THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MAY 2, 2011 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 B. 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 April 25, 2011 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF PIES & PINTS LLC DBA PIES & PINTS FOR A CLASS C LIQUOR LICENSE AT 311 NORTH 8TH STREET, SUITE 1;

MANAGER APPLICATION OF JASON ORTMEIER FOR PIES & PINTS LLC DBA PIES & PINTS AT 311 NORTH 8TH STREET, SUITE 1 - Jason Ortmeier, 5620 Abbey Court, Apt. 68, came forward to take oath and answer questions.

Chris Chmelka, 2355 A St., came forward to take oath and answer questions.

Council Member Emery questioned the men about manager training. Mr. Ortmeier said he is signed up to attend class on May 12 and is in agreement with the written restrictions.

This matter was taken under advisement.

AMENDING CHAPTER 26.11 OF THE LINCOLN MUNICIPAL CODE RELATING TO PROCEDURES FOR PROCESSING SUBDIVISIONS BY AMENDING SECTION 26.11.039 TO PROVIDE THAT A CASH CONTRIBUTION MAY BE FURNISHED FOR STREET TREES IN LIEU OF A BOND, ESCROW OR SECURITY AGREEMENT ON ALL FINAL PLATS, TO PROVIDE THAT NO SURETY IS REQUIRED FOR SIDEWALKS ALONG NON-MAJOR STREETS ABUTTING RESIDENTIAL LOTS, AND TO ADD CLARITY BY DIVIDING SUBPARAGRAPH (G) INTO TWO SUBPARAGRAPHS (G) AND (H); AND AMENDING SECTION 26.11.040 TO PROVIDE THAT SIDEWALKS ALONG NON-MAJOR STREETS ABUTTING NON-RESIDENTIAL LOTS SHALL BE INSTALLED PRIOR TO THE CITY ISSUING AN OCCUPANCY PERMIT OR WITHIN FOUR YEARS FOLLOWING PLAT APPROVAL WHICHSOEVER OCCURS FIRST AND SIDEWALKS ALONG NON-MAJOR STREETS ABUTTING RESIDENTIAL LOTS SHALL BE INSTALLED PRIOR TO THE CITY ISSUING AN OCCUPANCY PERMIT, EXCEPT UNDER SPECIFIED CONDITIONS, THAT STREET TREES ALONG NON-MAJOR STREETS SHALL BE INSTALLED WITHIN ONE YEAR AFTER THE ISSUANCE OF AN OCCUPANCY PERMIT OR WITHIN SIX YEARS OF FINAL PLAT APPROVAL, WHICHEVER OCCURS FIRST, AND TO PROVIDE THAT STORMWATER DETENTION/RETENTION FACILITIES SHALL BE GRADED AT THE SAME TIME AS THE OVERALL SITE GRADING AND THAT SUCH GRADING SHALL BE COMPLETED PRIOR TO INSTALLATION OF REQUIRED WATER DISTRIBUTION, WASTEWATER COLLECTION, AND STREET IMPROVEMENTS AND TO PROVIDE CONDITIONS WHICH MUST BE MET FOR THE RELEASE OF ANY SURETY TO GUARANTEE CONSTRUCTION OF THE STORMWATER DETENTION/RETENTION FACILITIES - Marvin Krout, Director of Planning, came forward to clarify amendments to the City’s subdivision ordinance which governs how land is divided into legal lots. Work is coordinated with developers on streets (layout, standards, naming, grading & drainage); sidewalks; street trees; lighting; water & sewer main connections; and provisions for utility easements. While developers pay for & install improvements and many of the improvements are dedicated public areas, the City’s interest is to make sure they are installed in a timely & correct way.

DaNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward on behalf Ridge Development Co. and Southview, Inc. in support. She stated that the amendment is a better process which enables her clients to clean up older, outstanding escrows and look to a plan in the future to simplify street trees.

This matter was taken under advisement.

AMENDING TITLE 17 OF THE LINCOLN MUNICIPAL CODE RELATING TO WATER BY ADDING A NEW SECTION NUMBERED 17.02.185 TO PROVIDE A DEFINITION FOR "LOT"; AMENDING SECTION 17.02.210 TO REVISE THE DEFINITION OF "MASTER METERED WATER SERVICE"; REPEALING SECTIONS 17.02.230, 17.02.240, AND 17.02.260 TO DELETE DEFINITIONS OF "MOBILE
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HOME, "MOBILE HOME COURT," AND "OFFICE PARK," RESPECTIVELY; AMENDING SECTION 17.02.180 TO REVISE THE DEFINITION OF "PREMISES"; REPEALING SECTION 17.02.320 TO DELETE THE DEFINITION OF "SHOPPING CENTER"; AMENDING SECTION 17.10.070 TO CHANGE THE PROVISIONS REQUIRING WHEN PERMANENT WATER METERS ARE TO BE INSTALLED; AMENDING SECTION 17.10.080 TO CHANGE THE REQUIREMENTS OF HOW WATER SERVICE TO SPECIFIC LOTS IS PROVIDED; AMENDING SECTION 17.10.100 TO REQUIRE SURVEYS WHEN A PREMISES IS SUPPLIED BY TWO OR MORE SOURCES OF WATER; AMENDING SECTION 17.18.006 TO CHANGE HOW THE WATER SERVICE MANUAL MAY BE APPROVED; AMENDING SECTION 17.18.010 TO REMOVE THE NOTICE REQUIREMENT FOR MAKING A TAP; AMENDING SECTION 17.18.030 TO CHANGE THE PROVISIONS RELATED TO THE PROVISION OF WATER SERVICES FOR NEWLY CONSTRUCTED AND RECONSTRUCTED PREMISES; AMENDING SECTION 17.18.080 TO CHANGE PROVISIONS WHEN SURVEYS ARE REQUIRED; AMENDING SECTION 17.18.090 TO CHANGE REQUIREMENTS RELATED TO BACKFLOW PREVENTION INSTALLATIONS; AMENDING SECTION 17.18.130 TO ALLOW MULTIPLE SUPPLY AND SERVICE PIPES TO A PREMISES UNDER CERTAIN EXCEPTIONS; AND AMENDING SECTION 17.18.160 TO CHANGE REPAIR AND COST PROVISIONS INVOLVING LEAKS FROM CUSTOMER SERVICE PIPES - Steve Owen, Public Works & Utilities, came forward to explain amendments affecting requirements to connect to the public water system. He said flexibility & potential cost-savings to homebuilders include the following: allowing polyethylene for small water services as it is eight times less expensive than copper; eliminating temporary water metering due to element exposure/theft; allowing multiple water services for non-residential condominium regimes; streamlining changes to the service manual by Mayor’s executive order; and approving flexibility for leak repair in a timely manner. Finally, Mr. Owen clarified an amendment to language regarding backflow protection.

Mike Rezac, Rezac Construction, came forward in support. He expressed appreciation to the Public Works Dept. for inviting the housing industry to be part of discussions. He commended the department for its delivery of safe, affordable water. In answer to Council questions, Mr. Rezac said since poly pipe has been used outside of City limits for many years, it made sense to bring in an affordable product.

Mark Gottula, representing 34 years of plumbing services, came forward in support. He presented comparison pricing for copper vs. poly pipe. He gave one example affecting new construction installation as being the following: 60 ft. of 1-inch copper pipe = $825 as compared to 60 ft. of 1-inch poly pipe = $70.

John Austin, 826 S. 14th St., came forward in support. Council Member Emery expressed appreciation for everyone involved in amending this ordinance.

This matter was taken under advisement.

ANNEXATION NO. 11002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 18.36 ACRES OF LAND GENERALLY LOCATED AT SOUTH 88TH STREET AND PIONEERS BOULEVARD, CHANGE OF ZONE NO. 11002 - APPLICATION OF HMARK PROPERTY, LLC, FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 88TH STREET AND PIONEERS BOULEVARD - Guy Lammle, applicant, came forward for approval. He said 27 holes is a clumsy number when it comes to golfing, so the goal is to get two 18-hole courses built.

Tim Gergen, Olsson Associates, was on hand for questioning.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND BURWOOD GROUP, INC. FOR THE ANNUAL REQUIREMENTS FOR WEBSENSE MAINTENANCE, PURSUANT TO QUOTE 3451, FOR A THREE-YEAR TERM - Vince Mejer, Purchasing Agent, came forward to answer questions. He said Websense Maintenance is required for the web browser at the library.

This matter was taken under advisement.

AMENDING RESOLUTION NO. A-84590 TO CHANGE THE PORTION OF THE LOCAL GOVERNMENT MISCELLANEOUS EXPENDITURES POLICY REGARDING THE MAYOR'S AWARD OF EXCELLENCE, INCLUDING CHANGES TO THE COMMITTEE MEMBER QUORUM, TERM OF THE COMMITTEE MEMBERS, CLARIFICATION OF WINNER SELECTION, AND TO REARRANGE SECTIONS FOR CLARITY - Mark A. Koller, Personnel Director, came forward to say employees treat the Mayor’s Award of Excellence as a very high honor. He said committee members now total seven with a majority of four instead of three. To allow more participation from employees, a term will be two years, with no committee member serving more than two consecutive terms.

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 APRIL 1 - 15, 2011 - Jason Chambers, 630 Fremont St., came forward to talk about his mailbox incident. He
questioned the language written in the Lincoln Municipal Code as it pertained to brick or decorative concrete but does not specify mailbox.

Kent Griffith, 2430 N. 79th St., came forward regarding an incident that occurred on March 30 on a City roadway while passing a Parks & Recreation dump truck going the opposite direction. He said a softball-size clump of dirt flew from the truck striking his vehicle resulting in $750 worth of damage.

Rod M. Confer, City Attorney, came forward to address the right-of-way. Mr. Confer said whether an individual obtains a permit or not, the City is not held liable for any personal property kept in the City right-of-way which is damaged by the City. In response to Council questioning regarding another claim involving a mailbox, Mr. Confer said he had no indication of that incident being in the City right-of-way.

Council Member Emery shared ideas on proper mailbox placement. Mr. Confer addressed the Griffiths claim. He said Mr. Griffith discussed the incident with the driver of the truck and police were called. The driver said he had neither been in mud nor seen any mud come off his truck. The Law Department did not find the driver to be negligent.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

RESOLUTION LEVYING THE SPECIAL TAXES ASSESSED FOR THE COSTS OF THE IMPROVEMENTS IN THE NORTH 27TH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86311

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

The special taxes assessed April 11, 2011, to pay the costs of the improvements in the North 27th Street Maintenance Business Improvement District are hereby levied and shall bear interest at 14% and that the period of time in which the assessments are to be paid shall be one (1) year.

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

RESOLUTION LEVYING THE SPECIAL TAXES ASSESSED FOR THE COSTS OF THE IMPROVEMENTS IN THE UNIVERSITY PLACE MAINTENANCE BUSINESS IMPROVEMENT DISTRICT - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86312

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

The special taxes assessed April 11, 2011, to pay the costs of the improvements in the University Place Maintenance Business Improvement District are hereby levied and shall bear interest at 14% and that the period of time in which the assessments are to be paid shall be one (1) year.

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

INTRODUCED BY Doug Emery

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 FIRST QUARTER, FISCAL YEAR 2010-11 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86313

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.

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

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON APRIL 18, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk.

ANNUAL REPORT FOR THE YEAR 2010 PREPARED BY CITY LAW DEPARTMENT DATED APRIL 1, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk.
PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, MAY 16, 2011 AT 3:00 P.M. FOR THE APPLICATION OF BLUE ORCHID, LLC DBA BLUE ORCHID FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS I LIQUOR LICENSE LOCATED AT 129 N. 10TH STREET, SUITE 111 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86314

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 16, 2011, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Blue Orchid, LLC dba Blue Orchid for the addition of a catering license to its Class I liquor license located at 129 N. 10th Street, Suite 111. 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:

Waiver No. 11004 to Final Plat No. 01035 approved by the Planning Director on April 20, 2011 requested by the Eiger Corporation to extend the time for two years to install sidewalks, street trees and landscape screening for Appian Way Addition. The improvements shall be completed by April 20, 2013. Also includes any uninstalled street trees and landscaping screening associated with Appian Way 4th, 7th, 10th, 11th, 12th and 13th Additions on property generally located at S. 84th St. and Highway 2.

Waiver No. 11005 to Final Plat No. 04023 approved by the Planning Director on April 20, 2011 requested by Eiger Corporation to extend the time for two years to install sidewalks and street trees for Appian Way Regional Center Phase II Addition. The improvements shall be completed by April 20, 2013. Also includes any uninstalled street trees and sidewalks associated with Appian Way Regional Center Phase II 1st, 3rd, 5th and 8th Additions on property generally located at S. 84th St. and Highway 2.

MISCELLANEOUS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF PIES & PINTS LLC DBA PIES & PINTS FOR A CLASS C LIQUOR LICENSE AT 311 NORTH 8TH STREET, SUITE 1 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86315

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 Pies & Pints, LLC, dba Pies & Pints for a Class "C" liquor license at 311 North 8th Street, Suite 1, Lincoln, Nebraska, for the license period ending October 31, 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. There be no business or personal alcohol related offenses by the applicant within the first year after approval.

3. The premises 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 JASON ORTMIEIER FOR PIES & PINTS LLC DBA PIES & PINTS AT 311 NORTH 8TH STREET, SUITE 1 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86316

WHEREAS, Pies & Pints, LLC, dba Pies & Pints located at 311 North 8th Street, Suite 1, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Jason Ortmeier be named manager;
WHEREAS, Jason Ortmeier 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 Jason Ortmeier 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.

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

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

AMENDING CHAPTER 26.11 OF THE LINCOLN MUNICIPAL CODE RELATING TO PROCEDURES FOR PROCESSING SUBDIVISIONS BY AMENDING SECTION 26.11.039 TO PROVIDE THAT A CASH CONTRIBUTION MAY BE FURNISHED FOR STREET TREES IN LIEU OF A BOND, ESCROW OR SECURITY AGREEMENT ON ALL FINAL PLATS, TO PROVIDE THAT NO SURETY IS REQUIRED FOR SIDEWALKS ALONG NON-MAJOR STREETS ABUTTING RESIDENTIAL LOTS, AND TO ADD CLARITY BY DIVIDING SUBPARAGRAPH (G) INTO TWO SUBPARAGRAPHS (G) AND (H); AND AMENDING SECTION 26.11.040 TO PROVIDE THAT SIDEWALKS ALONG NON-MAJOR STREETS ABUTTING NON-RESIDENTIAL LOTS SHALL BE INSTALLED PRIOR TO THE CITY ISSUING AN OCCUPANCY PERMIT OR WITHIN FOUR YEARS FOLLOWING PLAT APPROVAL WHICHEVER OCCURS FIRST AND SIDEWALKS ALONG NON-MAJOR STREETS ABUTTING RESIDENTIAL LOTS SHALL BE INSTALLED PRIOR TO THE CITY ISSUING AN OCCUPANCY PERMIT, EXCEPT UNDER SPECIFIED CONDITIONS, THAT STREET TREES ALONG NON-MAJOR STREETS SHALL BE INSTALLED WITHIN ONE YEAR AFTER THE ISSUANCE OF AN OCCUPANCY PERMIT OR WITHIN SIX YEARS OF FINAL PLAT APPROVAL, WHICHEVER OCCURS FIRST, AND TO PROVIDE THAT STORMWATER DETENTION/RETENTION FACILITIES SHALL BE GRADED AT THE SAME TIME AS THE OVERALL SITE GRADING AND THAT SUCH GRADING SHALL BE COMPLETED PRIOR TO INSTALLATION OF REQUIRED WATER DISTRIBUTION, WASTEWATER COLLECTION, AND STREET IMPROVEMENTS AND TO PROVIDE CONDITIONS WHICH MUST BE MET FOR THE RELEASE OF ANY SURETY TO GUARANTEE CONSTRUCTION OF THE STORMWATER DETENTION/RETENTION FACILITIES - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 26.11 of the Lincoln Municipal Code relating to Procedures for Processing Subdivisions by amending Section 26.11.039 to provide that a cash contribution may be furnished for street trees in lieu of a bond, escrow or security agreement on all final plats, to provide that no surety is required for sidewalks along non-major streets abutting residential lots, and to add clarity by dividing subparagraph (g) into two subparagraphs (g) and (h); and amending Section 26.11.040 to provide that sidewalks along non-major streets abutting non-residential lots shall be installed prior to the City issuing an occupancy permit or within four years following plat approval whichever occurs first and sidewalks along non-major streets abutting residential lots shall be installed prior to the City issuing an occupancy permit, except under specified conditions, that street trees along non-major streets shall be installed within one year after the issuance of an occupancy permit or within six years of final plat approval, whichever occurs first, and to provide that stormwater detention/retention facilities shall be graded at the same time as the overall site grading and that such grading shall be completed prior to installation of required water distribution, wastewater collection, and street improvements and to provide conditions which must be met for the release of any surety to guarantee construction of the stormwater detention/retention facilities, the second time.

AMENDING TITLE 17 OF THE LINCOLN MUNICIPAL CODE RELATING TO WATER BY ADDING A NEW SECTION NUMBERED 17.02.185 TO PROVIDE A DEFINITION FOR "LOT"; AMENDING SECTION 17.02.210 TO REVISE THE DEFINITION OF "MASTER METERED WATER SERVICE"; REPEALING SECTIONS 17.02.230, 17.02.240, AND 17.02.260 TO DELETE DEFINITIONS OF "MOBILE HOME," "MOBILE HOME COURT," AND "OFFICE PARK," RESPECTIVELY; AMENDING SECTION 17.02.185 TO REVISE THE DEFINITION OF "PREMISES"; REPEALING SECTION 17.02.320 TO DELETE THE DEFINITION OF "SHOPPING CENTER"; AMENDING SECTION 17.10.070 TO CHANGE THE PROVISIONS REQUIRING WHEN PERMANENT WATER METERS ARE TO BE INSTALLED; AMENDING SECTION 17.10.080 TO CHANGE THE REQUIREMENTS OF HOW WATER SERVICE TO SPECIFIC LOTS IS PROVIDED; AMENDING SECTION 17.10.100 TO REQUIRE SURVEYS WHEN A PREMISES IS SUPPLIED BY TWO OR MORE SOURCES OF WATER; AMENDING SECTION 17.18.006 TO CHANGE HOW THE WATER SERVICE MANUAL MAY BE APPROVED; AMENDING SECTION 17.18.010 TO REMOVE THE NOTICE REQUIREMENT FOR MAKING A TAP; AMENDING SECTION 17.18.020 TO PROVIDE A DEFINITION FOR "SHOPPING CENTER"; AMENDING SECTION 17.18.030 TO PROVIDE A DEFINITION FOR WATER SERVICES FOR NEWLY CONSTRUCTED AND RECONSTRUCTED PREMISES; AMENDING SECTION 17.18.080 TO
CHANGE PROVISIONS WHEN SURVEYS ARE REQUIRED; AMENDING SECTION 17.18.090 TO CHANGE REQUIREMENTS RELATED TO BACKFLOW PREVENTION INSTALLATIONS; AMENDING SECTION 17.18.110 TO ALLOW MULTIPLE SUPPLY AND SERVICE PIPES TO A PREMISES UNDER CERTAIN EXCEPTIONS; AND AMENDING SECTION 17.18.160 TO CHANGE REPAIR AND COST PROVISIONS INVOLVING LEAKS FROM CUSTOMER SERVICE PIPES - CLERK read an ordinance, introduced by Jonathan Cook, Amending Title 17 of the Lincoln Municipal Code relating to Water by adding a new Section numbered 17.02.185 to provide a definition for "lot"; amending Section 17.02.210 to revise the definition of "master metered water service"; repealing Sections 17.02.230, 17.02.240, and 17.02.260 to delete definitions of "mobile home," "mobile home court," and "office park," respectively; amending Section 17.02.180 to revise the definition of "premise"; repealing Section 17.02.120 to delete the definition of "shopping center"; amending Section 17.10.070 to change the provisions requiring when permanent water meters are to be installed; amending Section 17.10.080 to change the requirements that water service to specific lots is provided; amending Section 17.10.100 to require surveys when a premise is supplied by two or more sources of water; amending Section 17.18.006 to change the Water Service Manual may be approved; amending Section 17.18.010 to remove the notice requirement for making a tap; amending Section 17.18.030 to change the provisions related to the provision of water services to newly constructed and reconstructed premises; amending Section 17.18.080 to change requirements related to backflow prevention installations; amending Section 17.18.130 to allow multiple supply and service pipes to a premises under certain exceptions; and amending Section 17.18.160 to change repair and cost provisions involving leaks from customer service pipes, the second time.

ANNEXATION NO. 11002 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 18.36 ACRES OF LAND GENERALLY LOCATED AT SOUTH 88TH STREET AND PIONEERS BOULEVARD (RELATED ITEMS 11-50, 11-51) - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE NO. 11002 – APPLICATION OF HMARK PROPERTY, LLC, FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 88TH STREET AND PIONEERS BOULEVARD (RELATED ITEMS 11-50, 11-51) - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND BURWOOD GROUP, INC. FOR THE ANNUAL REQUIREMENTS FOR WEBSENSE MAINTENANCE, PURSUANT TO QUOTE 3451, FOR A THREE-YEAR TERM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86317

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

That the attached Contact Agreement between the City of Lincoln and Burwood Group, Inc., pursuant to Quote 3451, for the Annual Supply for Websense Maintenance for a three-year term, upon the terms as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

AMENDING RESOLUTION NO. A-84590 TO CHANGE THE PORTION OF THE LOCAL GOVERNMENT MISCELLANEOUS EXPENDITURES POLICY REGARDING THE MAYOR’S AWARD OF EXCELLENCE, INCLUDING CHANGES TO THE COMMITTEE MEMBER QUORUM, TERM OF THE COMMITTEE MEMBERS, CLARIFICATION OF WINNER SELECTION, AND TO REARRANGE SECTIONS FOR CLARITY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86318

WHEREAS, the Local Government Miscellaneous Expenditure Act authorizes the City Council to reimburse expenses incurred by elected and appointed officials, employees, or volunteers; and
WHEREAS, the City Council adopted a formal policy in Resolution No. A-77093 passed November 27, 1995, which resolution has been amended from time to time and most recently by Resolution No. A-84590 on October 22, 2007; and

WHEREAS, this policy governs educational workshops, conferences, training programs, official functions, hearings and meetings, registration fees, mileage, meals and lodging, travel expenditures, recognition dinners, plaques, certificates of achievement, and other miscellaneous expenditures; and

WHEREAS, this policy recognizes the various budget limitations, job assignments, and training needs of departments; and

WHEREAS, this policy needs to be updated to reflect current conditions.

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

That it hereby adopts the following policy governing the expenditure of public funds for payment or reimbursement of actual and necessary expenses incurred by elected and appointed officials, employees, or volunteers.

1. EXPENSES FOR EDUCATION, TRAINING, OR TRAVEL

Payment or reimbursement of actual and necessary expenses incurred by elected and appointed officials, employees, or volunteers at educational workshops, conferences, training programs, official functions, hearings, job duties, or meetings whether incurred within or outside of City limits may be reimbursed as herein authorized.

Travel expenses, which are defined as those costs a traveler must pay for conducting City business and which are necessary for the purpose of travel, may be approved by the department head. It is understood that not all expenses are automatically reimbursable even if they are addressed in this resolution. Rather, the reimbursement of expenses may vary between departments and employees within a department as determined by the department head. Nothing herein shall be construed as requiring reimbursement of any meal. Under no circumstances will expenses be reimbursed in excess of those identified in this resolution.

Anyone authorized to travel for the benefit of the City has a responsibility to keep accurate, substantiated cost records, except for meals and tips, and to submit expense statements in accordance with this resolution.

A. TRANSPORTATION EXPENSES

The maximum payable transportation allowance for any motor transportation shall not exceed the actual round-trip cost of coach air fares for that particular trip.

1. Air Travel. The latest rates for air travel from the City of Lincoln will be used in calculating all transportation expenses and allowances. Coach fare shall be used. A traveler shall make reservations through a travel agency and charge the tickets to the City of Lincoln, provided, however, a traveler who wishes to take advantage of electronic tickets, shop for the lowest fare on the Internet, or call airlines directly, will be required to personally pay for the tickets and request reimbursement from the City by submitting proper documentation. The City will not advance money for the purchase of airline tickets.

2. Motor Vehicles - Privately Owned. When the use of a private motor vehicle has been authorized, the owner of the vehicle shall be reimbursed at a mileage rate established by the Mayor in Administrative Regulation No. 4 and as the same may be amended from time to time, for the most direct round-trip route between Lincoln and the place visited. This amount shall not exceed the coach round-trip fare to and from that point and shall be documented by a City mileage reimbursement form. When more than one eligible employee performs such travel in an authorized private motor vehicle, only one eligible employee may obtain reimbursement for transportation. Lodging, meals, and other expenses for employees other than the employee receiving mileage are allowable en route to the destination if the cost does not exceed coach airfare.

3. Local Transportation. Local transportation costs, including such costs as airport limousine and taxi fare (including reasonable tips) may be reimbursed. Expenses for rental cars may be reimbursed when the employee’s department head has decided that such rental will serve the best interests of the City. Requests for a rental car must be approved in writing in advance of the trip. Car rentals may be authorized when such rental will be cheaper than taxi fares or when the use of the car permits the traveler to accomplish the purpose of the trip in a more efficient manner.
4. **Travel by City Owned Vehicle.** A traveler may use a City owned vehicle if the employee’s department head has decided that such use will serve the best interests of the City. The traveler may be reimbursed for out-of-pocket expenses, such as gasoline, etc. Receipts must be obtained for all out-of-pocket expenses incurred for a City owned vehicle. Use of the City vehicle shall be restricted to City of Lincoln purposes only, and no private passengers shall be authorized.

B. **LIVING EXPENSES**

1. **Lodging.** Hotel and/or motel lodging should be selected well in advance and should be within a reasonable distance from or at the site of the official meeting place. Reimbursement shall be for a single occupancy rate. Detailed receipts for all lodging costs must be secured.

2. **Meals.** Individuals traveling on City business with an overnight stay will be allowed a daily per diem to cover the cost of meals and tips. The daily per diem amount shall not exceed thirty dollars ($30.00 - $7.00 breakfast, $7.00 lunch, $16.00 dinner) for most areas in the United States. Other areas in the United States are designated as high-cost areas, qualifying for a daily per diem not to exceed thirty-eight dollars ($38.00 - $9.00 breakfast, $9.00 lunch, $20.00 dinner). A list of these high-cost areas will be maintained and made available by the City Controller. Each Department’s Director will determine whether any reimbursement shall be made and the amount of the reimbursement to be made (in compliance with the terms and not to exceed the maximums set above). The City will not reimburse employees for any meal provided by the conference or airline. Additionally, the City will not reimburse employees for any meal where there is no overnight stay.

3. **Registration Costs.** The City will pay in advance, or reimburse an eligible traveler for, the registration fee paid when a receipt for the registration fee is obtained and is included with the travel expense statement. The proper procedure for advance payment of registration is to submit a payment voucher with a copy of the completed registration form or an invoice, payable to the conference, to the Controller’s Office in sufficient time to allow a warrant to be drawn and mailed to the conference prior to the deadline for registration.

4. **Miscellaneous Expenses.** Telephone expenses will be allowed only when necessary for City purposes. Expenses for tips should be included with the transportation and meal per diem.

5. **Disallowance of Expenses.** All major expenses including transportation (excluding taxi fares), lodging, and registration fees that are not supported by receipts attached to the travel expense statement may be disallowed for reimbursement at the discretion of the City Controller.

C. **TRAVEL APPROVAL**

When a department head decides that a trip for an employee is essential for City business, the department head may approve such travel. When the trip is to be taken by the department head, approval of the Mayor shall be obtained. Department heads shall be required to submit to the Mayor’s Office a semi-annual report outlining travel requests which have been approved for department employees during that semi-annual time period. The semi-annual report shall list the department employees who were approved for travel; the purpose of the travel; and the budget impact resulting from the travel approvals.

D. **TRAVEL ADVANCE**

Travel advance for expenses will be granted to approved travelers. When a traveler desires an advance of funds, the department shall submit to the City Controller a standard claim form itemizing estimated expenses. No travel advance may be considered prior to approval as set out in Section C. No advance may be considered prior to reconciliation of any prior travel advance.

E. **REIMBURSEMENT PROCEDURES**

1. **Traveler's Processing of Expenditure Statements**
   a. Within ten (10) working days after completion of the authorized travel, the traveler shall complete an itemized travel expense statement, attaching all necessary supporting receipts, and other documentation (noncompliance may result in
denial of future advances to an employee). Attached documentation should include at least the following: lodging receipt, auto rental receipt (when authorized by department head), and airline itinerary.

b. When arrangements are made for airline travel on weekends/Saturdays for purposes of securing lower ticket rates, payment for the hotel and meal costs incurred on the weekend are also authorized as long as the total of the lower airline ticket rate and the weekend hotel/meal costs do not exceed the Sunday/weekday airline ticket costs. It is expected that employees will exercise reasonable judgment to acquire all travel necessities at the lowest reasonable cost to the City. This may include scheduling travel in a way that results in a lower net cost to the City, such as group travel by auto, weekend travel for discount air fares, early ordering of airline tickets for the best discount fares, etc.

2. Departmental Processing of Travel Statement of Expenditures
Department heads or their designees shall examine the traveler's expense statements for proper accounting and documentation. They should insure that all necessary supporting documents and/or statements of explanation are attached before signing the travel expense statement.

3. Finance Department Audit and Payment
Upon receipt of the request for funds, the Controller shall perform an audit to insure compliance with this resolution. The City Controller is authorized to request and receive additional information on any and all expenses.

a. No Travel Advance Drawn. When no travel advance has been made, upon verification of an expense statement submitted, the City Controller shall process the payment of funds reimbursing the traveler.

b. Travel Advance Drawn. When a travel advance has been made and the cost of the trip is less than the amount advanced, the traveler shall return the balance of the funds to the City Controller within ten (10) working days after completion of travel. Upon verification of the expense statement by the Controller, a Treasurer's receipt shall be processed to deposit the balance of funds back to the fund from which the original advance was drawn.

c. Actual Expenses are Equal to Travel Advance. When a travel advance has been made and the actual cost of the trip is equal to the amount of the advance, the procedure outlined in the preceding paragraph (b) shall be followed with the exception that no funds shall be returned by the traveler.

d. Actual Expenses are More than Travel Advance. When the travel advance has been made and the actual cost of the trip is more than the amount advanced, then upon approval of the expense statement by the department head and verification by the City Controller, a warrant shall be issued to the traveler.

II. PLAQUES AND AWARDS
A. The Mayor's Award of Excellence
The Mayor's Award of Excellence recognizes employees who consistently provide outstanding service and work that demonstrates exemplary personal commitment to the City of Lincoln.

1. Eligibility:
All employees are eligible except Directors, Mayoral Aides, and elected officials. Individuals or teams of employees are eligible for monthly or annual awards. Entire departments, divisions or sections are not eligible as a team.

2. Nomination Procedure:
Employees or teams may be nominated by supervisors, contemporaries, subordinates, and the general public. Nominations shall be submitted by completing the Mayor's Award of Excellence Form. Nomination forms will be available from department heads, the City Personnel Office, or employee bulletin boards at http://www.lincoln.ne.gov/city/person/city/index.htm. Team nominations should be specific as to each member's involvement. Additional supporting documentation such as correspondence relating to the employee's or team's performance by other City employees may be attached. All nominations must be signed by the employee's or
team's department head or appropriate designee. Said signature indicates that the nomination has been validated. Nominations that are not validated must be returned to the person making the nomination within thirty (30) days. All completed nomination forms need to be returned to the City Personnel Office by the fifth (5th) day of the month for the following month’s award.

3. **Nomination Criteria:**

Employees or teams may be nominated for the award based on any of the following criteria:

- **Safety:** Practices safety on the job and promotes and encourages others to do the same.
- **Productivity:** Always gives the best of oneself and encourages and promotes co-workers to perform their best.
- **Loss Prevention:** Demonstrates wise use of City resources and makes recommendations that result in substantial savings to the City outside the normal course of expected job functions.
- **Customer Relations:** Represents the City with a positive attitude, takes pride in one’s work and encourages co-workers to do the same.
- **Valor:** Performs an act of bravery, which may include life-saving, above and beyond the call of duty.

Consideration may also be given to nominations that demonstrate that the accomplishment was self-initiated and/or that the accomplishment was outside of the nominee’s job description.

4. **Selection Process:**

All validated nominations will be reviewed by the Mayor's Award of Excellence Committee. The committee may select no more than one (1) individual or team based on the selection criteria in this section. Nominees will be eligible for three (3) months. Employees or teams will not be able to receive the monthly award more than once in any consecutive twelve (12) months. If a member of a new team has been previously selected for a monthly award, it will not nullify the team’s eligibility to win an award. However, a previous winner cannot receive the monetary award and day off but still can be recognized. The Mayor's Monthly Award of Excellence may be presented every month and the Mayor’s Annual Award of Excellence will be presented once every calendar year. A winner will be selected by a majority vote of membership present subject to quorum. An employee or team does not have to receive the Monthly Award to be eligible for the Mayor's Annual Award of Excellence.

5. **Award Recognition:**

All individuals/teams nominated will receive a letter and certificate. All individual monthly winners and team winners (five or less members) will be presented a one hundred dollar ($100) U.S. Savings Bond (cost fifty dollars ($50)), one day off with pay, and a plaque not to exceed a cost of fifty dollars ($50). In the event team winners have greater than five members, there will be no monetary award; however, the team members will each receive one day off with pay and a plaque not to exceed a cost of fifty dollars ($50). The Mayor's Annual Award of Excellence Recipient will receive a five hundred dollar ($500) U.S. Savings Bond (cost of two hundred fifty dollars ($250)), two (2) days off with pay, and a plaque not to exceed a cost of fifty dollars ($50). When the annual award recipient is a team, the $500 savings bond will be divided equally among members. When it is impossible to divide the bond equally due to purchase increment issue price, the division will be made as close to the $250 purchase price as possible, without going over. In the event the team winners have greater than five members, there will be no monetary award. Each team member will receive two days off with pay and a plaque not to exceed a cost of $100. The Mayor's Annual Award of Excellence committee may recommend Annual Honorable Mention Recipients who would receive a plaque not to exceed a cost of fifty dollars ($50). Recommendations for the annual award will be forwarded to the Mayor for consideration and approval.
All awards will be presented before the City Council. The Mayor’s Monthly Award of Excellence may be presented every month and the Mayor’s Annual Award of Excellence will be presented once every calendar year. All monetary awards will be considered compensation and subject to normal withholding and all applicable IRS regulations.

6. Mayor’s Award of Excellence Committee:
The committee is made up of one (1) representative from each union, and a non-union representative appointed by the Mayor. Representatives will be appointed by September thirtieth (30th) of each year. The term of the committee members will be for two (2) years. A committee member shall serve no more than two (2) consecutive terms. If a committee member is unable to complete his/her term, another appointee will finish the term. Three consecutive absences or four (4) absences in a calendar year will result in notification to the respective bargaining unit.

7. Administration:
a. The Personnel Department will oversee the Mayor’s Award of Excellence Program.
b. The City reserves the right to rescind this policy at any time.
c. This program should not be interpreted as a negotiable item.
d. The costs incurred to purchase a U.S. Savings Bond and to fund the day(s) off with pay will be charged to the employee’s department budget.
e. The costs incurred to purchase the plaques and awards and other expenditures will be charged to the Personnel Department budget.
f. An individual or team winner will be chosen every month by the Mayor’s Award of Excellence Committee when three or more members are present.

B. Other Plaques and Awards
Employees, appointed officials, and volunteers may be given plaques, certificates of achievement, or items of value provided the cost shall not exceed one hundred dollars ($100.00) in value, notwithstanding mandated recognition under federal volunteer programs. Such awards shall recognize outstanding service and must be approved in advance by the employee’s department head, the Mayor, or by the City Council. Such awards recognizing safety achievements must be approved in advance by the safety committee.

III. MISCELLANEOUS
A. Employee Appreciation - Development Days
Within each calendar year, all departments may conduct an employee development-appreciation day for the purpose of education, planning, and department betterment.

B. Recognition Dinners/Meals
Each year recognition dinners/meals may be held for elected and appointed officials, employees, or volunteers of the local government. The maximum cost per person for such dinner shall not exceed twenty-five dollars ($25.00). An annual recognition dinner/meal may be held separately for employees of each department or separately for volunteers or any of them in combination.

C. Expenses of Spouses
Nothing in this resolution shall authorize the expenditure of funds to pay for any expenses incurred by the spouse of an elected or appointed official, employee, or volunteer unless the spouse is also an elected or appointed official, employee, or volunteer of the local government and such expenditure has been authorized as set out herein.

D. Meals for Council Members
Authorized expenditures shall not include expenditures for meals of paid members of the City Council while attending a public meeting of the Council unless it is a joint meeting with one or more other governing bodies.

BE IT FURTHER RESOLVED that Resolution No. A-84590 adopted by the City Council on October 22, 2007 as hitherto existing, be and the same is hereby repealed.

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 APRIL 1-15, 2011 - PRIOR to reading:

HORNUNG Moved to allow the Jason Chambers claim. Seconded by Camp & LOST by the following vote: AYES: Camp, Hornung; NAYS: Carroll, Cook, Emery, Snyder, Spatz.

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

A-86119 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 March 31, 2011, 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

ALLOWED/SETTLED CLAIMS

LaRae Poulsen               NAS*    Houghton Furr Jr.               $487.48
Marynda A. Kilcoin $ 459.00 MemberOwn Credit Union 291.23
Northland Insurance Co. (Claim #21WN030872) 1,784.47 Jamie L. Henrichs 200.00
Jeffrey N. Peterson 110.85 Central Nebraska Adjustment Co. 100.00
Bradley & Melanie Lechner 1,096.04 Christopher Kiester 525.12
Loretta Worxman 47,500.00 Donald H. Swanson 104.16
Heather Redwine 618.66
Tom & Barbara Logan 41.00 WITHDRAWN CLAIM
Darin Boyson 75.00
David R. Newman 53.00
Brooke Barnes 158.20
Elizabeth Brooks 82.52
Donuschka Coleman 163.66
Alexa Eckhoff 153.98
Nicholas A. Kloeper 53.00
Jason Chambers 65.23
Billi Jo Packett NAS*
Robert Thiem 1,750.00
Richard Russell NAS*
Kendall Griffith 754.06

*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 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)

AMENDING SECTION 2.76.395 OF THE LINCOLN MUNICIPAL CODE RELATING TO VACATION LEAVE WITH PAY TO PROVIDE THAT PART-TIME AND UNREPRESENTED EMPLOYEES COINCIDE WITH THE CIR ORDER FOR "N" AND "X" PAY RANGE EMPLOYEES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AUGUST 19, 2010 - CLERK read an ordinance, introduced by Doug Emery, amending Section 2.76.395 of the Lincoln Municipal code relating to Vacation Leave with Pay to provide that part-time and unrepresented employees coincide with the CIR order for "N" and "X" pay range employees and making the changes retroactively effective as of August 19, 2010; and repealing Section 2.76.395 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 2.76.385 OF THE LINCOLN MUNICIPAL CODE RELATING TO FUNERAL LEAVE TO PROVIDE THAT PART-TIME AND UNREPRESENTED EMPLOYEES COINCIDE WITH THE CIR ORDER FOR "N" AND "X" PAY RANGE EMPLOYEES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AUGUST 19, 2010 - CLERK read an ordinance, introduced by Doug Emery, amending Section 2.76.385 of the Lincoln Municipal Code relating to Funeral Leave to provide that part-time and unrepresented employees coincide with the CIR order for "N" and "X" pay range employees and making the changes retroactively effective as of August 19, 2010; and repealing Section 2.76.385 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 2.76.380 OF THE LINCOLN MUNICIPAL CODE RELATING TO SICK LEAVE WITH PAY TO PROVIDE THAT PART-TIME AND UNREPRESENTED EMPLOYEES COINCIDE WITH THE CIR ORDER FOR "N" AND "X" PAY RANGE EMPLOYEES AND MAKING THE CHANGES RETROACTIVELY
EFFECTIVE AUGUST 19, 2010 - CLERK read an ordinance, introduced by Doug Emery, amending Section 2.76.380 of the Lincoln Municipal Code relating to Sick Leave with Pay to provide that part-time and unrepresented employees coincide with the CIR order for "N" and "X" pay range employees and making the changes retroactively effective as of August 19, 2010; and repealing Section 2.76.380 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 2.76.370 OF THE LINCOLN MUNICIPAL CODE RELATING TO AUTHORIZED HOLIDAYS TO PROVIDE THAT PART-TIME AND UNREPRESENTED EMPLOYEES COINCIDE WITH THE CIR ORDER FOR "N" AND "X" PAY RANGE EMPLOYEES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AUGUST 19, 2010 - CLERK read an ordinance, introduced by Doug Emery, amending Section 2.76.370 of the Lincoln Municipal Code relating to Authorized Holidays to provide that part-time and unrepresented employees coincide with the CIR order for "N" and "X" pay range employees and making the changes retroactively effective as of August 19, 2010; and repealing Section 2.76.370 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 2.76.153 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMPENSATION PLAN; SHIFT DIFFERENTIAL TO PROVIDE THAT PART-TIME EMPLOYEES COINCIDE WITH THE CIR ORDER FOR "N" PAY RANGE EMPLOYEES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AUGUST 19, 2010 - CLERK read an ordinance, introduced by Doug Emery, amending Section 2.76.153 of the Lincoln Municipal Code relating to Shift Differential to provide that part-time employees coincide with the CIR order for "N" pay range employees and making the changes retroactively effective as of August 19, 2010; and repealing Section 2.76.153 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 2.54.040 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE DECLARATIONS OF INTEREST IN CITY CONTRACTS TO REARRANGE THE PROVISIONS FOR PURPOSES OF ORGANIZATION AND CLARITY, AND TO EXEMPT CONTRACTS OF $100 OR LESS FROM THE APPLICATION OF SECTION 2.54.040 AND NEB. REV. STATE. 49-14,103.01 TO 49-14,103.04 - CLERK read an ordinance, introduced by Doug Emery, amending Section 2.54.040 of the Lincoln Municipal Code relating to the Declarations of Interest in City Contracts to rearrange the provisions set forth therein for purposes of organization and clarity, and to exempt contracts of $100 or less from the application of said Section 2.54.040 and Nebraska Revised Statutes Sections 49-14,103.01 to 49-14,103.03; and repealing Section 2.54.040 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 5.56 OF THE LINCOLN MUNICIPAL CODE ENTITLED "EMERGENCY ALARM SYSTEMS" BY AMENDING SECTION 5.56.010, DEFINITIONS, TO REVISE, ADD AND DELETE DEFINITIONS AS THEY RELATE TO THE INTERPRETATION AND ENFORCEMENT OF THIS CHAPTER; AMENDING SECTION 5.56.025 RELATING TO ALARM BUSINESS PERMITS TO CLARIFY WHICH ALARM BUSINESSES ARE EXEMPT FROM HAVING TO OBTAIN A PERMIT, TO ELIMINATE THE 60-DAY GRACE PERIOD FOR OBTAINING A BUSINESS PERMIT, TO REDUCE THE RENEWAL FEE TO $50.00, AND TO DELETE A GRACE PERIOD FOR RENEWAL AFTER THE LICENSE EXPIRES; AMENDING SECTION 5.56.030 RELATING TO ALARM USER PERMITS TO REDUCE FEES FOR COMMERCIAL USERS TO $40.00 AND FOR RESIDENTIAL USERS TO $25.00, TO DELETE A TWO-TIERED PERMIT FEE STRUCTURE, TO REMOVE THE GRACE PERIOD FOR RENEWAL AND TO DELETE THE 60-DAY GRACE PERIOD BEFORE ALARM USERS NEED TO OBTAIN PERMITS; AMENDING SECTION 5.56.040, ALARM USER RESPONSE, TO ADD THE REQUIREMENT OF ENHANCED VERIFICATION AND TO ALLOW ALARM BUSINESSES TO CALL IN ALARMS FROM UNPERMITTED USERS PROVIDED THE USER'S ALARM SYSTEM HAS BEEN INSTALLED WITHIN 60 DAYS OF THE CALL; AMENDING SECTION 5.56.050 RELATING TO FEES TO PROVIDE A $100.00 FALSE ALARM FEE IS CHARGED FOR THE FOURTH THROUGH EIGHT FALSE ALARMS AND THAT A $250.00 FALSE ALARM FEE IS CHARGED FOR FALSE ALARMS BEYOND THE EIGHTTH; REPEALING SECTIONS 5.56.060 (AUTOMATIC DIALING DEVICES) AND 5.56.070 (EXCEPTION FOR SEVERELY HANDICAPPED) IN THEIR ENTIRETTY; AND AMENDING SECTION 5.56.080 TO CHANGE THE CRIMINAL PENALTIES FOR HAVING AN UNREGISTERED ALARM SYSTEM OR BUSINESS TO A CIVIL PENALTY - CLERK read an ordinance, introduced by Doug Emery, amending Chapter 5.56 of the Lincoln Municipal Code entitled "Emergency Alarm Systems" by
amending Section 5.56.010, Definitions, to revise, add and delete definitions as they relate to the interpretation and enforcement of this chapter; amending Section 5.56.025 relating to Alarm Business Permits to clarify which alarm businesses are exempt from having to obtain a permit, to eliminate the 60-day grace period for obtaining a business permit, to reduce the renewal fee to $50.00, and to delete a grace period for renewal after the license expires; amending Section 5.56.030 relating to Alarm User Permits to reduce fees for commercial users to $40.00 and for residential users to $25.00, to delete a two-tiered permit fee structure, to remove the grace period for renewal and to delete the 60-day grace period before alarm users need to obtain permits; amending Section 5.56.040, Alarm User Response, to add the requirement of enhanced verification and to allow alarm businesses to call in alarms from unpermitted users provided the user's alarm system has been installed within 60 days of the call; amending Section 5.56.050 relating to fees to provide a $100.00 false alarm fee is charged for the fourth through eight false alarms and that a $250.00 false alarm fee is charged for false alarms beyond the eighth; repealing Sections 5.56.060 (Automatic Dialing Devices) and 5.56.070 (Exception for Severely Handicapped) in their entirety; and amending Section 5.56.080 to change the criminal penalties for having an unregistered alarm system or business to a civil penalty; and repealing Sections 5.56.010, 5.56.025, 5.56.030, 5.56.040, 5.56.050, and 5.56.080 as hitherto existing the first time.

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

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND SCOTT AND CINDY JENSEN FOR THE LEASE OF OFFICE SPACE BY AGING PARTNERS FOR ITS PERSONAL & FAMILY SERVICES MEDICAID WAIVER PROGRAM AT 320 N. STATE STREET, OSCEOLA, NE 68651 FOR A TERM OF JUNE 1, 2011 THROUGH MAY 31, 2012 - CLERK read an ordinance, introduced by Eugene Carroll, accepting and approving a Lease Agreement between the City of Lincoln and Scott and Cindy Jensen for the lease of office space by the Aging Partners for its Personal & Family Services Medicaid Waiver program located at 320 N. State Street, Osceola, NE 68651, for a term of June 1, 2011 through May 31, 2012, the third time.

CAROLL 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 #19529, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE NO. 11008 – APPLICATION OF ASSURITY LIFE INSURANCE COMPANY FOR A CHANGE OF ZONE FROM B-4 LINCOLN CENTER BUSINESS DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT WITH A SPECIAL SIGN DISTRICT DESIGNATION, TO ALLOW AN ADDITIONAL FREESTANDING SIGN, ON PROPERTY GENERALLY LOCATED AT 2000 Q STREET - CLERK read an ordinance, introduced by Eugene Carroll, designating the property generally located at Antelope Valley Parkway and Q Street as a Special Sign District in accordance with the provisions of §27.69.300 of the Lincoln Municipal Code and adopting special criteria for signs in said district, the third time.

CAROLL 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 #19530, is recorded in Ordinance Book #27, Page .

VACATION NO. 11004 – VACATING TWO PORTIONS OF OLD PINE LAKE ROAD BETWEEN SOUTH 84TH STREET AND SOUTH 91ST STREET - CLERK read an ordinance, introduced by Eugene Carroll, vacating two portions of the old Pine Lake Road right-of-way located between South 84th Street and South 91st Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

CAROLL 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 #19531, is recorded in Ordinance Book #27, Page .

AMENDING ORDINANCE NO. 17366 PASSED JUNE 29, 1998, AND ORDINANCE NO. 18214 PASSED AUGUST 4, 2003, FOR THE WIDENING AND RECONSTRUCTION OF OLD CHENEY ROAD FROM NEBRASKA HIGHWAY 2 TO APPROXIMATELY 1,450 FEET EAST OF SOUTH 84TH STREET TO REMOVE DESIGN REQUIREMENTS FOR RAISED MEDIANS AND RIGHT TURN LANES - PRIOR to reading:

Snyder Moved to Delay Bill No. 11-47 one week to May 9, 2011. CAMP Moved a friendly amendment to include Public Hearing w/Action. Snyder Accepted.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

CLERK

Read an ordinance, introduced by Eugene Carroll, amending Ordinance No. 17366 and Ordinance No. 18214, which in part authorized and directed the Department of Public Works and Utilities to proceed with the preparation of detailed plans and specifications for the widening, reconstruction, and improvement of Old Cheney Road from Nebraska Highway 2 to South 84th Street; to acquire necessary rights-of-way and easements relating thereto; and to proceed with construction thereof, the third time.

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP

Moved to extend the Pending List to May 9, 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 May 9, 2011.

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

ADJOURNMENT

4:16 P.M.

CAMP

Moved to adjourn the City Council meeting of May 2, 2011.

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

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant