THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, AUGUST 1, 2011 AT 3:00 P.M.

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

Council Chair Carroll 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 July 25, 2011 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF CHATTERS LLC DBA MAIN STREET CAFÉ FOR A CLASS IK LIQUOR LICENSE AT 1325 O STREET;

Manager Application of Lawrence J. Chatters for Chatters LLC DBA Main Street Café at 1325 O STREET - Lawrence J. Chatters, 1540 S. 21st St., came forward to take oath and answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 11024 - APPLICATION OF SOUTHWVIEW INC. FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO B-2 PLANNED UNIT DEVELOPMENT ON PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND FLETCHER AVENUE; APPROVING A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION; APPROVING A DEVELOPMENT PLAN TO DEVELOP 198,825 SQ. FT. OF COMMERCIAL FLOOR AREA AND 565 DWELLING UNITS; AND APPROVING A WAIVER TO ALLOW ADMINISTRATIVE AMENDMENTS - DaNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward to discuss changes in the development of the 20 acre site. After being commercially zoned in 1999, she said the original plan was put on hold because of the uncertainty of the construction of Fletcher Avenue. Since a commercial user has not been secured, property owners are looking for a complimentary use for the site. Ms. Kalkowski said a B-2 PUD will allow expansion for residential use on the first floor. The east half will be multi-family and the west half will be marketed for commercial. She said residents in attendance at a neighborhood meeting basically expressed opposition to development of apartments but phone calls and e-mails from other residents expressed support of the application.

Mike Eckert, Civil Design Group, came forward to present the conceptual site plan and layout. He said to minimize noise issues of the nearest lane of widened interstate traffic, there will be a series of garages, bermsing and landscaping.

Marvin Krout, Director of Planning, came forward to answer questions about street lighting from 14th to 27th.

Thomas Shafer, Public Works & Utilities Dept., came forward to explain that in a cost-cutting measure, lighting along Fletcher is only in key intersections.

This matter was taken under advisement.

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 - Greg MacLean, Director of Public Works & Utilities, came forward to state that a copy of the draft ordinance with revisions has been provided.

Thomas Shafer, Public Works & Utilities Dept., came forward to report that his department is not only focused on safety & cost but also right-of-way impact to property owners, capacity to other users & cost affecting all. He said with the changes made to date there is a cost savings of $1.1 million on this project. He clarified those changes as being elimination of a raised median and elimination of six right-turn lanes. He provided examples of various roadways and compared traffic volumes and crash numbers. Mr. Shafer provided other changes
which allow for fewer impacts on private property owners but does reduce some safety. Cost may increase for some users in the community but he said the overall reduction in construction cost/right-of-way will outweigh that.

Craig Aldridge, Public Works & Utilities/Engineering Services, came forward to provide presentation of traffic counts to Council.

Mary Eisenhart, 1420 N. 37th St., came forward to speak from personal experience regarding the Holdrege Street resurfacing project. She advised the public to ask more questions and consider the temporary impacts when road construction is going on.

Scott Kehl, 7835 Red Oak Rd., came forward to plead with Council to consider the savings and not build a super highway through their neighborhood.

Thomas Taylor, 7650 Kennelley Dr., came forward to present the impact to his property. He said he will lose 30% of his backyard.

Rick Kennedy, 7265 Park Ridge Circle, came forward to talk about the impact of Old Cheney widening on his property that he has owned since 2002. He said he is not opposed to four-lane traffic but is concerned about the increase in speed limit.

Steve Radcliff, 5648 S. 77th St., came forward to present details of how the project will impact his property during and after construction. He questioned how safely he would be able to access his driveway if a right-hand turn lane is located 18" away.

Rick Krueger, construction company owner, came forward to state that Old Cheney Road widening will be the prototype for future street projects. He said generally right-hand turn lanes are not put in residential areas and he suggested that with the elimination of medians, the project stay within 100 ft. right-of-way.

Eric Lee, 5640 S. 72nd St., came forward to express his opinion that widening of Old Cheney will not save anything. He said it will create a loss of resale value for homeowners.

Doug Wilken, 7638 Kennelley Dr., came forward to ask that City Engineers who are concerned about safety and residents who are worried about property values find a compromise.

DeLoyd Larsen, 5401 S. 73rd St., came forward with concerns about potential flooding in Edenton from water run-off due to additional concrete work.

Mr. MacLean came forward in rebuttal assuring Council of his department’s sensitivity to property owners as this project goes forward. He addressed the high points of home owners’ questions. Mr. MacLean said history has shown that Council has utilized the ability to change an ordinance. He provided examples of street construction projects in the past which did not have center turn lanes per Council request and crash rates were so great that Public Works had to return and install them.

Mr. Shafer, came forward to answer questions. In response to Council inquiries about installation of private swimming pools, he said the City will advise but not prevent people from using their private property as they choose.

Council Member Cook stated that it is very difficult even in the best of circumstances to inform people accurately of what the impacts will be of a project like this.

This matter was taken under advisement.

**APPROVING AN AMENDMENT TO THE BOND ORDINANCE FOR THE CITY OF LINCOLN HAYMARKET HOTEL/TOOL HOUSE REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE AND AMEND THE TOTAL NOT TO EXCEED AMOUNT TO $3,015,000;**

**APPROVING AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT FOR THE CITY OF LINCOLN HAYMARKET HOTEL/TOOL HOUSE REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE AND TO AMEND THE TOTAL NOT TO EXCEED AMOUNT TO $3,015,000**

David Landis, Director of Urban Development, came forward to suggest that this project as well as the following three projects be treated alike because they all have exactly the same origin. The two aspects of each are the bond ordinance and redevelopment agreement which are being modified in the timing of the clock. He clarified TIF and its 15-year time span for redevelopment projects.

Lauren Wismer, Gilmore & Bell Bond Counsel, came forward representing this bond ordinance and the following three bond transactions. He explained the minimal changes made in the substitute ordinances.

Rick Kunzeke, Baylor Evnen, 600 Wells Fargo Center, 1248 O St, came forward representing B&J Partnership to answer questions.

This matter was taken under advisement.
APPROVING AN AMENDMENT TO THE BOND ORDINANCE FOR THE CITY OF LINCOLN BLOCK 38 REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE;

APPROVING AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT FOR THE CITY OF LINCOLN BLOCK 38 REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE - David Landis, Director of Urban Development, was on hand for questions. His previous comments on the Tool House Redevelopment Project pertained to the Block 38 Redevelopment Project as well.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE BOND ORDINANCE FOR THE CITY OF LINCOLN TELESIS/DAIRY HOUSE REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE AND AMEND THE TOTAL NOT TO EXCEED AMOUNT TO $651,000;

APPROVING AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT FOR THE CITY OF LINCOLN TELESIS/DAIRY HOUSE REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE AND TO AMEND THE TOTAL NOT TO EXCEED AMOUNT TO $651,000 - David Landis, Director of Urban Development, was on hand for questions. His previous comments on the Tool House Redevelopment Project and the Block 38 Redevelopment Project pertained to the Telesis/Dairy House Project as well.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE BOND ORDINANCE FOR THE CITY OF LINCOLN NORTH HAYMARKET HOTEL REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE;

APPROVING AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT FOR THE CITY OF LINCOLN NORTH HAYMARKET HOTEL REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE - David Landis, Director of Urban Development, was on hand for questions. His previous comments on the Tool House Redevelopment Project, the Block 38 Redevelopment Project and the Telesis/Dairy House Project pertained to the North Haymarket Hotel Redevelopment Project as well.

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 JULY 1 - 15, 2011 - Doug Samuelson, 711 Benton St., came forward to request reimbursement for medical costs following an accident occurring on the south court at Lux Middle School during a Parks & Recreation volleyball tournament held on March 24, 2011. He said he has been called upon as an independent contractor to officiate at City volleyball games but did not sign a contract waiving liability.

Rod M. Confer, City Attorney, came forward to answer questions. He said it was determined there was no negligence on the part of the City. Law Department advised Mr. Samuelson to make a claim against the volleyball player’s insurance company. In addition, Mr. Confer said Mr. Samuelson refused to provide his medical information to the City Attorney’s Office to determine validity of the claim.

Carol Robinson, 3636 N. 52nd St., Apt. 21, came forward to explain her injury which occurred while riding a StarTran bus on November 4, 2010. Tyson Robinson, the claimant’s husband, came forward as witness to the accident.

Rod M. Confer, City Attorney, came forward to answer questions about the Robinson claim. He said a StarTran video tape was reviewed but no evidence was found to support an injury. He also said no negligence was found on the bus driver’s part.

Council Member Eskridge questioned the denied claim of Rodney Pillard. Mr. Confer said Lincoln Fire & Rescue was not found to be negligent in its emergency response on May 5, 2011 to the Pillard residence.

This matter was taken under advisement.

APPROVING THE 2011-2012 MAINTENANCE AND MANAGEMENT BID BUDGETS AND PROGRAM OF WORK FOR THE DOWNTOWN LINCOLN ASSOCIATION PROGRAM FOR FISCAL YEAR 2011-12 - David Landis, Director of Urban Development, came forward to present the DLA budget in its third flat year. He said management serves as a promoter of the downtown area and maintenance handles the day-to-day care.

Ed Swotek and Terry Uland of Downtown Lincoln Association were on hand for questioning.

This matter was taken under advisement.
APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN FIREFIGHTERS ASSOCIATION, LOCAL NO. 644, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, EFFECTIVE AUGUST 18, 2011 - Mark Koller, City Personnel Director, came forward to clarify labor contract changes. He said the .75% increase effective August 18, 2011 is made up of two things: a change to the clothing allowance and an adjustment from a 21-day cycle to a 28-day cycle.

Dave Engler, President of the Firefighters Union, came forward in support of the labor contract as it saves money.

Council Member Snyder commented that she has received feedback from hospital administration about the excellent emergency medical services provided by the Lincoln Fire Department. She offered her congratulations.

This matter was taken under advisement.

AUTHORIZING THE MAYOR TO EXECUTE A FEDERAL FUNDS PURCHASE PROGRAM AGREEMENT BETWEEN THE CITY OF LINCOLN THE STATE OF NEBRASKA, DEPARTMENT OF ROADS (NDOR), TO ALLOW NDOR TO EXCHANGE FEDERAL HIGHWAY BRIDGE PROGRAM FUNDS FOR STATE CASH - Thomas Shafer, Public Works & Utilities Dept., came forward to explain the new program allowing state cash to be spent on bridge projects.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING JOHN HENRY "JACK" ZOHLER TO THE HEATING, VENTILATING AND COOLING BOARD OF EXAMINERS FOR A TERM EXPIRING APRIL 4, 2014 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:
A-86423
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of John Henry "Jack" Zoehler to the Heating, Ventilating, and Cooling Board of Examiners for a term expiring April 4, 2014 is hereby approved.

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

REAPPOINTING VANCE BEHRENS AND BRUCE FISCHER TO THE BUILDING CODE BOARD OF APPEALS FOR TERMS EXPIRING APRIL 1, 2014 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:
A-86424
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Vance Behrens and Bruce Fischer to the Building Code Board of Appeals for terms expiring April 1, 2014 is hereby approved.

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

REAPPOINTING DAN CRISP TO THE ELECTRICAL ADVISORY, APPEALS AND EXAMINING BOARD FOR A THREE-YEAR TERM EXPIRING AUGUST 15, 2014 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:
A-86425
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Dan Chrisp to the Electrical Advisory, Appeals and Examining Board for a three-year term expiring August 15, 2014 is hereby approved.

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

REAPPOINTING ORVILLE JONES TO THE LINCOLN HOUSING AUTHORITY BOARD FOR A FIVE-YEAR TERM EXPIRING JULY 7, 2016 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:
A-86426
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Orville Jones to the Lincoln Housing Authority Board for a five-year term expiring July 7, 2016 is hereby approved.

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Rakridge, Hornung, Snyder; NAYS: None.
APPOINTING DR. KARA BIVEN TO THE LINCOLN-LANCASTER COUNTY EMS OVERSIGHT AUTHORITY BOARD FOR A TERM TO EXPIRE JULY 15, 2015 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86427

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

That the appointment of Dr. Kara Biven to the Lincoln-Lancaster County EMS Oversight Authority Board for a term expiring July 15, 2015 is hereby approved.

Introduced by Adam Hornung

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

REPORT OF NEBRASKA DEPARTMENT OF ROADS 2012-2017 SURFACE TRANSPORTATION PROGRAM

- CLERK presented said report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, AUGUST 15, 2011 AT 3:00 P.M. FOR THE APPLICATION OF HY-VEE, INC. DBA HY-VEE #1 GAS FOR A CLASS D LIQUOR LICENSE LOCATED AT 250 N. 52ND ST. - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-86428

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 15, 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 Hy-Vee, Inc. dba Hy-Vee #1 Gas for a Class D liquor license located at 250 N. 52nd St.

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

Introduced by Jayne Snyder

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

SETTING THE HEARING DATE OF AUGUST 15, 2011 AT 3:00 P.M. FOR THE APPLICATION OF EMJS, INC. FOR A CLASS C LIQUOR LICENSE LOCATED AT 1427 O ST. - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-86429

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 15, 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 EMJS, Inc. For a Class C liquor license located at 1427 0 St.

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

Introduced by Jayne Snyder

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 11030 to Pre-Existing Special Permit No. 38, Lancaster Manor, approved by the Planning Director on July 21, 2011 requested by Lancaster Manor Real Estate, LLC to create a site plan for a pre-existing special permit that shows both the existing conditions, easements, buildable area, two proposed additions and new general notes on property generally located at S. 10th St. and South St.

Administrative Amendment No. 11033 to Special Permit No. 450P, Madonna Health Center, approved by the Planning Director on July 21, 2011 requested by Madonna Centers to revise the site plan to add parking stalls near the South Street main entrance on property generally located at S. 56th St. and South St.

Administrative Amendment No. 11034 to Use Permit No. 101A, approved by the Planning Director on July 21, 2011 requested by Professional Park North Partners, LLC to remove the fenced in areas, add three parking stalls on Lot 5 and add Note 25 on property generally located at N. 26th St. and Ticonderoga Dr.

Administrative Amendment No. 11029 to Pre-Existing Use Permit No. 98, Edgewood Shopping Center approved by the Planning Director on July 22, 2011 requested by Craig Gies to revise the site plan to change the use designation on Area F (the old Kmart site) from retail to commercial on property generally located at S. 56th St. and Highway 2.
Waiver No. 11022 to Final Plat No. 04041, approved by the Planning Director on July 25, 2011 requested by Northern Lights, LLC to extend the time for two years to install street trees and sidewalks for Northern Lights 14th Addition. The improvements shall be completed by July 25, 2013. Property is generally located at N. 84th St. and Northern Lights Dr.

REFERRALS TO THE PLANNING DEPARTMENT:


Change of Zone No. 11028 - Requested by W. Cecil Steward amending Section 27.35.025 of the Lincoln Municipal Code to allow the sale of alcoholic beverages for consumption on the premises in the B-4 Lincoln Center Business District as a permitted conditional use; and repealing Section 27.35.025 of the Lincoln Municipal Code as hitherto existing.

Change of Zone No. 11029 - Requested by Mark Hunzeker amending Section 27.45.025 of the Lincoln Municipal Code to allow hotels and motels in the H-4 General Commercial District as a permitted conditional use; and repealing Section 27.45.025 of the Lincoln Municipal Code as hitherto existing.

Special Permit No. 1174H - Requested by Chateau Development, LLC for an amendment to the Chateau Development Community Unit Plan to expand the boundaries of the existing Community Unit Plan to the north and add 36 multifamily dwelling units on property generally located at 1313 N. 63rd Street.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF CHATTERS LLC DBA MAIN STREET CAFÉ FOR A CLASS IK LIQUOR LICENSE AT 1325 O STREET - 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 ordinances, the City Council recommends that the application of Chatters LLC dba Main Street Café for a Class "IK" liquor license at 1325 O Street, Lincoln, Nebraska, for the license period ending April 30, 2012, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

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

APPLICATION OF LAWRENCE J. CHATTERS FOR CHATTERS LLC DBA MAIN STREET CAFÉ AT 1325 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

WHEREAS, Chatters LLC dba Main Street Café located at 1325 O Street, Lincoln, Nebraska has been approved for a Retail Class "IK" liquor license, and now requests that Lawrence J. Chatters be named manager;

WHEREAS, Lawrence J. Chatters 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 Lawrence J. Chatters be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

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

CHANGE OF ZONE 11024 - APPLICATION OF SOUTHWEST INC. FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO B-2 PLANNED UNIT DEVELOPMENT ON PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND FLETCHER AVENUE; APPROVING A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION; APPROVING A DEVELOPMENT PLAN TO DEVELOP 198,825 SQ. FT. OF COMMERCIAL FLOOR AREA AND 565 DWELLING UNITS; AND APPROVING A WAIVER TO ALLOW ADMINISTRATIVE AMENDMENTS - CLERK read an ordinance, introduced by Adam Hornung, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

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 MEDIAN AND RIGHT TURN LANES. (5/2/11 - ACTION delayed 1 wk w/P.H. on 5/9/11) (5/9/11 - Placed on Indefinite Pending) (6/20/11 - Remove from Pending to have P.H. 7/25 with Action on 8/1/11) (7/25/11 - P.H. cont. 1 wk to 8/1/11 w/Action 8/8/11) - 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 second time.

APPROVING AN AMENDMENT TO THE BOND ORDINANCE FOR THE CITY OF LINCOLN HAYMARKET HOTEL/TOOL HOUSE REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE AND AMEND THE TOTAL NOT TO EXCEED AMOUNT TO $3,015,000 (RELATED ITEMS 11-106, 11R-168) (ACTION DATE: 8/8/11) - CLERK read an ordinance, introduced by Adam Hornung, amending Ordinance No. 19403 to (a) increase the authorized principal amount of bonds to $2,633,000, and (b) modify the final maturity date of the bonds; to repeal certain provisions of Ordinance No. 19403, in connection therewith; taking other action in connection with the foregoing; and related matters, the second time.

APPROVING AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT FOR THE CITY OF LINCOLN HAYMARKET HOTEL/TOOL HOUSE REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE (RELATED ITEMS 11-107, 11R-169) (ACTION DATE: 8/8/11) - CLERK read an ordinance, introduced by Adam Hornung, modifying Ordinance No. 19473 to modify the final maturity date of the bonds; to repeal certain provisions of Ordinance No. 19473, in connection therewith; taking other action in connection with the foregoing; and related matters, the second time.

APPROVING AN AMENDMENT TO THE BOND ORDINANCE FOR THE CITY OF LINCOLN BLOCK 38 REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE TO $3,015,000 (RELATED ITEMS 11-106, 11R-168) (ACTION DATE: 8/8/11) - CLERK read an ordinance, introduced by Adam Hornung, amending Ordinance No. 19473 to modify the final maturity date of the bonds; to repeal certain provisions of Ordinance No. 19473, in connection therewith; taking other action in connection with the foregoing; and related matters, the second time.

APPROVING AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT FOR THE CITY OF LINCOLN BLOCK 38 REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE (RELATED ITEMS 11-107, 11R-169) (ACTION DATE: 8/8/11)
APPROVING AN AMENDMENT TO THE BOND ORDINANCE FOR THE CITY OF LINCOLN TELESIS/DAIRY HOUSE REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE AND AMEND THE TOTAL NOT TO EXCEED AMOUNT TO $651,000 (RELATED ITEMS 11-108 11R-170) (ACTION DATE: 8/8/11) - CLERK read an ordinance, introduced by Adam Hornung, amending Ordinance No. 19498 to (a) increase the authorized principal amount of bonds to $651,000, and (b) modify the final maturity date of the bonds; to repeal certain provisions of Ordinance No. 19498, in connection with the foregoing; and related matters, the second time.

APPROVING AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT FOR THE CITY OF LINCOLN TELESIS/DAIRY HOUSE REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE AND TO AMEND THE TOTAL NOT TO EXCEED AMOUNT TO $651,000. (RELATED ITEMS 11-108 11R-170) (ACTION DATE: 8/8/11)

APPROVING AN AMENDMENT TO THE BOND ORDINANCE FOR THE CITY OF LINCOLN NORTH HAYMARKET HOTEL REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE (RELATED ITEMS 11-109 11R-171) (ACTION DATE: 8/8/11) - CLERK read an ordinance, introduced by Adam Hornung, amending Ordinance No. 19510 to modify the final maturity date of the bonds; to repeal certain provisions of Ordinance No. 19510, in connection therewith; taking other action in connection with the foregoing; and related matters, the second time.

APPROVING AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT FOR THE CITY OF LINCOLN NORTH HAYMARKET HOTEL REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE. (RELATED ITEMS 11-109 11R-171) (ACTION DATE: 8/8/11)

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 JULY 1 - 15, 2011 - PRIOR to reading:

EMERY Moved to amend Bill No. 11R-166 by removing the claims of Carolyn Robinson and Doug Samuelson and return the same to Law Dept. for further review. Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

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

A-86432 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 July 18, 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**

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michelle Ball</td>
<td>$368.34</td>
</tr>
<tr>
<td>California Casualty Insurance</td>
<td>$3,398.44</td>
</tr>
<tr>
<td>State Farm Insurance (Claim #201785526/50000112403)</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Doug Samuelson</td>
<td>NAS*</td>
</tr>
<tr>
<td>April Allen</td>
<td>$2,198.00</td>
</tr>
<tr>
<td>Nicholas H. Jones</td>
<td>$374.00</td>
</tr>
<tr>
<td>Colby Hoshor</td>
<td>$2,198.00</td>
</tr>
<tr>
<td>Constitution State Service/Kia Inc. (Claim/File #5228 AD EPS7315 J)</td>
<td>$2,605.00</td>
</tr>
<tr>
<td>Robert Frerichs</td>
<td>NAS*</td>
</tr>
<tr>
<td>Robert Frerichs</td>
<td>$275.95</td>
</tr>
<tr>
<td>Bhan Kuany</td>
<td>$250.00</td>
</tr>
</tbody>
</table>

* No Amount Specified.

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

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.
APPROVING THE 2011-2012 MAINTENANCE AND MANAGEMENT BID BUDGETS AND PROGRAM OF WORK FOR THE DOWNTOWN LINCOLN ASSOCIATION PROGRAM FOR FISCAL YEAR 2011-12 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86433

WHEREAS, the City of Lincoln has entered into a contract with the Downtown Lincoln Association for the provision of services within various downtown business improvement districts; and

WHEREAS, said contract requires the submittal of a work plan and annual budgets for work to be performed in the Downtown Management and Maintenance Districts by the Downtown Lincoln Association.

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

That the attached 2011-2012 Maintenance and Management BID Budgets and Program of Work for the Downtown Lincoln Association Program for the period of September 1, 2011 to August 31, 2012 which is attached hereto and marked as Attachment "A" is hereby approved.

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

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN FIREFIGHTERS ASSOCIATION, LOCAL NO. 644, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, EFFECTIVE AUGUST 18, 2011 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86434

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

That the attached labor contract between the City of Lincoln and the Lincoln Firefighters Association, Local No. 644, International Association of Firefighters, to be effective August 18, 2011, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

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

AUTHORIZING THE MAYOR TO EXECUTE A FEDERAL FUNDS PURCHASE PROGRAM AGREEMENT BETWEEN THE CITY OF LINCOLN THE STATE OF NEBRASKA, DEPARTMENT OF ROADS (NDOR), TO ALLOW NDOR TO EXCHANGE FEDERAL HIGHWAY BRIDGE PROGRAM FUNDS FOR STATE CASH - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86435

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

That the attached Federal Funds Purchase Program Agreement between the City of Lincoln and the State of Nebraska Department of Roads to allow the Department of Roads to exchange Federal Highway Bridge Program funds for State Cash, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to Thomas Shafer, Engineering Services Manager of the Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

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

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required)

APPROVING THE CLOSE OUT OF COMPLETED CONSTRUCTION PROJECTS AND TRANSFER OF UNSPENT APPROPRIATIONS AND CASH (IF ANY) FROM VARIOUS PROJECTS TO PROJECTS WHERE ADDITIONAL FUNDING IS NEEDED WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT AND THE PARKS & RECREATION DEPARTMENT - CLERK read an ordinance, introduced by Jayne Snyder, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Water Construction Fund, Sanitary Sewer Construction Fund, and Street Construction Fund for the Public Works & Utilities Department and within the Capital Projects Fund for the Parks & Recreation Department, the first time.

AMENDING SECTION 2.76.155 OF THE LINCOLN MUNICIPAL CODE, COMPENSATION PLAN: LONGEVITY PAY, FOR EMPLOYEES IN THE PAY RANGE PREFIXED BY THE LETTER "E" TO BE EFFECTIVE AUGUST 18, 2011 - CLERK read an ordinance, introduced by Jayne Snyder, amending Section 2.76.155 of the Lincoln Municipal Code to revise the longevity pay for employees in pay ranges prefixed by the letter "E"; and repealing Section 2.76.155 of the Lincoln Municipal Code as hitherto existing, the first time.
REGULAR MEETING  
August 1, 2011  
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AMENDING SECTION 2.76.395 OF THE LINCOLN MUNICIPAL CODE, VACATION LEAVE WITH PAY, FOR PART-TIME AND UNREPRESENTED EMPLOYEES TO COINCIDE WITH THE CIR ORDER FOR EMPLOYEES IN PAY RANGES FOR "N" AND "X" TO BE RETROACTIVELY EFFECTIVE AUGUST 19, 2010 - CLERK read an ordinance, introduced by Jayne Snyder, amending Section 2.76.395 of the Lincoln Municipal Code relating to Compensation Plan; Vacation Leave with Pay to provide that part-time and unrepresented employees coincide with the CIR order for "N" and "X" pay range employees; making the changes retroactively effective August 19, 2010; and repealing Section 2.76.395 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYER GROUPS BY ADJUSTING THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGES OF "A" AND "C" TO BE EFFECTIVE AUGUST 18, 2011 - CLERK read an ordinance, introduced by Jayne Snyder, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by letters "A," and "C", and repealing Ordinance No. 18967, passed by the City Council on August 6, 2007, the first time.

AMENDING THE PAY SCHEDULES FOR A CERTAIN EMPLOYER GROUP BY ADJUSTING THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE OF "B" TO BE EFFECTIVE AUGUST 18, 2011 - CLERK read an ordinance, introduced by Jayne Snyder, adopting pay schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "B", and repealing Ordinance No. 18968, passed by the City Council on August 6, 2007, the first time.

AMENDING THE PAY SCHEDULES FOR A CERTAIN EMPLOYER GROUP BY ADJUSTING THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE OF "E" TO BE EFFECTIVE AUGUST 18, 2011 - CLERK read an ordinance, introduced by Jayne Snyder, adopting pay schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "E", and repealing Ordinance No. 19451, passed by the City Council on September 20, 2010, the first time.

THE FOLLOWING ORDINANCES & RESOLUTION WILL HAVE PUBLIC HEARING ON 8/8/11; ACTION ON 8/10/11

AMENDING CHAPTER 10.44.030 OF THE LINCOLN MUNICIPAL CODE RELATING TO AUTOMOBILE IMPOUNDMENT BY CLARIFYING THAT TOWING FEES PAYABLE TO THE CITY SHALL BE IMPOSED ONLY ON VEHICLES ORDERED TO BE TOWED BY A POLICE OFFICER OR PARKING CONTROL OFFICER AND THAT SUCH FEE SHALL BE WAIVED ON VEHICLES SOLD AT AUCTION, AND AMENDING SECTION 10.44.040 TO PROVIDE THAT IMPOUNDMENT FEES SHALL BE PLACED IN THE GENERAL FUND (To have P.H./2nd Reading 8/8; Action on 8/10/11) - PRIOR to reading:

COOK Moved to have Bill Nos. 11-115, 11R-179, 11-116, 11-117 & 11-118 called together to have Public Hearing on the 8/08/11 Budget Hearing along with Resolution 11R-180 at 2:30 p.m.

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

CLERK Read an ordinance, introduced by Jayne Snyder, amending Chapter 10.44 of the Lincoln Municipal Code relating to Automobile Impoundment by amending Section 10.44.030 of the Lincoln Municipal Code relating to automobile impoundment by clarifying that towing fees payable to the city that are enacted by resolution of the City Council shall be imposed only upon vehicles ordered to be towed by a police officer or parking control officer because of parking ordinance or statutory violations and that such fees shall be waived on vehicles sold at auction; amending Section 10.44.040 to provide that the City Treasurer shall place city impoundment fees in the City General Fund; and repealing Sections 10.44.030 and 10.44.040 of the Lincoln Municipal Code as hitherto existing, the first time.
ESTABLISHING A CITY TOWING FEE OF $50.00 PURSUANT TO LINCOLN MUNICIPAL CODE SECTION 10.44.030. (To have P.H./2nd Reading 8/8; Action on 8/10/11) - PRIOR to reading:

COOK Moved to have Bill Nos. 11-115, 11R-179, 11-116, 11-117 & 11-118 called together to have Public Hearing on the 8/08/11 Budget Hearing along with Resolution 11R-180 at 2:30 p.m. Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

AMENDING CHAPTER 3.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE STREET IMPROVEMENT VEHICLE TAX BY AMENDING SECTION 3.20.220 TO PHASE OUT PAYMENTS TO THE SNOW REMOVAL FUND AND REVISE AMOUNTS CREDITED TO THE CONSTRUCTION FUND, THE RESIDENTIAL REHABILITATION FUND, AND THE VEHICLE TAX RESIDUAL FUND AND AMENDING SECTION 3.20.230 TO INCREASE THE FEE SCHEDULE FOR THE STREET IMPROVEMENT VEHICLE TAX (To have P.H./2nd Reading 8/8; Action on 8/10/11) - PRIOR to reading:

COOK Moved to have Bill Nos. 11-115, 11R-179, 11-116, 11-117 & 11-118 called together to have Public Hearing on the 8/08/11 Budget Hearing along with Resolution 11R-180 at 2:30 p.m. Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

CLERK Read an ordinance, introduced by Jayne Snyder, amending Chapter 3.20 of the Lincoln Municipal Code relating to the Street Improvement Vehicle Tax by amending Section 3.20.220 to phase out payments to the Snow Removal Fund and revise amounts credited to the Construction Fund, the Residential Rehabilitation Fund, and the Vehicle Tax Residual Fund; amending Section 3.20.230 to increase the fee schedule for the street improvement vehicle tax; and repealing Sections 3.20.220 and 3.20.230 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 10.06.120 OF THE LINCOLN MUNICIPAL CODE RELATING TO PAYMENT OF FINES AND COSTS FOR PARKING VIOLATIONS BY ALLOWING A ONE DOLLAR DISCOUNT OF THE ADMINISTRATIVE FEE FOR WAIVING ARRAIGNMENT AND RIGHT TO A HEARING AND PAYING FINES AND COSTS FOR MAKING ONLINE PAYMENTS, AND INCREASING THE ADMINISTRATIVE FEE FOR LATE PAYMENT OF PARKING VIOLATIONS FROM $8.00 TO $23.00 (To have P.H./2nd Reading 8/8; Action on 8/10/11) - PRIOR to reading:

COOK Moved to have Bill Nos. 11-115, 11R-179, 11-116, 11-117 & 11-118 called together to have Public Hearing on the 8/08/11 Budget Hearing along with Resolution 11R-180 at 2:30 p.m. Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

CLERK Read an ordinance, introduced by Jayne Snyder, amending Section 10.06.120 of the Lincoln Municipal Code relating to payment of fines and costs for parking violations by providing a one dollar discount for online payment to the administrative fee for waiver of arraignment and right to a hearing and entry of a plea of guilty, and increasing the administrative fee to $23.00 if payment is not made within seven days after a complaint is served; and repealing Section 10.06.120 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 4.24.070 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POWERS AND DUTIES OF THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD; TO PROVIDE THAT THE CITY SHALL BE ENTITLED TO A 2.4% DIVIDEND FOR UTILITY OWNERSHIP OF THE LINCOLN ELECTRIC SYSTEM AND AUTHORIZING THE LINCOLN ELECTRIC SYSTEM BOARD TO COLLECT FOR THE DIVIDEND ON ELECTRIC SERVICE STATEMENTS (To have P.H./2nd Reading 8/8; Action on 8/10/11) - PRIOR to reading:

COOK Moved to have Bill Nos. 11-115, 11R-179, 11-116, 11-117 & 11-118 called together to have Public Hearing on the 8/08/11 Budget Hearing along with Resolution 11R-180 at 2:30 p.m. Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

CLERK Read an ordinance, introduced by Jayne Snyder, amending Section 4.24.070 of the Lincoln Municipal Code relating to the Powers and Duties of the Lincoln Electric System Administrative Board to provide that the City shall be entitled to a dividend for utility ownership of the Lincoln Electric System in an amount equivalent to two and four-tenths percent (2.4%) of the equity of the Lincoln Electric System until such time as the dollar amount of the dividend exceeds seven million dollars ($7,000,000.00), thereafter increasing annually by two percent (2.0%) or by the amount by which the Consumer Price Index All Urban Consumers increases during the year in question, whichever is greater; to provide that the Lincoln Electric System shall remit such dividend for utility ownership to the City; and to authorize the Lincoln Electric System Board to collect for the dividend for utility ownership on electric service statements of Lincoln Electric System customers, the first time.
ORDINANCES - 3rd READING & RELATED RESOLUTIONS (as required)

STREET NAME CHANGE 11003 – RENAMING THAT PORTION OF NORTH 90TH STREET BETWEEN LEIGHTON AVENUE AND BROKEN SPOKE DRIVE AS “CEDAR COVE ROAD” LOCATED IN CEDAR COVE ADDITION

CLERK read an ordinance, introduced by Carl Eskridge, changing the name of the portion of North 90th Street located between Leighton Avenue and Broken Spoke Drive in Cedar Cove Addition to Cedar Cove Road, as recommended by the Street Name Committee, the third time.

ESKRIDGE Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.
The ordinance, being numbered #19585, is recorded in Ordinance Book #27, Page .

AMENDING CHAPTER 8.44 OF THE LINCOLN MUNICIPAL CODE RELATING TO WATER WELLS BY AMENDING SECTION 8.44.010 TO ADD, DELETE AND REVISE DEFINITIONS USED WITHIN THE CHAPTER; AMENDING SECTION 8.44.020 TO CLARIFY THE PURPOSES OF THIS CHAPTER; AMENDING SECTION 8.44.030 REGARDING THE PERMITTED USE OF WATER WELLS; REPEALING SECTION 8.44.040, TEMPORARY PERMIT FOR DOMESTIC USE OF NEW WATER WELL - WHEN REQUIRED; AMENDING SECTION 8.44.050 REGARDING WHO IS AUTHORIZED IN CONSTRUCTION OR REPAIR OF WATER WELLS AND WHAT PERMITS ARE REQUIRED; AMENDING SECTION 8.44.060 TO REQUIRE PERMITS FOR MAINTAINING AND USING WATER WELLS EVERY YEAR; AMENDING SECTION 8.44.070 TO CLARIFY FEES AND REFUNDS AND FILING OF THE PERMIT; AMENDING SECTION 8.44.075 TO CHANGE PERMIT FEE REFERENCES FROM BIENNIAL TO ANNUAL; AMENDING SECTION 8.44.080 TO CLARIFY APPEAL REQUIREMENTS; AMENDING SECTION 8.44.100 TO CLARIFY NOTICE AND PROCEDURE TO DECOMMISSION A WATER WELL; AMENDING SECTION 8.44.110 TO CLARIFY PERMITTED USE OF WATER WELLS WITHIN THE CITY LIMITS; AMENDING SECTION 8.44.120 TO CLARIFY DECOMMISSIONING OF A WELL BY THE DIRECTOR; AND ADDING A NEW SECTION NUMBERED 8.44.130 TO PROVIDE ENFORCEMENT AND PENALTY PROVISIONS FOR VIOLATIONS OF CHAPTER 8.44 - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 8.44 of the Lincoln Municipal Code relating to water wells by amending Section 8.44.010 to add, delete and revise definitions used within the chapter; amending Section 8.44.020 to clarify the purposes of this chapter; amending Section 8.44.030 regarding the permitted use of water wells; repealing Section 8.44.040, Temporary Permit for Domestic Use of New Water Well - When Required; amending Section 8.44.050 regarding who is authorized in construction or repair of water wells and what permits are required; amending Section 8.44.060 to require permits for maintaining and using water wells every year; amending Section 8.44.070 to clarify fees and refunds and filing of the permit; amending Section 8.44.075 to change permit fee references from biennial to annual; amending Section 8.44.080 to clarify appeal requirements; amending Section 8.44.100 to clarify notice and procedure to decommission a water well; amending Section 8.44.110 to clarify permitted use of water wells within the city limits; amending Section 8.44.120 to clarify decommissioning of a well by the director; and adding a new section numbered 8.44.130 to provide enforcement and penalty provisions for violations of Chapter 8.44, the third time.

ESKRIDGE Moved to pass the ordinance as read.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.
The ordinance, being numbered #19586, is recorded in Ordinance Book #27, Page .

AMENDING SECTION 3.24.080 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE TELECOMMUNICATION OCCUPATION TAX TO FURTHER CLARIFY THAT STATE UNIVERSAL SERVICE FUND FEES HAVE BEEN AND CONTINUE TO BE A NECESSARY COMPONENT OF TELECOMMUNICATION SERVICES WHICH ARE SUBJECT TO THE TELECOMMUNICATION OCCUPATION TAX; AND TO INDICATE THAT TELECOMMUNICATION RELAY SYSTEM SURCHARGES AND ENHANCED WIRELESS 911 SURCHARGES ARE NO LONGER SUBJECT TO THE TELECOMMUNICATION OCCUPATION TAX - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 3.24.080 of the Lincoln Municipal Code relating to the Telecommunication Occupation Tax to further clarify that state universal service fund fees have been and continue to be a necessary component of telecommunication services which are subject to the telecommunication occupation tax; and to indicate that Telecommunication Relay System surcharges and Enhanced Wireless 911 surcharges are no longer subject to the telecommunication occupation tax; and repealing Section 3.24.080 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.
The ordinance, being numbered #19587, is recorded in Ordinance Book #27, Page .
OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP    Moved to extend the Pending List to August 8, 2011.
        Seconded by Emery & carried by the following vote: AYES: Camp, Carroll,
        Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

UPCOMING RESOLUTIONS

CAMP    Moved to approve the resolutions to have Public Hearing on August 8,
        2011, at 2:00 p.m.
        Seconded by Emery & carried by the following vote: AYES: Camp, Carroll,
        Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

CAMP    Moved to approve the following resolution to have Public Hearing on
        August 8, 2011, at 2:30 p.m.
        Seconded by Emery & carried by the following vote: AYES: Camp, Carroll,
        Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

ADOPTING THE 2011/12 CITY OF LINCOLN ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT
        PROGRAM FOR FY 2016/17. (Action Date: 8/22/11) - PRIOR to reading:
COOK    Moved to amend Bill No. 11R-180 to have Public Hearing on 8/08/11 at 2:30
        p.m. along with Bill Nos. 11-115, 11R-179, 11-116, 11-117 & 11-118.
        Seconded by Emery & carried by the following vote: AYES: Camp, Carroll,
        Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

ADJOURNMENT 6:39 P.M.

CAMP    Moved to adjourn the City Council meeting of August 1, 2011.
        Seconded by Emery & carried by the following vote: AYES: Camp, Carroll,
        Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant