THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MAY 16, 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 E. Ross.

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

READING OF THE MINUTES

HORNUNG Having been appointed to read the minutes of the City Council proceedings of May 9, 2011 reported having done so, found same correct.

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

PUBLIC HEARING

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF APRIL 16 - 30, 2011 - Rod M. Confer, City Attorney, came forward to request that the claims report be approved with the exclusion of the Ned Sharp claim. He said Mr. Sharp wanted to do some additional research after which it would come before Council in a future claims report.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING ANDREW BARRY AND KEELAN CHAPMAN TO THE PARKS AND RECREATION ADVISORY BOARD FOR ONE YEAR TERMS EXPIRING ON JUNE 1, 2012 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86330 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Andrew Barry and Keelan Chapman to the Parks and Recreation Advisory Board for one year terms expiring June 1, 2012 is hereby approved.

Introduced by Adam Hornung

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

REAPPOINTING MOLLY BRUMMOND TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM EXPIRING JUNE 27, 2014 AND REAPPOINTING SUSAN DEITCHLER, TODD FITZGERALD, ANNE B. PAGEL, DENNIS SCHEER, AND JEFFREY E. SCHWEBKE TO THE PARKS AND RECREATION ADVISORY BOARD FOR TERMS EXPIRING APRIL 27, 2014 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86331 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Molly Brummond to the Parks and Recreation Advisory Board for a term expiring June 27, 2014 and the reappointment of Susan Deitchler, Todd Fitzgerald, Anne B. Pagel, Dennis Scheer, and Jeffrey E. Schwebke to the Parks and Recreation Advisory Board for terms expiring April 27, 2014, are hereby approved.

Introduced by Adam Hornung

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

APPOINTING DR. PEARL VAN ZANDT TO THE MAYOR’S MULTICULTURAL ADVISORY COMMITTEE FOR A TERM EXPIRING SEPTEMBER 18, 2011 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Dr. Pearl Van Zandt to the Mayor’s Multicultural Advisory Committee for a term expiring September 18, 2011 is hereby approved.

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

APPOINTING JANE RAYBOULD TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM EXPIRING JANUARY 1, 2012 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Jane Raybould to the Parks and Recreation Advisory Board for a term expiring January 1, 2012 is hereby approved.

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

PETITIONS & COMMUNICATIONS - NONE

LIQUOR RESOLUTIONS

Application of Blue Orchid LLC dba Blue Orchid for the addition of a catering license to its Class I liquor license at 129 North 10th Street, #111 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

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 ordinance, the City Council recommends that the application of Blue Orchid LLC dba Blue Orchid for the issuance of a Catering Permit to the existing liquor license, located at 129 North 10th Street, #111, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all city and state regulations.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted by the City Clerk to the Nebraska Liquor Control Commission.

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

ORDINANCE - 2ND READING & RELATED RESOLUTIONS (as required) - NONE

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 APRIL 16 -30, 2011 - PRIOR to reading:

COOK Moved to amend Bill No. 11R-111 by removing the claim of Ned Sharp.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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

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 May 2, 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:

<table>
<thead>
<tr>
<th>DENIED CLAIMS</th>
<th>ALLOWED/SETTLED CLAIMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nick Gonzales $ 100.55</td>
<td>Jacob Gordon $772.92</td>
</tr>
<tr>
<td>Brandon Le 1,500.00</td>
<td></td>
</tr>
<tr>
<td>Ned Sharp 116.00</td>
<td></td>
</tr>
<tr>
<td>Susan Songster 914.15</td>
<td></td>
</tr>
</tbody>
</table>
The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Adam Hornung

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

ORDINANCES - 3RD 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 third time.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered #19536, is recorded in Ordinance Book #27, Page.

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 third time.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered #19537, is recorded in Ordinance Book #27, Page.

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 third time.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered #19538, is recorded in Ordinance Book #27, Page.

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 third time.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered #19539, is recorded in Ordinance Book #27, Page.

AMENDING SECTION 2.76.155 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMPENSATION PLAN; LONGEVITY 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 2.76.155 of the Lincoln Municipal Code relating to Longevity 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 2.76.155 of the Lincoln Municipal Code as hitherto existing, the third time.

EMERY Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered #19540, is recorded in Ordinance Book #27, Page .

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" AND "X" PAY RANGE EMPLOYEES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AS OF 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" or "X" 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 third time.

EMERY Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered #19541, is recorded in Ordinance Book #27, Page .

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 NEBRASKA REVISED STATUTES 49-14,103.01 TO 49-14,103.03 - 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 third time.

EMERY Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered #19542, is recorded in Ordinance Book #27, Page .

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 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 - PRIOR to reading:

HORNUNG Moved MTA #4 to amend Bill No. 11-59 in the following manner:
1. On Page 12, Line 16, insert as a new paragraph (g) the following:
   (g) Commercial and residential alarm user permits can be transferred to a different alarm site provided the alarm user permit holder is not changed and the alarm user notifies the Chief of Police of any changes in the information required in the permit application.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
SNYDER Moved MTA #2 to amend Bill No. 11-59 in the following manner:

1. On Page 11, Line 10, after "every year prior to the expiration of the current permit." insert the following: Permits issued under the ordinance as amended in 2009 are valid for two years after the date of issuance of the permit. Permits issued after the effective date of the 2011 amendments to this ordinance shall expire one year after the date of the issuance of the permits.

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

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 third time.

EMERY Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19543, is recorded in Ordinance Book #27, Page .

RESOLUTIONS - ACTION ONLY

SPECIAL PERMIT NO. 11005 - APPEAL OF JUDY AND JIM LERDAHL FROM THE CONDITIONAL APPROVAL ALLOWING A DOMICILIARY CARE FACILITY FOR UP TO 32 RESIDENTS ON PROPERTY GENERALLY LOCATED AT SOUTH 27TH STREET AND WILDERNESS HILLS BOULEVARD. (5/9/11 - ACTION DELAYED 1 WK TO 5/16/11) - PRIOR to reading:

SPATZ Requested a representative from Public Works Department to speak briefly. Miki Esposito, Public Works Compliance Administrator, came forward to state that their department is amenable to a weeks' extension of time to look at alternative proposals that might be worked out. She said Public Works Director Greg MacLean spoke with the developer who has no objection to the one week delay.

CAMP Moved to delay action of Bill No. 11R-104 for one week to May 23, 2011. Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING MODIFICATIONS TO THE STRUCTURE AND OPERATION OF EMERGENCY MEDICAL SERVICES, INC. BY ADOPTING RESTATED ARTICLES OF INCORPORATION OF THE LINCOLN/LANCASTER COUNTY EMS OVERSIGHT AUTHORITY, INC. AND BY-LAWS OF THE LINCOLN/LANCASTER COUNTY EMS OVERSIGHT AUTHORITY, INC. TO RENAME THE ORGANIZATION AND REORGANIZE THE AGENCY WHICH WILL CONTINUE TO PROVIDE MEDICAL DIRECTION FOR SERVICES, TO PREPARE WRITTEN STANDARDS OF TREATMENT AND EMERGENCY MEDICAL CARE, TO RECOMMEND DISPATCH AND TREATMENT PROTOCOLS, TO PROVIDE QUALITY ASSESSMENT PROGRAMS AND REVIEW, AND TO MAKE RECOMMENDATIONS FOR IMPROVEMENTS TO THE EMERGENCY MEDICAL CARE SYSTEM. (5/9/11 - ACTION DELAYED 1 WK TO 5/16/11) - PRIOR to reading:

HORNUNG Moved to delay action of Bill No. 11R-106 for one week to May 23, 2011. Seconded by Camp & LOST by the following vote: AYES: Camp, Hornung, Spatz; NAYS: Carroll, Cook, Emery, Snyder.

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

WHEREAS, the City has, since 1994, created and participated in the Emergency Medical Services, Inc. for the provision of necessary medical control and protocol development for the providers of emergency medical services in the Lincoln medical service area; and
WHEREAS, it has now been deemed appropriate to modify the structure and operation of the Emergency Medical Services, Inc. in order to maintain the high standard of care in the area of emergency medical services while increasing the level of cooperation, communication, and coordination among area medical providers;

WHEREAS, it is appropriate to rename the corporation as a way of identifying and communicating that its structure and operation have been improved;

WHEREAS, the maintenance of a non-profit corporation with which the City and other affected entities can contract continues to be the best structure through which the parties can accomplish their mutual goals; and

WHEREAS, the Articles of Incorporation of Emergency Medical Services, Inc. provides that no amendment to the Articles of Incorporation shall be effective without having been first submitted to and having received the approval of the City Council of the City of Lincoln, Nebraska.

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

That the "Restated Articles of Incorporation of the Lincoln/Lancaster County EMS Oversight Authority, Inc." which are attached hereto, marked as Attachment "A" and made a part hereof by reference, are hereby approved as the amended articles of incorporation for the Emergency Medical Services, Inc. which shall be renamed the Lincoln/Lancaster County EMS Oversight Authority, Inc. and the "By-Laws of the Lincoln/Lancaster County EMS Oversight Authority, Inc." which are attached hereto, marked as Attachment "B" and made a part hereof by reference, are hereby approved as the amended by-laws for the reorganized non-profit corporation.

That the Lincoln/Lancaster County EMS Oversight Authority, Inc. shall continue to: (i) provide medical direction for the provision of emergency medical services in the City of Lincoln and its medical service area; (ii) prepare written standards of treatment and emergency medical care for the emergency medical system in the City of Lincoln and its medical service area; (iii) recommend and prepare dispatch and treatment protocols to be followed by emergency medical care personnel in the emergency medical system; (iv) provide quality assessment programs and review for all aspects of the emergency medical system in the City of Lincoln and its medical service area; and (v) review and make recommendations for improvement to the emergency medical care system in the City of Lincoln and its medical service area.

That medical directions and recommendations which are made by the Lincoln/Lancaster County EMS Oversight Authority, Inc. that require expenditures not already approved in the City's annual operating budget or capital improvement program shall require approval by the Mayor and City Council.

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

OPEN MICROPHONE - NONE

PENDING -

CAMP Moved to extend the Pending List to May 23, 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 23, 2011.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
ADJOURNMENT 3:20 P.M.

CAMP Moved to adjourn the City Council meeting of May 16, 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
THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MAY 16, 2011 AT 3:00 P.M.
[NEW CITY COUNCIL]

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RECONVENE 3:24 P.M.

OATH OF OFFICE

City Clerk, Joan Ross, came forward to administer the Oath of Office to the newly elected and re-elected City Council members, Carl Eskridge, Jon Camp, Jonathan Cook and Doug Emery. After administering the oath, she congratulated and presented the newly elected and re-elected City Council members.

ELECTION OF COUNCIL CHAIR & VICE CHAIR

Council Vice Chair Eugene Carroll, as Acting Mayor, called the meeting to order and conducted the nominations for the Chairperson for the City Council.

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

As the newly elected Chairperson, Eugene Carroll conducted the nominations for the Vice Chair for the City Council.

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

PUBLIC HEARING - RESOLUTIONS

A RESOLUTION IN APPRECIATION OF JOHN SPATZ FOR HIS SERVICE TO THE CITY AS A MEMBER OF THE CITY COUNCIL - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

WHEREAS, JOHN SPATZ has heretofore well and truly served as a member of the Lincoln City Council from May 14, 2007 to May 16, 2011; and
WHEREAS, it is appropriate for the City Council, on behalf of the citizens of the City of Lincoln, to publicly express their appreciation and gratitude for John’s untiring service and many contributions to making the City of Lincoln great and to cause said expression of appreciation and gratitude to be forever made a part of the records of the official proceedings of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, on behalf of themselves and all the citizens of the City of Lincoln, that the appreciation and gratitude of all are hereby extended to

JOHN SPATZ
for his service as a member of the City Council of the City of Lincoln, Nebraska together with warmest and best wishes for continued good health, happiness, and success in all his future endeavors.

Introduced by All City Council Members

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

REPORTS OF CITY OFFICERS

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED MARCH 31, 2011 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That during the month ended March 31, 2011, $345,824.80 was earned from the investments of “IDLE FUNDS”. The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

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

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MAY 9, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MAY 5, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTHS OF JANUARY, FEBRUARY AND MARCH 2011 FROM BLACK HILLS/NEBRASKA GAS UTILITY CO., LLC - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)
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REPORT FROM THE CITY TREASURER OF QUARTERLY FRANCHISE TAX FOR THE PERIOD ENDING
DECEMBER 31, 2010 FROM TIME WARNER CABLE - CLERK presented said report which was
placed on file in the Office of the City Clerk. (41-2518A)

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR 4TH QUARTER 2010: ACN COMMUNICATION
SERVICES, TWC DIGITAL PHONE, WINDSTREAM; DECEMBER 2010: CHARTER FIBERLINK -
NEBRASKA, LLC; GRANITE TELECOMM., LEVEL 3 COMM.; 1ST QUARTER 2011: ACN COMM.
SERVICES, AIRSPRING, INC. J JANUARY 2011: 8X8, INC., ACN COMM., AT&T COMM. OF
MIDWEST; BUDGET PREPAY, CHARTER FIBERLINK - NEBRASKA, LLC, GRANITE TELECOMM.,
INETWORKS GROUP, LEVEL 3 COMM., QWEST COMM., STAPLES, TWC DIGITAL PHONE, VONAGE
AMERICA; FEBRUARY 2011: 8X8, INC., ACN COMM., AT&T COMM. OF MIDWEST, BUDGET
PREPAY, CHARTER FIBERLINK - NEBRASKA, LLC, GRANITE TELECOMM., INETWORKS GROUP,
LEVEL 3 COMM., QWEST COMM., TWC DIGITAL PHONE, VONAGE AMERICA; MARCH 2011: 8X8,
INC., ACN COMM. SERVICES, AT&T COMM. OF MIDWEST, BUDGET PREPAY, GRANITE
TELECOMM., INETWORKS GROUP, LEVEL 3 COMM., QWEST COMM., TWC DIGITAL PHONE,
VONAGE AMERICA - CLERK presented said report which was placed on file in the
Office of the City Clerk. (20-02)

PETITIONS & COMMUNICATIONS

INFORMAL PETITION TO CREATE A PAVING DISTRICT ON NORTH 36TH STREET FROM GLADSTONE TO
HARTLEY STREETS SUBMITTED BY R. MICHAEL AYARS OF AYARS & AYARS, INC. - CLERK
presented said petition which was referred to the Public Works Dept. on May 9,
2011.

MISCELLANEOUS REFERRALS - NONE

ORDINANCES 1ST READING & RELATED RESOLUTIONS (as required)

AMENDING CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE RELATING TO SOLID WASTES BY
AMENDING SECTION 8.32.010 TO ADD THE DEFINITION OF "DWELLING"; ADDING A NEW
SECTION NUMBERED 8.32.205, GARBAGE SERVICE TO BE PROVIDED, AND AMENDING SECTIONS
8.32.210 AND 8.32.220 TO REQUIRE GARBAGE SERVICE FOR EVERY DWELLING IN THE CITY
- CLERK read an ordinance, introduced by Jon Camp,
amending Chapter 8.32 of the Lincoln Municipal Code relating to Solid Wastes by amending Section 8.32.010 to
add the definition of "dwelling"; adding a new section numbered 8.32.205,
Garbage Service to be Provided, and amending Sections 8.32.210 and 8.32.220 to
require garbage service for every dwelling in the city; and repealing Sections
8.32.010, 8.32.210, 8.32.210 and 8.32.220 of the Lincoln Municipal Code as
hitherto existing, the first time.

APPROVING THE U.S. HWY. 34 & WEST FLETCHER AVENUE CONDITIONAL ZONING AGREEMENT BETWEEN
THE CITY OF LINCOLN AND PAR 5 PARTNERS, LLC FOR A CHANGE OF ZONE FROM R-3
RESIDENTIAL DISTRICT, 0-2 SUBURBAN OFFICE DISTRICT AND AG AGRICULTURE DISTRICT
TO I-2 INDUSTRIAL PARK DISTRICT AND TO CONTROL ACCESS TO WEST FLETCHER AVENUE.
(RELATED ITEMS: 11R-116, 11-61) (ACTION DATE: 6/6/11)

CHANGE OF ZONE NO. 10028 - APPLICATION OF PAR 5 PARTNERS, LLC, FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE DISTRICT, R-3 RESIDENTIAL DISTRICT AND AG AGRICULTURE DISTRICT TO I-2 INDUSTRIAL PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT US HIGHWAY 34 AND WEST FLETCHER AVE. (RELATED ITEMS: 11R-116, 11-61) (ACTION DATE:
6/6/11) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE NO. 11010 - APPLICATION OF JOHN MCARTHUR FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 39TH STREET AND CORNHUSKER HIGHWAY - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE NO. 11011 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO ALLOW AGRICULTURAL ATTRACTIONS IN THE AG AGRICULTURE DISTRICT BY AMENDING CHAPTER 27.03 TO ADD A NEW SECTION NUMBERED 27.03.043 TO DEFINE "AGRICULTURAL ATTRACTION;" AMENDING SECTION 27.07.030 TO ESTABLISH AND AGRICULTURAL ATTRACTION AS A CONDITIONAL USE IN THE AG AGRICULTURE DISTRICT; AND AMENDING SECTION 27.67.040 TO PROVIDE PARKING REQUIREMENTS FOR AGRICULTURAL ATTRACTIONS - CLERK read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code, the Zoning Code, to allow Agricultural Attraction in the AG Agriculture District by amending Chapter 27.03 to add a new section numbered 27.03.043 to define "Agricultural Attraction"; amending Section 27.07.030 to establish an Agriculture Attraction as a conditional use in the AG Agriculture District; amending Section 27.67.040 to provide parking requirements for Agricultural Attractions; and repealing Sections 27.07.030 and 27.67.040 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE NO. 11012 - APPLICATION OF MARK BOUSEK FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 70TH STREET AND CLEVELAND AVENUE - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the district established and shown thereon, the first time.

CHANGE OF ZONE NO. 11013 - APPLICATION OF EIGER CORP. FOR A CHANGE OF ZONE FROM AG AGRICULTURE DISTRICT TO B-5 PLANNED REGIONAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND PINES LAKE ROAD - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE NO. 11014 - APPLICATION OF LARRY BULLER TO DESIGNATE THE PROPERTY AT 2943 GARFIELD STREET AS A HISTORIC LANDMARK (RELATED ITEMS: 11-66, 11R-114) (ACTION DATE: 6/6/11) - CLERK read an ordinance, introduced by Jon Camp, amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the first time.

SPECIAL PERMIT NO. 11007 - HISTORIC PRESERVATION APPLICATION OF LARRY BULLER TO ADJUST THE SIDEYARD AND PARKING REQUIREMENTS ON PROPERTY GENERALLY LOCATED AT 2943 GARFIELD STREET. (RELATED ITEMS: 11-66, 11R-114) (ACTION DATE: 6/6/11)

MISCELLANEOUS BUSINESS

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on May 23, 2011. Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Rakridge, Hornung, Snyder; NAYS: None.
CAMP Moved to adjourn the City Council meeting of May 16, 2011.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

Joan E. Ross, City Clerk

Nandy L. Dubas, Senior Office Assistant