. Thank you for Lincoln being Lincoln. He noted the athletes and families put on a website, www.2010specialolympics.org, thousands of pictures and videos with most of them being about Lincoln. There were so many hits on the web broadcast through CNN that it actually knocked the system down which was the largest response CNN had ever gotten online.

PUBLIC HEARING

APPLICATION OF JO MAR INC. DBA THE STILL FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA APPROXIMATELY 100 FEET BY 120 FEET IN THE FRONT PARKING LOT AT 6820 SOUTH 70TH STREET ON AUGUST 28, 2010 FROM 4:00 P.M. TO 10:00 P.M. - John Barker owner of The Still Liquor Store will be celebrating 30 years in business. The event, a barbeque and beverages, will be from 6:00 p.m. to 10:00 p.m. They will be charging for the alcohol. They had planned on having music, but no amplified music is allowed in the B-2 area.

This matter was taken under advisement.

APPLICATION OF TRADER JOE’S COMPANY DBA TRADER JOE’S #722 FOR A CLASS C LIQUOR LICENSE AT 3120 PINE LAKE ROAD, SUITE R; MANAGER APPLICATION OF JOSEPH T. ENGLISH FOR TRADER JOE’S COMPANY DBA TRADER JOE’S #722 AT 3120 PINE LAKE ROAD, SUITE R - Joseph English, no address given, stated he is the Captain or Store Manager, but will not be physically at this store’s location. There will be a manager moving into this area who will be added to the license. The store will open November 1, 2010. It is a value oriented, unique grocery store with a wide selection of organic and imported items. This store will be a smaller size of 12,000 sq. ft. They are looking to hire 70 to 80 employees at this location.

This matter was taken under advisement.
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 - Rick Peo, Asst. City Attorney, came forward to state this is part of a plan of acquiring land and rights-of-way for a rail corridor for the relocation of the tracks in order to construct the arena and other West Haymarket projects. The operative date of the vacation will actually be when final agreement is entered into with the Burlington Northern Santa Fe Railway. The reason for the unique language is that the City does not want to lose ownership of the right-of-way without an agreement and not have the necessary utility easements the City may need back. Burlington Northern will actually create new corridors for utilities and easements that will be dedicated to the City.

John Austin asked if this was in conjunction with the arena? Chair Person Spatz answered yes. This matter was taken under advisement.

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 - Rick Peo, Asst. City Attorney, stated this is part of the West Haymarket Project and is to also create a quiet zone for rail transportation through this area. There will be a motion to amend next week to eliminate the 3rd Street vacation and eliminate the vacation of J Street straight east of the east right-of-way line of 2nd Street. There are two private utility companies that take access off of 3rd and J Street and they are not willing to enter into a private railroad crossing with Burlington Northern for that access so it needs to be kept public for the time being.

Danny Walker, 427 "E" Street, came forward in opposition to closing the 2nd and J Street BNSF crossing. He is concerned with emergency access to this area.

Mr. Peo stated this closure was and is a demand of Burlington Northern Northern Santa Fe as part of the planned exchange agreement the City has with them for the West Haymarket project. This was a crossing they were always serious about, but 3rd and J Street were not as critical to Burlington Northern so did not care if it was left open to the public.

Jon Camp asked what the emergency vehicle response time would be if this street is closed. Mr. Peo stated he would see that Mr. Camp received a written response to his question. This matter was taken under advisement.

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 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; AND 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 - Steve Henrichsen, Planning Department, stated this item was associated with a Special Permit requesting a flag pole for a business in the H-3 zoning district. This is already allowed in the O-1, B-4, H-4 and 2 Industrial District through a Special Permit application so felt it would be appropriate to also allow an application in the H-2 and H-3 district. The Fire Department has not expressed concern about the height of buildings in relation to having enough equipment in case of a fire.

John Austin asked if you have to have a Special Permit to have a flag on top of a building? He was referred to Mr. Henrichsen for an answer.

Clyde Anderson, no address given, came forward to state he was the one who requested a change to the code in order to install a flag on top of his building. He asked if because of the height of the flag pole the height of buildings should be restricted for the Fire Department. He was concerned that if this was to be changed the height of the flag pole would not be allowed.

Mr. Camp stated the flag poles are not a concern the concern was more tall buildings in the City of Lincoln could create a need for more ladder trucks that could cause a financial burden on the City. This matter was taken under advisement.
APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND SECURITY EQUIPMENT - LINCOLN FOR THE ANNUAL REQUIREMENTS FOR SECURITY ALARM SYSTEM SERVICES, PURSUANT TO QUOTE 3060, FOR A FOUR-YEAR TERM - Lynn Johnson, Director of Parks & Recreation, stated this is to approve a four-year agreement for a security alarm system to serve the muni bathhouse building located at 21st and M Street where the Parks and Recreation Department have offices located as well as a storage area. He stated they are subject to the new alarm ordinance and know what the amount will be each month. This matter was taken under advisement.

APPROVING AND ACCEPTING A GRANT AWARD NOTIFICATION FROM THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR THE MOBILIZING FOR ACTION THROUGH PLANNING AND PARTNERSHIPS PROGRAM FOR A TERM OF JULY 1, 2010 THROUGH DECEMBER 31, 2011 IN THE AMOUNT OF $15,000.00 - Bruce Dart, Director of Health Department, stated this grant allows us to implement a very structured community health plan which is a 15 month agreement. This matter was taken under advisement.

APPROVING MEMORANDUMS OF UNDERSTANDING BETWEEN THE CITY OF LINCOLN AND 12 COMMUNITY PARTNER AGENCIES AND ORGANIZATIONS FOR ASSIGNMENT OF AMERICORPS MEMBERS ASSOCIATED WITH THE RECOVERY-GO GREEN INITIATIVE AMERICORPS PROJECT SPONSORED BY THE PARKS AND RECREATION DEPARTMENT FOR A 15-MONTH PROGRAM FUNDED THROUGH A FEDERAL AMERICORPS PROGRAM GRANT - Lynn Johnson, Director of Parks & Recreation, stated this is a federally funded program where we work with a number of community partners to place Americorps members throughout the community. The Parks & Recreation Department administers the grants and have a Memorandum of Understanding with a number of community agencies to place Americorps members with them. This program is funded by stimulus funds which extends the period from 12 months to 15 months. This matter was taken under advisement.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE AMALGAMATED TRANSIT UNION FOR A TWO YEAR TERM EFFECTIVE AUGUST 19, 2010 - Mark A. Koller, Director of Personnel, stated this is a two year contract which contains the new pension language which changes the match from what it was to the new City 9% and employee 7%. It also has a 2.5% wage increase. This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING RUTH JONES TO THE CITY PERSONNEL BOARD FOR A TERM EXPIRING JUNE 22, 2015 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85952 
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Ruth Jones to the City Personnel board for a term expiring June 22, 2015 is hereby approved. 
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 2, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

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

Administrative Amendment No. 10241 to Special Permit No. 09029, Springs at Heritage Lakes Community Unit Plan, approved by the Planning Director on August 5, 2010, requested by Continental 206 Fund, LLC, to revise the site layout to show the development over one lot instead of two and to eliminate the internal common access easement, on property generally located near S. 91st Street and Heritage Lakes Drive.

Administrative Amendment No. 10247 to Use Permit No. 117C, Horizon Business Center, approved by the Planning Director on August 5, 2010, requested by Alan Schroeder, to add the use of “storage garage” to the approved 41,600 square feet of mini-warehouse area on Lot 37 of the Horizon Business Center Use Permit, on property generally located at S. 14th Street and Infinity Court.

Administrative Amendment No. 10312 to Use Permit No. 150B, Appian Way Regional Shopping Center Phase II, to revise the Land Use Table for Lot 1, Block 4, to show one-half the allocated floor area as office and one-half the allocated floor area as medical office and amending the trip generation calculations accordingly, on property generally located near S. 84th Street and Highway 2.

THE FOLLOWING HAS BEEN REFERRED TO THE PLANNING DEPT.:

Special Permit 10029 - Application of Douglas Oxley to allow an indoor animal hospital generally located on the northwest corner of S. 48th Street and Normal Boulevard.
LIQUOR RESOLUTIONS

APPLICATION OF JO MAR INC. DBA THE STILL FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA APPROXIMATELY 100 FEET BY 120 FEET IN THE FRONT PARKING LOT AT 6820 SOUTH 70TH STREET ON AUGUST 28, 2010 FROM 4:00 P.M. TO 10:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85953
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 Jo Mar Inc. dba The Still for a Special Designated License to cover an area measuring approximately 100 feet by 120 feet in the front parking lot at 6820 South 70th Street, Lincoln, Nebraska, on the 28th day of August, 2010, between the hours of 4:00 p.m. and 10:00 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 Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPLICATION OF TRADER JOE’S COMPANY DBA TRADER JOE’S #722 FOR A CLASS C LIQUOR LICENSE AT 3120 PINE LAKE ROAD, SUITE R - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85954
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 Trader Joe’s Company dba Trader Joe’s #722 for a Class “C” liquor license at 3120 Pine Lake Road, Suite R, Lincoln, Nebraska, for the license period ending October 31, 2010, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
2. The premise must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

MANAGER APPLICATION OF JOSEPH T. ENGLISH FOR TRADER JOE’S COMPANY DBA TRADER JOE’S #722 AT 3120 PINE LAKE ROAD, SUITE R - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85955
WHEREAS, Trader Joe’s Company dba Trader Joe’s #722 located at 3120 Pine Lake Road, Suite R, Lincoln, Nebraska has been approved for a Retail Class “C” liquor license, and now requests that Joseph T. English be named manager; WHEREAS, Joseph T. English appears to be a fit and proper person to manage said business.
NOW, THEREFORE, 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 Joseph T. English be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

ORDINANCES - 2ND 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 AGR 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 - PRIOR to reading:
CARROLL Moved to continue Public Hearing on Bill No. 10R-183 one week to 8/23/10 with Action 8/30/10.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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. (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, 10-86) (ACTION DATE: 8/23/10) - PRIOR to reading:
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING

PUBLIC HEARING - RESOLUTIONS

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND SECURITY EQUIPMENT - LINCOLN FOR

The attached multi-year contract between the City of Lincoln and Security Equipment - Lincoln for annual requirements for Security Alarm System Services, pursuant to Quote 3060, for a four-year term, upon the terms as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JULY 16 - 31, 2010 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption: A-85957

That the claims listed in the attached report, marked as Exhibit "A", dated August 8, 2010, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

DENIED CLAIMS

ALLORED/SETTLED CLAIMS

WITHDRAWN CLAIM

$6,800.26

* No Amount Specified
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
WHEREAS, the City of Lincoln adopted Resolution No. A-82850 on July 12, 2010, approving a Supplemental Project Program Agreement with the understanding that the City of Lincoln is committed to providing local funds for the project as required by the Supplemental Project Program Agreement.

A-85959

That the attached Grant Award Notification from the Nebraska Department of Health and Human Services to the City of Lincoln on behalf of the Lincoln-Lancaster County Health Department in the amount of $15,000.00, for the Mobilizing for Action Through Planning and Partnerships Program for the period of July 1, 2010 through December 31, 2011, in accordance with the terms, conditions and assurances contained in the Grant award letter, is hereby approved and accepted.

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

APPROVING MEMORANDUMS OF UNDERSTANDING BETWEEN THE CITY OF LINCOLN AND 12 COMMUNITY PARTNER AGENCIES AND ORGANIZATIONS FOR ASSIGNMENT OF AMERICORPS MEMBERS ASSOCIATED WITH THE RECOVERY-GO GREEN INITIATIVE AMERICORPS PROGRAM SPONSORED BY THE PARKS AND RECREATION DEPARTMENT FOR A 15-MONTH PROGRAM FUNDED THROUGH A FEDERAL AMERICORPS PROGRAM GRANT - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85999

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Memorandums of Understanding between the City of Lincoln and 12 community partner agencies and organizations: Calvert Recreation Center, 2010 Special Olympics, Lincoln Parks & Recreation Forestry Department, Watershed Management, Everett/McPhee CLC and Summer Camps, Community CROPS, American Red Cross, Lincoln Area Agency on Aging, Wastewater and Solid Waste Department Recycling, Lincoln-Lancaster Health Department, Lancaster County-UNL Extension Office and Stronger Safer Neighborhoods, for assignment of AmeriCorps members associated with the Recovery-Go Green Initiative AmeriCorps Program sponsored by the Lincoln Parks and Recreation Department for a 15-month program which is funded through a Federal AmeriCorps Program grant, in accordance with the terms and conditions contained in said Memorandums of Understanding, are 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 an original of each of the 12 Memorandums of Understanding to Lynn Johnson, Parks and Recreation Department Director for transmittal to the parties.

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

APPROVING A SUPPLEMENTAL AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO MODIFY AGREEMENT LANGUAGE FOR PROJECT LETTING BY NDOR AND ASSURE TO LINCOLN PUBLIC WORKS DEPARTMENT AS WELL AS ANY OTHER CITY DEPARTMENTS AND AGENCIES THE OBLIGATION OF A RESPONSIBLE CHARGE PERSON FOR THE ANTELOPE VALLEY SOUTH STREET BRIDGE PROJECT - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85960

WHEREAS, the City of Lincoln adopted Resolution No. A-82850 on July 12, 2004 approving an agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal funds for Project No. STPC-5212(5), Control No. 11215K, for Federal funding of the Antelope Valley South Street Bridge and Road Project between 37th and 38th Streets; and
WHEREAS, it is now necessary to approve a Supplemental Project Program Agreement between the City of Lincoln and the State Department of Roads for the Antelope Valley South Street Bridge and Road Project; and
WHEREAS, the City of Lincoln understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and
WHEREAS, the City of Lincoln and the Nebraska Department of Roads (NDOR) wish to enter into the Supplemental Project Program Agreement setting out the various duties and funding responsibilities for this Federal-aid project.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the Supplemental Project Program Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the Antelope Valley South Street Bridge and Road Project between 37th and 38th Streets, attached hereto as Attachment “A” is hereby approved and Chris Beutler, the Mayor of the City of Lincoln, is hereby authorized to sign the attached Supplemental Project Program Agreement with the understanding that the City of Lincoln is committed to providing local funds for the project as required by the Supplemental Project Program Agreement.
The City Clerk is directed to return the executed copies of the Supplementary Project Program Agreement to Kris Humphrey in the Department of Public Works and Utilities for transmittal and execution by the State Department of Roads.

Introduced by Adam Hornung

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

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE AMALGAMATED TRANSIT UNION FOR A TWO YEAR TERM EFFECTIVE AUGUST 19, 2010 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

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

That the attached labor contract between the City of Lincoln and the Amalgamated Transit Union, to be effective as of August 19, 2010, be hereinafter approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Adam Hornung

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)

VACATION 09006 – VACATING NORTH 14TH STREET FROM THE SOUTH RIGHT-OF-WAY LINE OF NEW HAMPSHIRE TO THE NORTH LINE OF THE RAILROAD RIGHT-OF-WAY - CLERK read an ordinance, introduced by Jayne Snyder, vacating a portion of North 14th Street from the south right-of-way line of New Hampshire Street to the north right-of-way line of the Burlington Northern Railroad, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

VACATION 10010 – VACATING A PORTION OF THE EAST-WEST ALLEY ABUTTING LOTS 4-9, BLOCK A-85961 LOCATED BETWEEN Q AND R STREETS AND 8TH AND 9TH STREETS - CLERK read an ordinance, introduced by Jayne Snyder, vacating the east-west alley between Q and R Streets and 8th and 9th Streets, and a portion of the abutting 8th Street right-of-way and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE VILLAGE OF FIRTH FOR THE LEASE OF SPACE BY AGING PARTNERS FOR ITS SENIOR CENTER PROGRAM AT 311 NEMAHAY STREET, FIRTH, 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 the Village of Firth for the lease of office space by the Aging Partners for its Senior Center program at 311 Nemaha Street, Firth, NE 68358 for a term beginning September 1, 2010 through August 31, 2011, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE PAMANA CAFÉ FOR THE LEASE OF SPACE BY AGING PARTNERS FOR ITS SENIOR CENTER PROGRAM AT 310 LOCUST STREET, PANAMA, 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 the Panama Café for the lease of space by the Aging Partners for its Senior Center program at 310 Locust Street, Panama, NE 68419 for a term beginning September 1, 2010 through August 31, 2011, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE AMERICAN LEGION POST #280 FOR THE LEASE OF SPACE BY AGING PARTNERS FOR ITS SENIOR CENTER PROGRAM AT 970 MONROE, BENNET, NEBRASKA FROM SEPTEMBER 1, 2010 TO AUGUST 31, 2011 - CLERK read an ordinance, introduced by Jayne Snyder, approving a Lease Agreement between the City of Lincoln and the Bennet American Legion Post #280 for the lease of space by the Aging Partners for its Senior Center program at 970 Monroe, Bennet, NE 68317 for a term beginning September 1, 2010 through August 31, 2011, the first time.

AMENDING THE LINCOLN MUNICIPAL CODE TO UPDATE CHAPTER 10.26 DUE TO CHANGES ASSOCIATED WITH STREET NAMES, ROADWAY REMOVALS, PROPOSED ARTERIAL ADDITIONS AND PROPOSED REMOVAL OF EXISTING ARTERIAL STREET STATUS - CLERK read an ordinance, introduced by Jayne Snyder, amending Chapter 10.26 of the Lincoln Municipal Code due to changes associated with street names, roadway removals, proposed arterial additions and proposed removal of existing arterial street status, the first time.

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

VACATION 10003 – VACATING THE WEST 34 FEET OF SOUTH 29TH STREET FROM THE NORTH LINE OF WASHINGTON STREET TO THE SOUTH LINE OF THE EAST-WEST ALLEY BETWEEN WASHINGTON STREET AND A STREET - CLERK read an ordinance, introduced by Jayne Snyder, vacating the west 34 feet of South 29th Street from the north right-of-way line of Washington Street to the south right-of-way line of the east-west alley between Washington Street and A Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

ADOPTING AN AMENDED AND RESTATED VERSION OF THE CITY OF LINCOLN EMPLOYEES’ RETIREMENT

EMERY Moved to pass the ordinance as read.

ADOPTING AN AMENDED AND RESTATED VERSION OF THE CITY OF LINCOLN EMPLOYEES’ RETIREMENT

EMERY Moved to pass the ordinance as read.

ANNEXATION NO. 10001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the

ANNEXATION AGREEMENT or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a

copy of this Agreement to Michaela Dugan, Impact Fee Administrator.

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

The ordinance, being numbered #19428, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE NO. 10006 - APPLICATION OF VILLAGE GARDENS DEVELOPMENT FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO K-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 62ND STREET AND YANKEE 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 third time.

EMERY 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 #19429, is recorded in Ordinance Book #26, Page

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 7% 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 AN AMOUNT EQUAL TO 7% 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 third time.

EMERY 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 #19430, is recorded in Ordinance Book #26, Page

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; 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; and to further provide that the mandatory employee 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, the third time.

EMERY 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 #19431, is recorded in Ordinance Book #26, Page

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" and made a part hereof by reference, between Village Gardens Development company, LLC, as Owner, and the City of Lincoln, Nebraska, outlining certain conditions and understandings relating to the annexation of approximately 15.5 acres of property generally located at South 62nd Street and Yankee Hill Road, is approved.

That the agreement titled Amendment No. 2 to the Village Gardens Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment “A” and made a part hereof by reference, between Village Gardens Development company, LLC, as Owner, and the City of Lincoln, Nebraska, outlining certain conditions and understandings relating to the annexation of approximately 15.5 acres of property generally located at South 62nd Street and Yankee Hill Road, is approved.

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

The ordinance, being numbered #19429, is recorded in Ordinance Book #26, Page

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. (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 and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

EMERY 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 #19428, is recorded in Ordinance Book #26, Page

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required)
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, the third time.

EMERY Moved to pass the ordinance as read.

Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered #19432, is recorded in Ordinance Book #26, Page 607.

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 - 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 theretofore existing.

EMERY 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 #19432, is recorded in Ordinance Book #26, Page 607.
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Police Department for impoundment of vehicles parked in violation of any parking ordinance of the City; amending Section 10.44.040 provide that the Chief of Police and the Director of Urban Development shall be accountable for any fees collected relating to impounded vehicles, the third time.

EMERY 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 #19433, is recorded in Ordinance Book #26, Page

OPEN MICROPHONE

Jane Svoboda, no address given, addressed her concerns of subliminal messages through electronic equipment made in China such as cell phones, television, computers and other equipment. She feels hospitals should be localized letting property tax pay for salaries and machines which would cost a lot less. She presented her ideas from her book "Healing for Schizophrenia" and other various suggestions concerning the military, etc.

This matter was taken under advisement.

John Austin, 826 S. 14th Street, came forward to express his opinion that students should pay wheel tax and that the City should provide transportation for people who cannot drive to the County Fair. He asked what the City's portion of cost will be for the new jail? He asked why is the open mike only two times per month? He feels the City Council let the State Fair Board get by with moving the State Fair to Grand Island after they had just became part of the city limits and could collect taxes from them. He wonders if the wheel tax that is to be used for street repairs has gone somewhere else. He thinks that too much oil and less aggregate is being used on the street repairs because when it gets warm the streets warp.

This matter was taken under advisement.

Danny Walker, 427 "E" Street, came forward stating when he travels down 17th Street from Van Dorn on south on the west side of the street there is heavy sidewalk repair. He feels it became important to do the sidewalk repairs in that area because that is where the State Department of Roads employees take their exercise walks. He feels that 1/3 to 2/3 of sidewalks in the City of Lincoln need to be repaired and the sidewalk funds should be spread around.

This matter was taken under advisement.

Luke Peterson, 2520 R Street, stated he feels there is no hope in terms of employment prospects or housing in the City of Lincoln because there is no ordinance prohibiting such discrimination towards openly gay, lesbian, bisexual, transgender Americans. He wonders when Lincoln will have such protection for all individuals and is all inclusive in terms of employment and housing.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to August 23, 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 August 23, 2010.

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

ADJOURNMENT 4:02 P.M.

CAMP Moved to adjourn the City Council meeting of August 16, 2010.

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

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant