REGULAR MEETING
December 13, 2010
Page 59

THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 13, 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

EMERY Having been appointed to read the minutes of the City Council proceedings of December 6 reported having done so, found same correct.

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

MAYOR’S AWARD OF EXCELLENCE

Mayor Beutler awarded the Mayor’s Award of Excellence for the month of November to Pamela Rowe, Public Health Educator II for the Health Department in the category of customer relations and productivity for her successful effort with the Tobacco Prevention and Education Program for about seven years. She has organized the monthly compliance checks with the Police Department for tobacco sales to minors. She has established a good relationship with the Lincoln Public Schools where she recruits team volunteers to help with the compliance checks. After the checks Pam compiles the information and reports to appropriate community stake holders. She visits with the retailers who have been cited for a violation to promote the free training class done by the Police Department. She works with Diversions Services to offer the training as an option to individuals receiving the citations of selling to a minor. The failure rate has remained under 10%. She has also developed a booklet entitled Smoke Free Housing Options to provide information to landlords on the benefits of smoke free housing and ideas on how to make that transition. She is now creating a Lancaster County Smoke Free Housing registry and is calling managers and owners of multi-family dwellings to promote the housing option guide. She has identified 58 different buildings with 728 units as smoke free.

Renee Massey came forward to state Pam continues to work hard towards Smoke Free Housing contacting the landlords around the city. Her recruitment of youth in the work of compliance checks and working with the Police Department are some of the reasons I nominated her for employee of the month.

Charlotte Burke came forward to congratulate Pam because the work the tobacco team is doing is so important to the community and benefits are being seen. Fewer kids are starting to smoke and more adults are quitting smoking. More businesses are implementing smoke free campuses.

Judy Halstead, Director of Health Department came forward to ask Pam to introduce her family who were present.

Pam Rowe introduced her family and stated that the retailers are responding to good enforcement laws for tobacco of which the compliance checks keep them on their toes. Pam thanked everyone.

PUBLIC HEARING

APPLICATION OF COUNTRYVIEW STUDIOS INC. DBA ART & SOUL FOR A CLASS C LIQUOR LICENSE AT 5740 HIDCOTE DRIVE;
MANAGER APPLICATION OF JUSTINA R. SLATTERY FOR COUNTRYVIEW STUDIOS INC. DBA ART & SOUL AT 5740 HIDCOTE DRIVE - Justina Slattery, 6341 Countryview Court, took the oath and came forward to answer questions.

This matter was taken under advisement.

Council Member Carroll moved that Item 8 and Item 11 have public hearing today and waive 3rd Reading to have action today on these two items and also move Item No. 11 to be heard after Item No. 16.

Seconded by Emery.

Council Member Camp requested to divide the question to make Item 8 one motion and Item 11 another motion.

Council Member Carroll moved to waive the rules to have 2nd and 3rd Reading with action today on Item 8 .

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

Council Member Carroll moved to waive the rules to have 2nd and 3rd Reading with action today and to move Item 11 to be read after Item 16 on the Agenda.

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

VACATION 10011 - VACATING CALVERT STREET FROM THE WEST LINE OF SOUTH 6TH STREET RIGHT-F-WAY TO THE EAST LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY RIGHT-OF-WAY, GENERALLY LOCATED WEST ON THE INTERSECTION OF SOUTH 6TH STREET AND CALVERT STREET. (RELATED ITEMS: 10-148, 10R-205) (ACTION DATE: 1/3/2011);

MISC. NO. 10096 - APPLICATION OF MORNINGSTAR INVESTMENTS, LLC, TO RELEASE A PORTION OF A KNOWN PUBLIC ACCESS EASEMENT ON THE REMAINING PORTION TO CALVERT STREET.

(RELATED ITEMS: 10-148, 10K-205) (ACTION DATE: 1/3/2011) - Morningstar Investments, LLC (MILBANK), the developer of KB Homes, the primary property owner, is requesting the approval to release a portion of a known public access easement on the remaining portion to Calvert Street. The easement is located south of 33rd Street.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND EXPERIAN FOR AN INITIAL TERM OF FIVE YEARS WITH OPTION TO RENEW FOR AN ADDITIONAL FIVE YEAR TERMS.

- Greg MacLean, Director of Public Works & Maintenance, presented the terms of the lease agreement. The lease agreement includes a five-year lease with the option to extend annually from that point on. The cost of the lease with Experian is 600 per square foot. Utilities are covered in the lease, a five year lease with the option to extend annually from that point on. The rent will be $6.00 per square foot for the extension would be 90% of fair market value which was defined in the purchase agreement. Some of the benefits of the lease agreement include:
  - Renewal of the lease
  - Maintenance of the tennis facility

APPROVING THE TRANSFER OF THE OPERATING AGREEMENT FOR THE WOODS PARK TENNIS CENTER.

- Kevin Heim, Assistant City Attorney, stated the rental rate on the tennis center is low for a rental property that's office space. The rent is $6.00 per square foot for office space is extremely low for any rental property that's office space.

APPROVING THE TRANSFER OF THE OPERATING AGREEMENT FOR THE WOODS PARK TENNIS CENTER.

- Steve Boucher, 3040 Stratford Ave., Corporate Secretary of Woods Park Tennis Corp., came forward to explain the terms of the agreement. The agreement includes:
  - The transfer of all assets and liabilities to the charitable organization
  - A five percent of gross operating revenues from the tennis center
  - An agreement that the Friends of Woods Park Tennis, Inc. can actively seek grants and donations

AMENDING THE OPERATING AGREEMENT BETWEEN THE CITY AND WOODS PARK TENNIS CORPORATION PERTAINING TO THE OPERATION OF THE WOODS PARK TENNIS CENTER AT 401 S. 33RD STREET TO ENFORCE EVERY PROVISION OF THE AGREEMENT; ANY PROVISION OF THIS AGREEMENT IS NOT A WAIVER OF SUCH PARTY'S SUBSEQUENT RIGHT TO ENFORCE EVERY PROVISION OF THE AGREEMENT;

- Steve Boucher, explained the terms of the agreement. The agreement includes:
  - The transfer of all assets and liabilities to the charitable organization
  - A five percent of gross operating revenues from the tennis center
  - An agreement that the Friends of Woods Park Tennis, Inc. can actively seek grants and donations

APPROVING THE TRANSFER OF THE OPERATING AGREEMENT FOR THE WOODS PARK TENNIS CENTER TO THE FRIENDS OF WOODS PARK TENNIS, INC. - Lynn Johnson, Director of Parks & Recreation, stated the Woods Park Tennis Center includes:

- Nine outside courts
- Six indoor courts
- Tennis club house which is operated year round
- In 2009 a group of tennis enthusiasts formed the Friends of Woods Park Tennis, Inc. This group is interested in taking over the operation of the tennis center and are interested in replacing the bubbles with permanent structures. There are a number of amendments to the operating agreement which a majority of them are housekeeping items intended to make the agreement consistent with the current City's standard contract. The current agreement provides that 5% of the gross operating revenues from the tennis center comes back to the City which is the Capital Reserve Fund for repair and replacement. This clarifies that grants and donations are not part of the gross revenue which the Friends of Woods Park Tennis, Inc. can use to actively seek grants and donations. It also clarifies those funds can be used as part of the design and construction of the new permanent structures. It is requested the transfer of the operating agreement from Woods Park Tennis to the Friends of Woods Park Tennis, Inc. be approved.

- Rick Boucher, 3040 Stratford Ave., Corporate Secretary of Woods Park Corp., came forward to explain the officers, directors, and shareholders voted on October 6th unanimously to sign all assets and liabilities to the charitable organization known as Friends of Woods Park Tennis, Inc. They are asking for approval.

- Kevin Heim, 2300 S. 33rd St., General Manager of the Woods Tennis Center and also a tennis professional, has a vision of tennis for all kids in Lincoln, Nebraska and that no individual is denied the opportunity to participate. With the support of Lincoln Parks and Recreation and Lincoln Public Schools they offer tennis lessons at every school and park. Woods has offered junior lessons at 17 parks and public high schools, nine recreation and community centers and at Woods Tennis Center on over 60 tennis courts, gymnasiums and parking lots across the City. The junior participation has grown from one full-time and three part-time teaching pros to two staff has increased from one full-time and three part-time teaching pros to two over the past four summers from 46 participants to over 900 this past summer. The staff has increased from one full-time and three part-time teaching pros to two...
full-time and 25 part-time college and high school instructors during the summer months. The summer program ensures that all juniors have the opportunity to play tennis regardless of financial or ethnic background. A grant has been received from the Community Health Endowment to allow them to reach more disadvantaged youth across the City during the summer program. In 2010 103 participants qualified for scholarship assistance. 255 students served were minorities. Over 1500 tennis rackets have been given out over the past three summers to first time players and those that are unable to afford their repair. Adult lessons and league play are also available. It is requested the transfer be approved.

Kyle Johnson, 1227 Lincoln Mall, Board of Director of the Friends of Woods Park Tennis, Inc., came forward asking for approval. They are a non-profit corporation, a 501(C)(4). They can apply for grants which is the reason for the change. They have been successful with the grant through the Friends of Woods and have had two successful fund raisers. They feel they can run the facility very well. He is asking for approval.

John Austin, #26 S. 14th St., came forward to ask if these private people have been running it over the years?

Lynn Johnson explained in answer to the question that the City of Lincoln owns the facility operated previously by Woods Parks Tennis Corp. with the exception of the two air structures which Woods Park Corporation owns. They will transfer the ownership of the two air structures to the Friends of Woods Park Tennis, Inc., and the City will be on City property so they will be City owned. The 5% that will go into the Capital Reserve Fund will be used for maintenance of the buildings. The bubbles are insured by the Woods Park Tennis Inc. and have in the past been responsible for their repair.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF NOVEMBER 16 – 30, 2010 - Rod M. Confer, City Attorney, came forward to request the report be amended to remove the claim of Connie Johnson from the denied list as she was unable to attend this meeting.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND KONE INC. TO PERFORM ELEVATOR MAINTENANCE AND TESTING - WASTEWATER PLANTS, PURSUANT TO QUOTE NO. 3115, FOR A TWO-YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - Vince Mejer, Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

ASSESING THE COSTS INCURRED FOR CUTTING, CLEARING AND REMOVING WEEDS AGAINST THE VARIOUS BENEFITTED PROPERTIES FOR THE PERIOD OF JANUARY 1 THROUGH DECEMBER 31, 2010 - Russ Shultz, Superintendent of Weed Control, came forward to report there were 189 forced cuttings this year and 164 of those are up for Special Assessment. Last year there were 177 cuttings. The major problems are foreclosures. This matter was taken under advisement.

SPECIAL PERMIT 10031 - APPLICATION OF U-PULL-IT, INC. TO OPERATE AN AUTO SALVAGE YARD LOCATED ON THE EAST SIDE OF NORTH 70TH STREET BETWEEN FLETCHER AVENUE AND MCCORMICK DRIVE - Rick Onnen, E & A Consultants, came forward representing U-Pull-It Auto Parts for an application to operate an auto salvage yard. They are asking for waiver of the 100’ setback on the east side of the property which abuts east edge of city limits with Agricultural zoning on the other side of that. The adjacent property is in the Comp Plan to be an Industrial Park in the future.

Mr. Onnen answered the street is 1285’ east of the right-of-way line on 70th Street.

This matter was taken under advisement.

APPROVING AND RATIFYING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN FIREFIGHTERS ASSOCIATION, LOCAL NO. 644, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, EFFECTIVE AUGUST 19, 2010 THROUGH AUGUST 31, 2011 - Mark Koller, Personnel Director, came forward for approval of this retro-contract dated August 31, 2010. He presented non-economic issues: they had to do with promotional examinations timing wise; temporary assignments to a higher classification; clothing allowance had no change; mileage was changed at the first pay period; there is new language on when the Union can appeal a demotion, clarification on language stating family sick leave time commencing with the first pay period in January; increased unused sick leave from 50% to 60% upon the death of an employee; clarification on when personal holidays must be used; new article of terms and pay for change from $29.12 to $29.80. The economics of the contract which is the basis for the economics can be found in State law or the Commission of Industrial Relations. Cities of comparable size with Advanced Support Systems are looked at and is used to negotiate wages and benefits which showed a potential for a 10% to 15% increase. It was negotiated down to 3% effective August 19, 2010 to be paid mid-year in February. System Certified Paramedics pay was increased with a commitment of a six year term; EMS Supervisor is to receive additional compensation, one person per shift; Change in effective August 19, 2010 to be paid mid-year in February. System Certified Paramedics pay was increased with a commitment of a six year term; EMS Supervisor is to receive additional compensation, one person per shift; Change in...
staging language was added to change the mandate from an entire shift to two times a day, 7 a.m. and 7 p.m. and staffing can be designated and if it changes anywhere in between they are not compelled to call and make sure they are fully staffed. The cities used for comparability were Aurora, Illinois; Des Moines, IA; Madison, Wisconsin; Omaha, Nebraska; Rockford, Illinois; and St. Paul, Minnesota.

Rick Hoppe, Chief of Staff for Mayor’s Office, stated longevity is considered separate and does not count towards the 6%.

Mr. Koller verified that the longevity pay is part of the base pay for purposes of the pension contributions.

Steve Hubka, Budget Officer, confirmed that there is money in the budget for this contract. If this would go before the CIR and would result in an increase over this contract there is not money in the budget to cover it.

Service cuts somewhere else or budget adjustments during the fiscal year would possibly be necessary.

Charles Peterson came forward to state he wishes they would vote against this contract. He feels the City should let it go to the CIR.

Dave Engler President of Lincoln Fire Fighters Association, came forward in favor of Item 13 and 16. He mentioned that Fire Fighters in Lincoln work with fewer employees and a lower budget and the comparable cities do not.

Nothing in the agreement is above comparability and Lincoln’s annual cost per capita for Lincoln Fire and Rescue is $97.97.

Coby Mach, LIBA, came forward on behalf of the LIBA Board of Directors to ask the City Council to send the City back for more negotiations for a more reasonable contract with the Fire Union. They request the City Council pass a resolution supporting CIR reform in the next Legislative session. They further suggest to remove the mandatory staffing requirement, return to a flat rate of longevity pay, allow each Council Member make a personal visit to their own State Senator promoting CIR reform. While they may have accepted 0% they still receive their step increases.

Fire Union wanted 94% of their health insurance paid and 100% for single employees which they did receive. They ask that the Council oppose this contract and send the LFR back to negotiations.

This matter was taken under advisement.

AMENDING TITLE 2 OF THE LINCOLN MUNICIPAL CODE BY AMENDING CHAPTER 2.62, POLICE AND FIRE PENSION PLAN ‘A’; CHAPTER 2.65, POLICE AND FIRE PENSION PLAN ‘B’; AND CHAPTER 2.66, POLICE AND FIRE PENSION PLAN ‘C’ TO PROVIDE THAT CERTAIN ACTIVE MEMBERS MAY ELECT TO RECEIVE A 13TH CHECK OR PURCHASE A COST OF LIVING ADJUSTMENT TO APPLY TO THE MEMBER’S FUTURE PENSION BENEFIT PAYMENTS - Mark Koller, Personnel Director, stated this basically will allow firefighters who qualify to purchase a COLA or Cost of Living Adjustment out of funds they would provide.

Paul Lutomski, Police & Fire Pension, stated the current amount for the 13th check is $1,065 which goes up not to exceed 3% of the CPI. A retiree has to be on the pension payroll 12 months then they can choose to purchase their own COLA on their base pension. If they choose to purchase their COLA on the base pension the City via the 13th check pool will contribute $15,000 towards the purchase of their pension because they will no longer get those 13th check payments.

Firefighters can purchase additional amounts up to $15,000 out of the 13th check pool. If they opt to purchase their own COLA they wouldn’t receive that 13th check payment anymore. The discount rate to purchase the COLA plan is 3% less than whatever the City assumes which is 6.5% now. This means the firefighter would have to pay more at a 6.5% discount rate than they would at a 7.5% discount rate. When the firefighter is eligible to retire they can say they are interested in purchasing their own COLA then we would tell them what it would cost. Then if they want to pay, the price is calculated using the 6.5% discount rate.

Rick Hoppe, Chief of Staff for Mayor’s Office, stated the pension was part of the discussion during negotiations, but is not part of the contract. At one point the firefighters asked the City for additional money going toward the COLA. The City said no to that so the firefighters offered to pay for it themselves.

Coby Mach, LIBA, came forward to ask the Council to vote no on this ordinance. Mandatory staffing was proposed in 2009 stating it would cost $304,000 which was later reduced to $105,000.

Richard Requiel, 733 Cumings St., stated he was confused by the COLA issue. What does it buy?

This matter was taken under advisement.

APPROVING APPROPRIATIONS IN THE AMOUNT OF $43,320.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES (ROUND 12) - Kit Boesch, Administrator of Human Services, came forward to state in Round 12 back on August 22 agencies requested a total of over $143,000 in prevention funds from KENO. What was available was $43,320. Nine agencies were required to receive this money which JBC approved. After this it was discovered the money had not been allocated to the agencies it was intended for because no contracts were drawn up. The $43,320 will be distributed between the nine agencies with Council approval.

This matter was taken under advisement.
REGULAR MEETING
December 13, 2010
Page 63

COUNCIL ACTION

REPORTS OF CITY OFFICERS - NONE

PETITIONS & COMMUNICATIONS

PLACED ON FILE IN THE CITY CLERK’S OFFICE:

Administrative Amendment No. 10064 to Use Permit No. 129A, approved by the Planning Director on December 1, 2010, requested by ESP, Inc., to add General Note #9 stating "A 6' high opaque fence will be constructed, as shown on the landscape plan, on Lots 5, 6 and 7, Block 32, at the time of building permit", on property generally located at 8.14th St. and Vavrina Blvd.

SETTING THE HEARING DATE OF MONDAY, JANUARY 3, 2011 AT 3:00 P.M. FOR THE FOLLOWING APPLICATIONS OF CLASS D LIQUOR LICENSES: CASEY’S GENERAL STORE 2970 AT 2500 NW 12th ST.; CASEY’S GENERAL STORE 2973 AT 3500 N. 48th ST.; CASEY’S GENERAL STORE 2977 AT 4715 W. ADAMS ST.; CASEY’S GENERAL STORE 2978 AT 4002 ADAMS ST.; CASEY’S GENERAL STORE 2981 AT 606 W. A ST. - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86153

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 3, 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 Application of the following Class D liquor licenses: Casey’s General Store 2970 at 2500 NW 12th St.; Casey’s General Store 2973 at 3500 N. 48th St.; Casey’s General Store 2977 at 4715 W. Adams St.; Casey’s General Store 2978 at 4002 Adams St.; Casey’s General Store 2981 at 606 W. A St.

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, Hornung, Snyder, Spatz; NAYS: None.

LIQUOR RESOLUTIONS

APPLICATION OF COUNTRYVIEW STUDIOS INC. DBA ART & SOUL FOR A CLASS C LIQUOR LICENSE AT 5740 HIDCOTE DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86155

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 Countryview Studios Inc. dba Art & Soul located at 5740 Hidcote Drive, Lincoln, Nebraska, for the license period ending October 31, 2011, be approved with the condition that 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 JUSTINA R. SLATTERY FOR COUNTRYVIEW STUDIOS INC. DBA ART & SOUL AT 5740 HIDCOTE DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86156

WHEREAS, Countryview Studios Inc. dba Art & Soul located at 5740 Hidcote Drive, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Justina R. Slattery be named manager;

WHEREAS, Justina R. Slattery 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 as presented in this application, the Nebraska Liquor Control Act, and applicable City ordinances, the City Council recommends that Justina R. Slattery 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)

VACATION 10011 - VACATING CALVERT STREET FROM THE WEST LINE OF SOUTH 6TH STREET RIGHT-OF-WAY TO THE EAST LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY RIGHT-OF-WAY, GENERALLY LOCATED WEST ON THE INTERSECTION OF SOUTH 6TH STREET AND CALVERT STREET. (RELATED ITEMS: 10-148, 10R-205) [ACTION DATE: 1/3/2011] - CLERK read an ordinance, introduced by Doug Emery, vacating Calvert Street between South 6th Street and the railroad property to the west, generally located west of the intersection of South 6th Street and Calvert Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

MISC. NO. 10006 - APPLICATION OF MORNINGSTAR INVESTMENTS, LLC, TO RELEASE A PORTION OF VACATION 10011 - VACATING CALVERT STREET FROM THE WEST LINE OF SOUTH 6TH STREET RIGHT-OF-WAY TO THE EAST LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY RIGHT-OF-WAY, GENERALLY LOCATED WEST ON THE INTERSECTION OF SOUTH 6TH STREET AND CALVERT STREET. (RELATED ITEMS: 10-148, 10R-205) [ACTION DATE: 1/3/2011] - CLERK read an ordinance, introduced by Doug Emery, vacating Calvert Street between South 6th Street and the railroad property to the west, generally located west of the intersection of South 6th Street and Calvert Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND EXPERIAN FOR THE LEASE OF APPROXIMATELY 30,000 SQUARE FEET OF OFFICE SPACE IN THE BUILDING LOCATED AT 949 WEST BOND STREET TO EXPERIAN FOR AN INITIAL TERM OF FIVE YEARS WITH OPTION TO RENEW FOR TWO ADDITIONAL FIVE YEAR TERMS. (REQUEST 2ND, 3RD READINGS ON 12/13/10) - PRIOR to reading:

CARROLL - Moved to waive the rules to have 2nd and 3rd Reading on Bill No. 10-153 and Bill No. 10-156 with Action on this date. (Motion split on request of Camp.)

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

CARROLL - Moved to move Item 11 (Bill No. 10-153) after Item 16 (Bill No. 10R-136) on the Agenda.

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

CLERK - Read an ordinance, introduced by Doug Emery, accepting and approving the Lease Agreement between the City of Lincoln and Experian Marketing Solutions for the lease of approximately 30,000 square feet of office space in the building located at 949 West Bond Street to Experian for an initial term of five years with the option to renew for two additional five year terms, the third time.

EMERY - Moved to pass the ordinance as read.

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

The ordinance, being numbered #19479, is recorded in Ordinance Book #26, Page 822.

AMENDING THE OPERATING AGREEMENT BETWEEN THE CITY AND WOODS PARK TENNIS CORPORATION PERTAINING TO OPERATION OF THE WOODS PARK TENNIS CENTER AT 401 S. 33RD STREET TO MODIFY PROVISIONS REGARDING THE USE OF FUNDS IN THE TENNIS CAPITOL IMPROVEMENT FUND, TO CLARIFY OPERATOR AND ITS STAFF ARE NOT EMPLOYEES OF THE CITY AND ARE NOT ENTITLED TO EMPLOYEE BENEFITS, AND TO PROVIDE THAT ANY FAILURE TO ENFORCE ANY PROVISION OF THIS AGREEMENT IS NOT A WAIVER OF SUCH PARTY'S SUBSEQUENT RIGHT TO ENFORCE EVERY PROVISION OF THIS AGREEMENT - CLERK read an ordinance, introduced by Doug Emery, accepting and approving an Amendment to Operating Agreement from Woods Park Corporation to Friends of Woods Tennis, Inc., the second time.

Amendment to Operating Agreement from Woods Park Corporation to Friends of Woods Tennis, Inc. to: (1) clarify operator and its staff are not employees of the city and are not entitled to employee benefits; and (2) provide that any failure to enforce any provision of this agreement is not a waiver of such party’s subsequent right to enforce every provision of the agreement. Amended by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

AMENDING TITLE 2 OF THE LINCOLN MUNICIPAL CODE BY AMENDING CHAPTER 2.62, POLICE AND FIRE PENSION PLAN ‘A’; CHAPTER 2.65, POLICE AND FIRE PENSION PLAN ‘B’; AND CHAPTER 2.66, POLICE AND FIRE PENSION PLAN ‘C’ TO PROVIDE THAT CERTAIN ACTIVE MEMBERS MAY ELECT TO RECEIVE A 13TH CHECK OR PURCHASE A COST OF LIVING ADJUSTMENT TO APPLY TO THE MEMBER’S FUTURE PENSION BENEFIT PAYMENTS - PRIOR to reading:

CARROLL - Moved to waive the rules to have 2nd and 3rd Reading on Bill No. 10-153 and Bill No. 10-156 with Action on this date. (Motion split on request of Camp)

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

CLERK - Read an ordinance, introduced by Doug Emery, amending Title 2 of the Lincoln Municipal Code by amending Chapter 2.62, Police and Fire Pension Plan ‘A’; Chapter 2.65, Police and Fire Pension Plan ‘B’; and Chapter 2.66, Police and Fire Pension Plan ‘C’ to provide that certain active members may elect to receive a 13th check or purchase a cost of living adjustment to apply to the member’s future pension benefit payments. Amended by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
and Fire Pension Plan 'C' to provide that certain active members may elect to receive an 13th check or purchase a cost of living adjustment as a cost to the member's future pension benefit payments; and repealing Sections 2.62.045, 2.62.140, 2.65.045, 2.65.140, 2.66.045, and 2.66.107 of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF NOVEMBER 16 - 30, 2010 - PRIOR to reading:

COOK Moved to remove the claim of Connie Johnson from the denied list . Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

CLERK Read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86157

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 December 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:

DENIED CLAIMS

<table>
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<tr>
<th>Name</th>
<th>Amount</th>
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<td>Connie Johnson</td>
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ALLOWED/SETTLED CLAIMS

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<th>Name</th>
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</thead>
<tbody>
<tr>
<td>NAS*</td>
<td></td>
</tr>
<tr>
<td>Jim Dalton</td>
<td>$1,095.54</td>
</tr>
<tr>
<td>John Clark</td>
<td>$100.00</td>
</tr>
<tr>
<td>Nationwide Insurance (Betty Cunningham, Insured)</td>
<td>$2,063.58</td>
</tr>
<tr>
<td>Ethan Klitzke</td>
<td>$927.46</td>
</tr>
</tbody>
</table>

* No Amount Specified

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 Doug Emery

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND KONE INC. TO PERFORM ELEVATOR MAINTENANCE AND TESTING - WASTEWATER PLANTS, PURSUANT TO QUOTE NO. 3115, FOR A TWO-YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-86158

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

That the attached multi-year Contract Agreement between the City of Lincoln and KONE Inc. to perform Elevator Maintenance and Testing - Wastewater Plants, pursuant to Quote 3115, for a two-year term with the option to renew for one additional two-year term, upon the terms as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Doug Emery

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

ASSESSING THE COSTS INCURRED FOR CUTTING, CLEARING AND REMOVING WEEDS AGAINST THE VARIOUS BENEFITED PROPERTIES FOR THE PERIOD OF JANUARY 1 THROUGH DECEMBER 31, 2010 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-86159

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

That the costs for cutting, clearing, and removing weeds and other worthless vegetation as shown on the attached Weed Assessment Tax Report for January 1, 2010 through December 31, 2010 be and the same are hereby assessed against the properties set opposite each amount, as shown thereon.

Introduced by Doug Emery

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

SPECIAL PERMIT 10031 - APPLICATION OF U-PULL-IT, INC. TO OPERATE AN AUTO SALVAGE YARD TOGETHER WITH A REQUEST TO REDUCE THE SETBACK REQUIREMENTS FOR OPEN STORAGE OF SALVAGE FROM 100 FEET TO ZERO FEET ALONG THE EAST LOT LINE OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF NORTH 70TH STREET BETWEEN FLETCHER AVENUE AND MCCORMICK DRIVE - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86160

WHEREAS, Robert Cather has submitted an application designated as Special Permit No. 10031 to operate a salvage yard on I-1 Industrial zoned property and a setback of the 100' required setback from 0' to 0' along the east lot line abutting the AG Zoned land, generally located at North 70th Street between Fletcher Avenue and McCormick Drive, legally described as:

A tract of land located in part of the Southwest Quarter of Section 34, Township 11 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the southwest corner of said Southwest Quarter of Section 34; thence north 00 degrees 00 minutes 06 seconds east (assumed bearing) along the west line of said Southwest Quarter of Section 34, a distance of 633.00 feet; thence

Introduced by Doug Emery

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
south 89 degrees 43 minutes 34 seconds east parallel to the south line of said Southwest Quarter of Section 34, a distance of 33.00 feet to a point on the east right-of-way line of North 70th Street, said point also being the point of beginning; thence north 00 degrees 00 minutes 07 seconds east parallel to said west line of said Southwest Quarter of Section 34, a distance of 756.00 feet to a point on said east right-of-way line of North 70th Street; thence south 89 degrees 43 minutes 34 seconds east parallel to said south line of said Southwest Quarter of Section 34, a distance of 885.52 feet; thence south 00 degrees 01 minutes 10 seconds east parallel to the east line of said Southwest Quarter of Section 34, a distance of 400.01 feet; thence south 89 degrees 43 minutes 34 seconds east parallel to said south line of said Southwest Quarter of Section 34, a distance of 33.00 feet to a point on a line 633.00 feet distant north from and parallel to said south line of said Southwest Quarter of Section 34; thence north 89 degrees 43 minutes 34 seconds west along said line 633.00 feet distant north from and parallel to said southwest line of said Southwest Quarter of Section 34, a distance of 1285.81 feet to the point of beginning; said tract of land contains an area of 811,948 square feet or 18.640 acres, more or less.

WHEREAS, the real property adjacent to the area included within the site plan for this auto salvage yard will not be adversely affected; and

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

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

That the application of Robert Cather, hereinafter referred to as "Permittee", to operate a salvage yard on I-1 Industrial zoned property with a reduction of the 100' required setback from 100' to 0' along the east property line abutting the AG Zoned land on property legally described above be and the same is hereby granted under the provisions of Section 27.63.500 of the Lincoln Municipal Code upon condition that the operation of said auto salvage lot be in substantial compliance with said application, the site plan, and the following additional terms, conditions, and requirements:

1. This permit approves a salvage yard with a reduction of the required setback to 0 feet along the east property line abutting the AG Zoned land.
2. Before receiving building permits the Permittee must:
   a. Submit a revised site plan including five copies showing the following revisions to the Planning Department for review and approval:
      i. Show the north entrance with no curb cut and for emergency access only.
      ii. Move the gates east at the two driveway entrances to provide room for stacking at least one vehicle between the gates and property line.
      iii. Revise the grading and drainage plan to the satisfaction of Public Works & Utilities Department.
      iv. Show sight triangle dimensions at the north 70th Street driveway to verify compliance with design standards.
   b. Provide verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
   c. The construction plans must substantially comply with the approved plans.
3. Before occupying buildings or starting the operation, all development and construction must substantially comply with the approved plans.
4. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the provisions of the approved site plan.
5. The operation and use must comply with Chapter 5.41 (Salvaging, Recycling and Composting Operations) and Chapter 8.26 (Nuisances) of the Lincoln Municipal Code, as amended.
6. The terms, conditions, and requirements of this resolution shall run with the land and be binding on the Permittee, its successors, and assigns.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 60 days following approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced Doug Emery
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
WHEREAS, Resolution No. A-75378 provides that five percent of the gross

AMENDING TITLE 2 OF THE LINCOLN MUNICIPAL CODE BY AMENDING CHAPTER 2.62, POLICE AND 
FIRE PENSION PLAN 'A'; CHAPTER 2.65, POLICE AND FIRE PENSION PLAN 'B'; AND 
CHAPTER 2.66, POLICE AND FIRE PENSION PLAN 'C' TO PROVIDE THAT CERTAIN ACTIVE 
MEMBERS MAY ELECT TO RECEIVE A 13TH CHECK OR PURCHASE A COST OF LIVING 
ADJUSTMENT TO APPLY TO THE MEMBER'S FUTURE PENSION BENEFIT PAYMENTS - PRIOR TO 
reading:

Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: Camp.

The ordinance, being numbered #19480, is recorded in Ordinance Book #26, Page 67.

APPROVING APPROPRIATIONS IN THE AMOUNT OF $43,320.00 FROM THE OPERATION OF KENO 
LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES (ROUND 32) - CLERK read the following 
resolution, introduced by Doug Emery, who moved its adoption:

WHEREAS, Resolution No. A-75378 provides that five percent of the gross 
proceeds realized by the City of Lincoln from the operation of a keno lottery 
shall be designated for such human services as may be recommended and approved by the Joint Budget Committee, City Council and Lancaster Board of Commissioners; and

WHEREAS, the Joint Budget Committee has recommended that the City Council and Lancaster County Board of Commissioners approve the designation of $43,320.00 from said gross funds for the human services listed in Attachment "A" (Keno Prevention Fund Round 32) attached hereto and incorporated herein by reference.

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

That the designation of the $43,320.00 from gross funds from the operation of keno lottery for the human services listed in Attachment "A" is hereby approved and the Mayor is authorized to enter into grant contracts with the respective agencies providing said human services.

Introduced by Doug Emery

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)

CHANGE OF ZONE 10022 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO 
ZONING BY AMENDING SECTIONS 27.52.010, 27.52.020, 27.53.010, AND 27.53.020 TO 
ADOPT THE FEBRUARY 18, 2011 FLOOD INSURANCE RATE MAP (FIRM) AND THE FLOOD 
INSURANCE STUDY (FIS) AS REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. 
(RELATED ITEMS: 10-157, 10-158) - CLERK read an ordinance, introduced by Adam 
Hornung, amending Title 27 of the Lincoln Municipal Code relating to Zoning by 
amending Sections 27.52.010, 27.52.020, 27.53.010, and 27.53.020 to adopt the 
February 18, 2011 Flood Insurance Rate Map (FIRM) and the Flood Insurance Study 
(FIS) as required by the Federal Emergency Management Agency; and repealing Sections 27.52.010, 27.52.020, 27.53.010, and 27.53.020 of the Lincoln Municipal Code as hitherto existing, the first time.

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

MISC. 10010 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO LAND 
SUBDIVISION BY AMENDING SECTIONS 26.24.010 AND 26.25.010 TO ADOPT THE FEBRUARY 
18, 2011 FLOOD INSURANCE RATE MAP (FIRM) AS REQUIRED BY THE FEDERAL EMERGENCY 
MANAGEMENT AGENCY. (RELATED ITEMS: 10-157, 10-158) - CLERK read an ordinance, 
introduced by Adam Hornung, amending Title 26 of the Lincoln Municipal Code 
relating to Land Subdivision by amending Sections 26.24.010 and 26.25.010 to 
adopt the February 18, 2011 Flood Insurance Rate Map (FIRM) as required by the 
Federal Emergency Management Agency; and repealing Sections 26.24.010 and 
26.25.010 of the Lincoln Municipal Code as hitherto existing, the first time.
WHEREAS, rate schedules and service regulations for the use and services of Lincoln Electric System for 2011 was approved by the LES Administrative Board on November 16, 2009, is hereby superseded by this Resolution effective January 1, 2011. WHEREAS, the rate recommendation demonstrating the justification for said rates and charges has been demonstrated and therefore said rates should be adopted. WHEREAS, it is evident to the City Council of the City of Lincoln, Nebraska, that the justification for said rates and charges has been demonstrated and therefore said rates should be adopted.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that effective January 1, 2011, the attached “Rate Schedules, Service Regulations and Cost Analysis Summary” for rates effective January 1, 2011, which is attached hereto and fully incorporated herein, be adopted for the use of Lincoln Electric System and the provision of services to ratepayers in the service area of Lincoln Electric System; and WHEREAS, pursuant to the above-cited code section, a public hearing on the proposed budget was held on November 29, 2010, notice thereof having been published in one issue of the Lincoln Journal Star newspaper published and of general circulation in the City more than five (5) days before such hearing.

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2011, TO BECOME EFFECTIVE JANUARY 1, 2011 (ACTION DATE: 12/6/10) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption.

WHEREAS, rate schedules and service regulations for the use and services of Lincoln Electric System of the City of Lincoln, including the electric energy sold, furnished or supplied by said City of Lincoln, Nebraska, have been established by resolution from time to time, the last one being Resolution No. A-85599, adopted by the City Council on November 16, 2009 and approved by the Mayor on November 18, 2009; and WHEREAS, the Administrative Board of the Lincoln Electric System has recommended to the City Council of the City of Lincoln, Nebraska, that the document entitled, “Rate Schedules, Service Regulations and Cost Analysis Summary” for rates effective January 1, 2011, which is attached hereto and fully incorporated herein, be adopted for the use of Lincoln Electric System and the provision of services to ratepayers in the service area of Lincoln Electric System; and WHEREAS, that effective January 1, 2011, the attached “Rate Schedules, Service Regulations and Cost Analysis Summary” for rates effective January 1, 2011, for the Lincoln Electric System and the provision of services to ratepayers in the service area of Lincoln Electric System is hereby established and adopted; and WHEREAS, the rate recommendation providing for a system average increase of 2.5% to be effective January 1, 2011 complies with the provisions of Sections 3.26.030, 3.26.070, 3.28.030, 3.28.070, and 3.30.020 to amend the definitions of “drinking place” and “restaurant” to remove the condition that the tax is imposed on establishments open to the public; amending section 3.30.040 to delete the provision that a person subject to the restaurant occupation tax may, upon written application to and with the written consent of the City Finance Director, make reports and remittances on a monthly basis; and repealing Sections 3.26.030, 3.26.070, 3.28.030, 3.28.070, 3.30.020, 3.30.030, 3.30.040, and 3.30.070 of the Lincoln Municipal Code 3.30.070 to clarify the penalty and interest assessed for non-payment or delinquent payment of such taxes; amending section 3.26.070 to clarify the imposition of such taxes shall begin on January 1, 2011; amending Sections 3.26.030, 3.28.030 and 3.30.030 to clarify the imposition of such taxes shall begin on January 1, 2011; and amending Section 3.30.020 to amend the definitions of “drinking place” and “restaurant” to remove the condition that the tax is imposed on establishments open to the public; amending section 3.30.040 to delete the provision that a person subject to the restaurant occupation tax may, upon written application to and with the written consent of the City Finance Director, make reports and remittances on a monthly basis; and repealing Sections 3.26.030, 3.26.070, 3.28.030, 3.28.070, 3.30.020, 3.30.030, 3.30.040, and 3.30.070 of the Lincoln Municipal Code as hither to existing, the third time.

ADOPTING THE LINCOLN ELECTRIC SYSTEM RATE SCHEDULE, SERVICE REGULATIONS, AND COST ANALYSIS SUMMARY PROVIDING FOR A SYSTEM AVERAGE INCREASE OF 2.5 PERCENT, TO BE EFFECTIVE JANUARY 1, 2011 (ACTION DATE: 12/6/10) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption.

WHEREAS, the rate recommendation demonstrating the justification for said rates and charges has been demonstrated and therefore said rates should be adopted.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that the justification for said rates and charges has been demonstrated and therefore said rates should be adopted.

WHEREAS, it is evident to the City Council of the City of Lincoln, Nebraska, that the justification for said rates and charges has been demonstrated and therefore said rates should be adopted.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that the justification for said rates and charges has been demonstrated and therefore said rates should be adopted.

WHEREAS, the rate recommendation demonstrating the justification for a system average increase of 2.5% to be effective January 1, 2011 complies with
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That pursuant to the provisions of Section 4.24.090 of the Lincoln Municipal Code, the Lincoln Electric System Annual Budget for the fiscal year beginning January 1, 2011, is hereby adopted, and all funds listed therein are hereby appropriated for the several purposes therein stated.
2. That all money received and any of the aforesaid funds in excess of the estimated balances and receipts set forth in said budget shall be credited to the unappropriated surplus of such funds.
3. That all monies received and set apart for the operation and maintenance of the Lincoln Electric System and all monies received from any source that are required to be applied to the costs of said operation and maintenance, shall be deposited in the appropriate operation and maintenance account, and paid out upon the order of those persons designated by the LES Administrative Board.
4. That by adoption of the Capital Improvements Budget, the City Council hereby authorizes the acquisition of all necessary right-of-way, easements, or other interests in land, by purchase if possible, by condemnation if necessary, for those projects included within the Capital Improvements Budget.
5. That, to the extent capital improvements for facilities of LES are made from LES revenue and other funds, it is intended that the amount of such expenditures, which is not reasonably expected to exceed $50,000,000 shall be reimbursable to the LES revenue and other funds through the issuance of future electric system revenue bonds, there being no funds of LES or the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to such expenditures, other than pursuant to the issuance of such electric system revenue bonds, this Resolution being determined to be consistent with the budgetary and financial circumstances of LES and the City as they exist or are reasonably foreseeable on the date hereof.
6. There is hereby appropriated all money received from any source as grants or donations received for public purposes.

OPEN MICROPHONE

Richard Esquivel, 733 Cumings St., wished the Council very happy holidays and hope their #1 wish for Christmas is to find $45,000,000 to replace the loss of Innovation Campus if the grant doesn't go through, we've lost the State Fair which is $20,000,000 a year and hope they consider horse racing in the State of Nebraska because that is another source of revenue.

This matter was taken under advisement.

Greg Kusek, 626 Trail Ridge Rd., came forward to talk about education. He feels that personal finance classes should be required for all students and all majors as this will help people create financial goals in the short-term, mid-term, and long-term. They would learn how to budget finances to pay off credit card debt in a couple years, student loans, car loans, retirement goals, the basics of what is covered by various insurances, the coverage rates, how to handle insurance if an accident and discuss how IRA's and 401K work.

Council Member Camp suggested he direct this information to the Lincoln Public School Board and the University of Nebraska Board of Regents.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to January 3, 2011
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 January 3, 2011.
Seconded by Carroll & carried by the following vote:AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT

5:25 P.M.

CAMP Moved to adjourn the City Council meeting of December 13, 2010.
Seconded by Carroll & carried by the following vote:AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

CAMP Moved to Withdraw the motion to adjourn.
OPEN MICROPHONE CONTINUED

John Austin, 826 S. 14th St., stated he feels the Fire Department does a good job, but they get good pay for it. They buy snow blowers when they could buy a snow shovel. He asked why there weren’t more 5 minute discussions at the City Council meeting like the County does? He feels the Council all deserve a Merry Christmas the way they run the City and spend its’ money. Happy New Year. It won’t be a Merry Christmas to a lot of people who have to pay a lot of money for the money you spent already.

This matter was taken under advisement.

ADJOURNMENT 5:29 P.M.

CAMP Moved to adjourn the City Council meeting of December 13, 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