REGULAR MEETING
SEPTEMBER 20, 2010
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THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 20, 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

COOK Having been appointed to read the minutes of the City Council proceedings of September 13 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF STRONG ISLAND ENTERPRISES INC. DBA BRICKTOP FOR AN ADDITION OF A BEER GARDEN MEASURING APPROXIMATELY 20 FEET BY 16 FEET TO THE SOUTH OF ITS LICENSED PREMISES AT 1427 O STREET. (9/13/10 - PUBLIC HEARING & ACTION CONTINUED TO 9/20/10) - David Marlborough, owner, came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF NEBRASKA CVS PHARMACY, LLC DBA CVS PHARMACY #8294 FOR A CLASS D LIQUOR LICENSE AT 4800 O STREET;

MANAGER APPLICATION OF KEVIN M. MERFELD FOR NEBRASKA CVS PHARMACY, LLC DBA CVS PHARMACY #8294 AT 4800 O STREET - Buck Heim, 1650 Farnam St., Omaha, Attorney for the applicant, came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF BRIX & STONE GASTROPUB LLC DBA BRIX & STONE GASTROPUB FOR A CLASS CK LIQUOR LICENSE AT 803 Q STREET;

MANAGER APPLICATION OF MARCI R. DAVISON FOR BRIX & STONE GASTROPUB LLC DBA BRIX & STONE GASTROPUB AT 803 Q STREET - Marci Davison, 803 Q Street, came forward to take oath and answer questions. She explained the British term, gastropub, as being a public house that specializes in serving high-quality food & drink. She said her restaurant will feature fresh seafood, steaks and pastas.

This matter was taken under advisement.

AMENDING CHAPTER 3.24 OF THE LINCOLN MUNICIPAL CODE RELATING TO OCCUPATION TAXES BY AMENDING SECTION 3.24.080 TO PROVIDE THAT THE SELLER OF TELECOMMUNICATION EQUIPMENT MAY ITEMIZE THE TAX LEVIED ON A BILL, RECEIPT OR OTHER INVOICE TO THE PURCHASER AND AMENDING SECTION 3.24.100 TO CLARIFY THAT THE COMPANIES PAYING THE TELECOMMUNICATION OCCUPATION TAX HAVE UNTIL THE END OF THE MONTH TO PAY THE TAX FROM THE PREVIOUS MONTH - Steven Huggenberger, Asst. City Attorney, came forward to explain changes requested by a retailers organization. First they requested a provision to allow pass-thru itemization of the tax on a customer bill; and secondly, they requested clarification of the time frame companies have to file a report and pay the occupation tax.

This matter was taken under advisement.

AMENDING CHAPTER 14.55 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIDEWALK VENDORS BY AMENDING SECTION 14.55.050, APPLICATION FOR PERMIT, TO ALLOW VENDORS IN THE B-3 COMMERCIAL DISTRICT; AMENDING SECTION 14.55.070 RELATING TO RESTRICTIONS ON PUSHCARTS TO REDUCE THE REQUIRED EIGHT-FOOT PEDESTRIAN PATH TO A SIX-FOOT PEDESTRIAN PATH AFTER THE LOCATION OF ANY PUSHCART OR STAND WITHIN ANY SIDEWALK SPACE AND ADDING A NEW SECTION NUMBERED 14.55.075 TO PROVIDE ADDITIONAL RESTRICTIONS ON PUSHCARTS OPERATING IN THE B-3 COMMERCIAL DISTRICT - Michael Rierden, 645 “M” Street, Suite 208, came forward on behalf of his client, Fabian Sanchez, who owns a grocery store near 11th & G Streets in the
B-3 District. Mr. Rierden said Mr. Sanchez is in agreement and willing to comply with staff requirements so he can return to sidewalk vending in front of his store which is highly in demand.

David Landis, Director of Urban Development, came forward to share that a sidewalk has the role of creating an ambiance of vitality and social order for a city. He said changes in the code are consistent with the Comp Plan. Mr. Landis agreed to Council’s request to monitor and give a review in one year’s time.

Ryan Cairns, 330 South 44th St., owner/operator of Dogs ‘N Spuds pushcart, came forward to comment on guidelines and to express his concern. He suggested that more vendors be involved in the law-making process and asked for further public hearing. He believes all vendors, whether on public or private property should obey the same regulations. Mr. Cairns, as a small business owner, regulations make it difficult for him to certify part-time help in short notice.

Mr. Landis came forward to clarify rules of operating in the public right-of-way. He assured Council that Mr. Cairns’ complaints of certification of employees and private property food vending is on a different front and unaffected by the bill brought forward today.

Mr. Rierden came forward in rebuttal. He said while further public input is good, he preferred that Council keep the vote schedule for next week.

This matter was taken under advisement.

AMENDING SECTION 5.20.130 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE HOURS DURING WHICH PUBLIC DANCING IS PROHIBITED - Rod M. Confer, City Attorney, came forward to identify that the law must be consistent with the 2:00 a.m. bar change.

This matter was taken under advisement.

APPROVING THE STARTRAN RATE SCHEDULE TO ADD GO FOR LESS/SENIOR CASH FARE FOR STAR SHUTTLE/DOWNTOWN ZONE FARE CATEGORY AT A RATE OF $.10 - Miki Esposito, Public Works & Utilities, came forward to state that FTA regulations demand reduction of the 25 cent Star Shuttle fare by half.

John Austin, 826 S. 14th St., came forward to provide history of bus fares as he remembered them to be five cents a ride.

This matter was taken under advisement.

ORDERING CONSTRUCTION OF SIDEWALKS AT VARIOUS LOCATIONS WHERE SIDEWALKS CURRENTLY DO NOT EXIST - Harry Kroos, Public Works & Utilities Dept., came forward to bring forward a dozen locations of proposed sidewalk construction. He said once the resolution is approved, property owners will be contacted and be given 45 days to construct sidewalks by themselves or by contractor. While Mr. Kroos said property owners were sent notification one week ago, Council Member Hornung felt it wasn’t sufficient notice.

Mike Morozin, 1500 N. 15th St., came forward to question the process to request installation of sidewalks in neighborhoods.

Robert F. Dvorak, 3430 Crown Pointe Road, came forward as property owner of 8220 Eastwood Drive in opposition to construction of his sidewalk unless the the neighbor to the north has to as well.

Mr. Kroos came forward to state that his department performs quite a bit of diligence in proposing sidewalk locations following incoming calls from residents/individuals who walk in those neighborhoods. He said the locations demonstrate pedestrian traffic and are critical for completion.

In answer to Mr. Dvorak’s concern, Mr. Kroos said both lots are included in the resolution.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE LOTTERY OPERATOR CONTRACT WITH EHPV LOTTERY SERVICES TO ALLOW THE OPERATION OF KENO IN LINCOLN UNTIL 2:00 A.M. - Bill Harvey, General Counsel for Big Red Keno, came forward to request that operation be consistent with the new 2:00 a.m. bar closure.

This matter was taken under advisement.

ESTABLISHING THE ANNUAL SALARY OF THE MAYOR FOR THE YEARS 2011 THROUGH 2015 - Mark A. Roller, Director of Personnel, came forward to report findings of the committee comprised of independent citizens to establish a base salary for the Mayor beginning in May 2011. He said the salary of the mayor had been $74,909 since 2001, which is $25-40,000 lower than that of mayors in comparable communities in the region that operate in a strong mayor form of
government. He said the committee gave careful consideration to the economic conditions in the city/state as well as the duties performed by the mayor himself.

Sam Seever, 6425 Lone Tree Drive, Committee Chair, came forward to present examples as to why the Mayor of Lincoln is underpaid. He stated that all department heads report to the mayor; and essentially, it is a 24/7 job. Mr. Seever said he understands that in today’s situation a tendency may be to stay with the status quo or possibly choose to base salary increases on the Consumer Price Index.

Jim Gordon, Attorney, Suite 800 Federal Trust Building, came forward as a member of the Committee to ask Council’s approval of the resolution that establishes an appropriate salary of the position of Mayor. He explained that Council may disagree with the Committee’s decision but advised them to not find fault with the process they used to make it a fair and current playing field for everybody.

Lynn Rex, League of Nebraska Municipalities, came forward to present comparables from other cities in Nebraska. She said the issue is not about current office holders but more importantly for those down the road. She stated salaries must commensurate with the types of responsibilities the City of Lincoln as a municipal corporation has. Ms. Rex instructed Council to look at comparable pay for corporate CEO’s in Lincoln and realize that the positions of Mayor and Council are vastly underpaid.

Rick Hoppe, Mayor’s Office, came forward to express appreciation to the Salary Review Committee for their service work in a difficult and thankless task resulting in great logic and grace. He reminded Council that the issue at hand is not about Chris Beutler. He addressed two amendments for correction: one that corrects a resolution number and another that ties a pay increase to the CPI. In answer to questioning, Mr. Hoppe said if the CPI goes down, the salary remains at its same current level.

Steve Hubka, Finance Department Budget Officer, came forward to report that the broadest and most comprehensive CPI is the All Items Consumer Price Index for All Urban Consumers, known as the CPI-U, which was chosen.

Don Taute, Asst. City Attorney, came forward to answer questions about increases recommended by the Committee. He said beginning in 2013, the salary would increase to $100,000.

Mike Morosin, 1500 N. 15th St., came forward to question if paying a city mayor more would guarantee better leadership. He feels the issue should be brought to a vote by taxpayers.

Rick Hoppe, Mayor’s Office, came forward to express appreciation to the Salary Review Committee for their service work in a difficult and thankless task resulting in great logic and grace. He reminded Council that the issue at hand is not about Chris Beutler. He addressed two amendments for correction: one that corrects a resolution number and another that ties a pay increase to the CPI. In answer to questioning, Mr. Hoppe said if the CPI goes down, the salary remains at its same current level.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING JERROD JAEGER AND JIM JOHNSON TO THE CABLE TV ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING JULY 1, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption: A-86004

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

That the reappointment of Jerrod Jaeger and Jim Johnson to the Cable TV Advisory Board for three-year terms expiring July 1, 2013, is hereby approved.

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

APPOINTING EDWARD HOFFMAN AND DONALD VOGES TO THE CABLE TV ADVISORY BOARD FOR TERMS EXPIRING JULY 1, 2012 AND JULY 1, 2013, RESPECTIVELY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption: A-86005

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

That the appointment of Edward Hoffman and Donald Voges to the Cable TV Advisory Board for terms expiring July 1, 2012 and July 1, 2013, respectively, is hereby approved.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
REAPPOINTING JOY M. WARD TO THE LINCOLN HOUSING AUTHORITY BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2015 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Joy M. Ward to the Lincoln Housing Authority Board for a term expiring September 1, 2015, is hereby approved. Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

REAPPOINTING CARL ESKRIDGE TO THE CITIZEN POLICE ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 17, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Carl Eskridge to the Citizen Police Advisory Board for a term expiring November 17, 2013, is hereby approved. Introduced by Jonathan Cook

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

REAPPOINTING WAYNE HEYEN, JOSEPH SKOPP, JAY L. SNYDER, CAROL SWIGART AND JEFFERY TOMHAVE TO THE AIR POLLUTION ADVISORY BOARD FOR THREE YEAR TERMS EXPIRING SEPTEMBER 1, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Wayne Heyen, Joseph Skopp, Jay L. Snyder, Carol Swigart, and Jeffery Tomhove to the Air Pollution Advisory Board for three-year terms expiring September 1, 2013, is hereby approved. Introduced by Jonathan Cook

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

RESOLUTION APPROVING THE CITY OF LINCOLN’S INVESTMENT ACTIVITY REPORT FROM THE CITY TREASURER FOR THE THIRD QUARTER, FISCAL YEAR 2009-2010 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

BE IT HEREBY RESOLVED by THE CITY COUNCIL of the City of Lincoln, Nebraska: That the Investment Activity report and attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. Introduced by Doug Emery

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

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

PETITIONS & COMMUNICATIONS

Setting the hearing date of Monday, October 4, 2010 at 3:00 p.m. for the Application of Cobbler Inn, Inc. dba Don and Randy Shoemakers Truck Station for a Class C liquor license located at 4800 West O Street - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 4, 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 Cobbler Inn, Inc. dba Don and Randy Shoemakers Truck Station for a Class C liquor license located at 4800 West O Street.

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

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:
Administrative Amendment No. 10050 to Special Permit No. 1665A, Van Dorn Meadows Community Unit Plan, approved by the Planning Director on September 9, 2010 requested by Chateau Development, LLC to reduce the number of fourplex structures along the east boundary of the development from six to five, to replace one of the structures with a five-stall garage and to revise the layout of an adjacent parking lot on property generally located on S. 72nd Street and Van Dorn Street.

LIQUOR RESOLUTIONS

APPLICATION OF STRONG ISLAND ENTERPRISES INC. DBA BRICKTOP FOR AN ADDITION OF A BEER GARDEN MEASURING APPROXIMATELY 20 FEET BY 16 FEET TO THE SOUTH OF ITS LICENSED PREMISES AT 1427 O STREET. (9/13/10 - PUBLIC HEARING & ACTION CONTINUED TO 9/20/10) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval: A-86011

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 Strong Island Enterprises Inc. dba Bricktop to expand its licensed premises by the addition of a beer garden area measuring 20 feet by 16 feet to the south of the presently licensed premises located at 1427 O Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

APPLICATION OF RPM BROS. INC. DBA SLICKS TO EXPAND THE EXISTING OUTSIDE BEER GARDEN BY THE ADDITION OF AN AREA MEASURING APPROXIMATELY 10 FEET BY 29 FEET AT THE NORTHWEST CORNER OF ITS LICENSED PREMISES AT 2805 N.W. 48TH STREET - PRIOR to reading: CAMP Moved to continue Public Hearing one week with Action to September 27, 2010. Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPLICATION OF NEBRASKA CVS PHARMACY, LLC DBA CVS PHARMACY #8294 FOR A CLASS D LIQUOR LICENSE AT 4800 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval: A-86012

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 CVS Pharmacy, LLC dba CVS Pharmacy #8294 for a Class "D" liquor license at 4800 O Street, Lincoln, Nebraska, for the license period ending April 30, 2011, 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 Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

MANAGER APPLICATION OF KEVIN M. MERFELD FOR NEBRASKA CVS PHARMACY, LLC DBA CVS PHARMACY #8294 AT 4800 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval: A-86013

WHEREAS, CVS Pharmacy, LLC dba CVS Pharmacy #8294 located at 4800 O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Kevin M. Merfeld be named manager;
WHEREAS, Kevin M. Merfeld 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 Kevin M. Merfeld 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 Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPLICATION OF BRIX & STONE GASTRO PUB LLC DBA BRIX & STONE GASTRO PUB FOR A CLASS CK LIQUOR LICENSE AT 803 Q STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86014

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 Brix & Stone Gastropub LLC dba Brix & Stone Gastropub for a Class “CK” liquor license at 803 Q Street, 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 Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

MANAGER APPLICATION OF MARCI R. DAVISON FOR BRIX & STONE GASTRO PUB LLC DBA BRIX & STONE GASTRO PUB AT 803 Q STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86015

WHEREAS, Brix & Stone Gastropub LLC dba Brix & Stone Gastropub located at 803 Q Street, Lincoln, Nebraska has been approved for a Retail Class “CK” liquor license, and now requests that Marci R. Davison be named manager;

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

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND HICKMAN PRESBYTERIAN CHURCH FOR THE LEASE OF SPACE BY AGING PARTNERS FOR ITS SENIOR CENTER PROGRAM AT 300 EAST THIRD STREET, HICKMAN, NEBRASKA FROM SEPTEMBER 1, 2010 TO AUGUST 31, 2011 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a lease of office space by the Aging Partners for its Senior Center program located at 300 E. Third Street, Hickman, NE 68372, for a term of September 1, 2010 through August 31, 2011, the second time.

AMENDING CHAPTER 3.24 OF THE LINCOLN MUNICIPAL CODE RELATING TO OCCUPATION TAXES BY AMENDING SECTION 3.24.080 TO PROVIDE THAT THE SELLER OF TELECOMMUNICATION EQUIPMENT MAY ITEMIZE THE TAX LEVIED ON A BILL, RECEIPT OR OTHER INVOICE TO THE PURCHASER AND AMENDING SECTION 3.24.100 TO CLARIFY THAT THE COMPANIES
PAYING THE TELECOMMUNICATION OCCUPATION TAX HAVE UNTIL THE END OF THE MONTH TO PAY THE TAX FROM THE PREVIOUS MONTH - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 3.24 of the Lincoln Municipal Code relating to occupation taxes by amending Section 3.24.080 to provide that the seller of telecommunications equipment may itemize the tax levied on a bill, receipt, or other invoice to the purchaser; amending Section 3.24.100 to clarify that companies paying the telecommunication occupation tax have until the end of the month to pay the tax from the previous month; and repealing Sections 3.24.080 and 3.24.100 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 14.55 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIDEWALK VENDORS BY AMENDING SECTION 14.55.050, APPLICATION FOR PERMIT, TO ALLOW VENDORS IN THE B-3 COMMERCIAL DISTRICT AND TO PROVIDE ADDITIONAL APPLICATION SUBMITTAL REQUIREMENTS BY PERSONS SEEKING A VENDOR’S PERMIT TO OPERATE IN THE B-3 COMMERCIAL DISTRICT; AMENDING SECTION 14.55.070 RELATING TO RESTRICTIONS ON PUSHCARTS TO REQUIRE AN EIGHT-FOOT PEDESTRIAN PATH TO A SIX-FOOT PEDESTRIAN PATH AFTER THE LOCATION OF ANY PUSHCART OR STAND WITHIN ANY SIDEWALK SPACE AND ADDING A NEW SECTION NUMBERED 14.55.075 TO PROVIDE ADDITIONAL RESTRICTIONS ON PUSHCARTS OPERATING IN THE B-3 COMMERCIAL DISTRICT - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 14.55 of the Lincoln Municipal Code relating to Sidewalk Vendors by amending Section 14.55.050, Application for Permit, to allow vendors in the B-3 Commercial District and to provide additional application submittal requirements by persons seeking a vendor’s permit to operate in the B-3 Commercial District; amending Section 14.55.070 relating to Restrictions on Pushcarts to reduce the required eight-foot pedestrian path to a six-foot pedestrian path after the location of any pushcart or stand within any sidewalk space; adding a new section numbered 14.55.075 to provide Additional Restrictions on Pushcarts Operating in the B-3 Commercial District; and repealing Sections 14.55.050 and 14.55.070 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 5.20.130 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE HOURS DURING WHICH PUBLIC DANCING IS PROHIBITED - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 5.20.130 of the Lincoln Municipal Code relating to Dances to allow the closing time of adult public dances to be consistent with the closing time provided in Chapter 5.20.130 of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING THE STARTRAN RATE SCHEDULE TO ADD GO FOR LESS/SENIOR CASH FARE FOR STAR SHUTTLE/DOWNTOWN ZONE FARE CATEGORY AT A RATE OF $.10 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption: A-86016 WHEREAS, pursuant to Section 2.38.100 of the Lincoln Municipal Code, the StarTran Advisory Board has made recommendations to add a new fare category to its rate schedule to comply with Federal requirements that elderly persons, persons with disabilities, or an individual presenting a Medicare Card will not be charged a fare greater than half the peak hour fare; and WHEREAS, the regular Star Shuttle/Downtown Zone fare is currently $.25 necessitating a new category to be added to the rate schedule in an amount equal to half the regular fare to cover said individuals; and WHEREAS, the City Council, pursuant to said Code section, must review all recommendations and take final action thereon.

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

That, upon review of the recommendations of the StarTran Advisory Board, the City Council hereby accepts and adopts the following addition to the StarTran fare structure:

Go For Less/Senior Cash Fare $ .10/ride
For Star Shuttle/Downtown Zone

BE IT FURTHER RESOLVED that the fare structure set forth above shall become effective upon passage of this resolution.

Introduced by Jonathan Cook
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 AUGUST 16 - 31, 2010

A-86017

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

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

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<th>DENIED CLAIMS</th>
<th>ALLOWED/SETTLED CLAIMS</th>
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<td>Danica Zobeck Davis</td>
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<td>Terry Kurtzhalis</td>
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<td>101.50</td>
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<td>Michael &amp; Janet Shullaw</td>
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</table>

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

Introduced by Jonathan Cook

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

ORDERING CONSTRUCTION OF SIDEWALKS AT VARIOUS LOCATIONS WHERE SIDEWALKS CURRENTLY DO NOT EXIST - PRIOR to reading:

HORNUNG Moved to continue Public Hearing one week with Action to September 27, 2010.

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

APPROVING AN AMENDMENT TO THE LOTTERY OPERATOR CONTRACT WITH EHPV LOTTERY SERVICES TO ALLOW THE OPERATION OF KENO IN LINCOLN UNTIL 2:00 A.M. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86018

WHEREAS, the City of Lincoln entered into a contract with EHPV Lottery Services, LLC, a Nebraska limited liability company, for the operation of keno type lottery on behalf of the City of Lincoln, dated January 17, 2008; and

WHEREAS, on August 30, 2010 the City Council passed Ordinance No. 19445 to amend the Lincoln Municipal Code to extend the time during which the sale and dispensing of alcoholic liquor is allowed to 2:00 a.m. effective September 17, 2010; and

WHEREAS, EHPV has requested an amendment to the contract to extend the hours of the operation of keno in Lincoln to allow the option to extend keno hours until 2:00 a.m. at certain locations, subject to the Finance Director’s approval.

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

That the Amendment to the Contract between the City of Lincoln and EHPV Lottery Services LLC, which is attached hereto, to allow keno operation hours to be extended with the approval of the Finance Director, is hereby approved and the Mayor is hereby authorized to execute the same on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit one copy of this resolution to EHPV Lottery Services LLC c/o Gary Vander Woude, Chief Financial Officer, 11248 John Galt Blvd., Omaha, NE 68137; one copy to the City’s Finance Director; and one copy to Steve Schatz, Charitable Gaming Division, Nebraska Department of Revenue, P.O. Box 94818, Lincoln, NE 68509-4818.

Introduced by Jonathan Cook

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

ESTABLISHING THE ANNUAL SALARY OF THE MAYOR FOR THE YEARS 2011 THROUGH 2015 - PRIOR to reading:

COOK Moved MTA #3 to amend Bill No. 10R-228 in the following manner:

1. On page 1, line 7, after "A-80476" add the following language: and further amended by Resolution No. A-81848.
2. On page 1, line 9, strike "A-80476" and insert in lieu thereof A-81848.

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

COOK Moved MTA #4 to amend Bill No. 10R-228 in the following manner:

1. On page 1, line 22, strike "$90,000.00" and insert in lieu thereof $74,909.00.
2. On page 1, line 23, strike "12" and insert in lieu thereof 13.
3. On page 1, line 23, strike "2013" and insert in lieu thereof 2012.
4. On page 1, line 23, strike "100,000.00" and insert in lieu thereof $74,909.00.
5. On page 1, line 23, strike "14" and insert in lieu thereof 13.
7. On page 1, line 23, strike "17" and insert in lieu thereof 12.
9. On page 1, line 24, after "2015." add the following new language:
   Beginning in May, 2013, the base salary of the Mayor shall be adjusted by the percentage increase in the U.S. Consumer Price Index for all urban consumers (CPI-U) for All Items for the prior calendar year in an amount not to exceed $4. Each succeeding year of a mayoral term of office shall be adjusted in a like manner.

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

HORNUNG Moved an amendment to MTA #4 by changing the words in item 9 from "percentage increase" to percentage change (whether an increase or decrease).

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

HORNUNG Moved an amendment to MTA #4 in the last sentence of item 9 by adding language to read as follows:
   "Each succeeding year of a Mayoral term of office shall be adjusted in like manner" up to a total salary of $100,000.00.

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

CLERK Read the following amended resolution, introduced by Jonathan Cook, who moved its adoption:

A-86019  A Resolution establishing the annual salary of the Mayor for the mayoral term commencing May 16, 2011, and to clarify benefits available to the Mayor.

WHEREAS, the City Council for the City of Lincoln, Nebraska, on December 21, 1998, adopted Resolution No. A-79228 establishing the annual salary and various benefits for the Mayor of the City of Lincoln commencing with the mayoral term of May 17, 1999, and due to changes in City benefits, Resolution No. A-79228 was amended on October 9, 2000 by Resolution No. A-80476 and further amended by Resolution No. A-81848 to reflect benefits available to the Mayor of the City of Lincoln; and

WHEREAS, it is necessary to establish the annual salary of the Mayor and to amend Resolution No. A-80476  A-81848 to re-establish health and dental insurance benefits available to the Mayor; and

WHEREAS, Article IV, Section 7 of the Charter of the City of Lincoln provides that the annual salary for the Mayor for each term of office shall be established by resolution of the City Council adopted not later than the first day of January immediately preceding the beginning of a new mayoral term of office.

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

That the City Council does, by this Resolution, desire to establish the annual salary of the Mayor for the mayoral term of office to commence May 16, 2011, and finds that a graduated increase in the annual salary of the Mayor during the term of office is appropriate and that the annual salary for the Mayor for the mayoral term of office commencing May 16, 2011, be as follows:

1. The Mayor shall receive a base salary of $74,800.00 on May 16, 2011.

   Beginning in May, 2013, the base salary of the Mayor shall be adjusted by the percentage increase in the U.S. Consumer Price Index for All Items for the prior calendar year in an amount not to exceed $4. Each succeeding year of a mayoral term of office shall be adjusted in a like manner.
for the prior calendar year in an amount not to exceed 5%. Each succeeding
year of a mayoral term of office shall be adjusted in a like manner. Such
salary shall be paid bi-weekly during the mayoral term at such intervals as
have been established for the regular bi-weekly payroll of the City of
Lincoln.

2. In addition to the base salary established above, the City
shall contribute to the monthly cost of coverage under the City’s group
health and dental insurance plans such amounts, depending on coverage
selected, that are equivalent to the City’s contribution made on behalf of
members of the DSS Pay Plan.

BE IT FURTHER RESOLVED that all other provisions of Resolution No. A-
81848 and Resolution No. A-80476 shall remain in full force and
effect.

Introduced by Jonathan Cook
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)

STREET NAME CHANGE 10006 - RENAMING SOUTH 87TH STREET AS “ELLIE LANE” LOCATED IN
THE BOULDER RUN ADDITION, GENERALLY LOCATED AT SOUTH 84TH STREET AND
BARKLEY DRIVE - CLERK read an ordinance, introduced by Doug Emery, changing
the name of South 87th Street located in the Boulder Run Addition in the
vicinity of South 84th Street and Barkley Drive from South 87th Street to
Ellie Lane, as recommended by the Street Name Committee, the first time.

AMENDING SECTION 5.38.075 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE APPEAL
PROCEDURE FOR PERSONS AGGRIEVED BY A DECISION, NOTICE OR ORDER OF THE
BUILDING OFFICIAL FOR A PERMIT TO MAINTAIN OR OPERATE A ROOMING HOUSE,
 Lodging House, Apartment House, Motel or Hotel, TO CORRECT AN OUTDATED LMC
SECTION AND CHAPTER REFERENCE - CLERK read an ordinance, introduced by Doug
Emery, amending Section 5.38.075 of the Lincoln Municipal Code relating to
the appeal procedure for persons aggrieved by a decision, notice or order
of the Building Official for a permit to maintain or operate a rooming
house, lodging house, apartment house, motel, or hotel to correct an
outdated LMC section and chapter reference; and repealing Section 5.38.075
of the Lincoln Municipal Code as hitherto existing, the first time.

AUTHORIZING THE CITY OF LINCOLN TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH
UNION BANK AND TRUST COMPANY, LINCOLN, NEBRASKA, IN AN AMOUNT NOT TO EXCEED
$8,000,000 FOR THE ACQUISITION OF THE EXPERIAN BUILDING AND RENOVATIONS TO
THE SAME. (RELATED ITEMS: 10-128, 10R-236, 10R-241) CLERK read an
ordinance, introduced by Doug Emery, authorizing and approving a Lease-
Purchase Transaction with Union Bank and Trust Company, the proceeds of
which will be used to pay the costs of acquiring real property and the
buildings thereon and remodeling, renovating, equipping and furnishing the
same; approving the issuance, sale and delivery of not to exceed $8,000,000
principal amount of Certificates of Participation in such Lease; fixing in
part and providing for the fixing in part of certain provisions of the
Lease; and related matters, the first time.

AMENDING THE 2010/2011 - 2015/2016 CAPITAL IMPROVEMENTS PROGRAM BUDGET TO ADD A
NEW PROJECT IN YEAR ONE TO THE PUBLIC WORKS & UTILITIES STREET MAINTENANCE
PROGRAM TO INCLUDE THE LEASE PURCHASE OF THE EXPERIAN FACILITY AT 901 AND
949 WEST BOND STREET. (RELATED ITEMS: 10-128, 10R-236, 10R-241) (ACTION
DATE: 10/4/10)

APPROVING A REAL ESTATE PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF LINCOLN
AND EXPERIAN MARKETING SOLUTIONS, INC. FOR THE PURCHASE OF THE EXPERIAN
FACILITY GENERALLY LOCATED AT 901 AND 949 WEST BOND STREET. (RELATED ITEMS:
10-128, 10R-236, 10R-241) (ACTION DATE: 10/4/10)

APPROVING A LEASE AGREEMENT BETWEEN THE AIRPORT AUTHORITY AND THE CITY FOR THE
LEASE OF STORAGE SPACE BY THE LINCOLN-LANCaster COUNTY HEALTH DEPARTMENT
FOR A TERM OF DECEMBER 1, 2010 THROUGH NOVEMBER 30, 2011 - CLERK read an
ordinance, introduced by Doug Emery, accepting and approving a Lease
Agreement between
the Airport Authority of the City of Lincoln, Nebraska and the Lincoln-
Lancaster County Health Department for a lease of storage space by the
Health Department at Building 2714 in Lincoln Air Park West for a one-year
period from December 1, 2010 through November 30, 2011, the first time.

ORDINANCES - 3rd 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
DEWLLING LOTS, ONE OUTLOT, AND A BUILD THROUGH PLAN FOR FUTURE URBANIZATION
ON PROPERTY GENERALLY LOCATED AT 98TH STREET AND HOLDREGE STREET - PRIOR to
reading:

COOK Moved to amend Bill No. 10R-183 by accepting the Substitute 98th &
Holdrege Conditional Zoning Agreement between the City and M. Kent and
Marsha Prior which is attached hereto to replace the 98th & Holdrege
Conditional Zoning Agreement attached to Bill No. 10R-183.

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

CLERK Read the following amended resolution, introduced by Adam Hornung,
who moved its adoption:

A-86025 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
The agreement titled 98th and Holdrege Conditional Zoning
Agreement, which is attached hereto, marked as Attachment "A" and made a
part hereof by reference, between the City and M. Kent and Marsha Prior,
upon the terms and conditions contained in said Agreement regarding the
development of 12.75 acres of property generally located at 98th Street and
Holdrege Street and legally described as Lot 1, Prior Addition, Lincoln,
Lancaster County, Nebraska, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the
98th and Holdrege Conditional Zoning Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one
fully executed copy of this Agreement to Tim Sieh, Assistant City Attorney,
for distribution to the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the
Zoning Agreement or a summary memorandum thereof with the Register of
Deeds, filing fees to be paid by the Owner.

Introduced by Adam Hornung

Seconded by Carroll & 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 AG AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY
GENERALLY LOCATED AT NORTH 98TH STREET AND HOLDREGE STREET - CLERK read an
ordinance, introduced by Jon Camp, amending the Lincoln Zoning District
Maps adopted by reference and made a part of Title 27 of the Lincoln
Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal
Code, by changing the boundaries of the districts established and shown
thereon, the third time.

CAMP 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 #19450, is recorded in Ordinance Book #27, Page

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY
RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIMONTHLY AND HOURLY PAY
RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE
CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "E" TO BE
EFFECTIVE AUGUST 19, 2010 - CLERK read an ordinance, introduced by Eugene
Carroll, 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 "E"; and repealing Ordinance No. 19299,
passed by the City Council on August 10, 2009, the third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered #19451, is recorded in Ordinance Book #27, Page
AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTION 2.76.153 TO PROVIDE AN INCREASE IN PER HOUR PAY FOR SHIFT DIFFERENTIAL; AMENDING SECTION 2.76.365 TO ALLOW EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER "E" AND ELIGIBLE TO RETIRE TO ELECT A REDUCED WORK SCHEDULE; AMENDING SECTION 2.76.380 TO ADJUST TIME OFF FOR ILLNESS OF A FAMILY MEMBER TO COMMENCE WITH THE FIRST PAY PERIOD IN JANUARY; AMENDING SECTION 2.76.385 RELATING TO FUNERAL LEAVE TO REMOVE APPLICABILITY TO EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER "A" OR "C"; AND TO ADD A NEW SECTION 2.76.387 RELATING TO BEREAVEMENT LEAVE FOR EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER "A" OR "C" - CLARK read an ordinance, introduced by Eugene Carroll, amending Chapter 2.76 of the Lincoln Municipal Code by amending Section 2.76.153 to provide an increase in per hour pay for shift differential; amending Section 2.76.365 to allow employees with a pay range prefixed by the letter "E" and eligible to retire to elect a reduced work schedule; amending Section 2.76.380 to adjust time off for illness of a family member to commence with the first pay period in January; amending Section 2.76.385 relating to funeral leave to remove applicability to employees with a pay range prefixed by the letter "A" or "C"; and to add a new section 2.76.387 relating to bereavement leave for employees with a pay range prefixed by the letter "A" or "C", and repealing Sections 2.76.153, 2.76.365, 2.76.380, and 2.76.385 of the Lincoln Municipal Code as hitherto existing, the third time.

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

The ordinance, being numbered #19452, is recorded in Ordinance Book #27, Page

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to September 27, 2010. Seconded by Hornung & 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 September 27, 2010. Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT 4:35 P.M.

CAMP Moved to adjourn the City Council meeting of September 20, 2010. Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.