THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, AUGUST 15, 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

HORNUNG Having been appointed to read the minutes of the City Council proceedings of August 10, 2011 reported having done so, found same correct. Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

MAYOR’S AWARD OF EXCELLENCE

Mayor Chris Beutler came forward to present the Award of Excellence for the Month of July 2011 to Thien Dang, Firefighter/Paramedic of the Lincoln Fire & Rescue Department. He was nominated in the Categories of Customer Relations and Valor by Acting Fire Captain Michael Selvage. Having been employed since 2009, Mr. Dang responded to a recent medical emergency on June 25 in which an elderly Vietnamese woman appeared to be having a stroke. His ability to speak with the woman in her native language gained valuable lifesaving time and his skills helped the crew transport the critically ill woman to the hospital within 11 minutes of their arrival.

Capt. Pat Borer came forward to express appreciation for Mr. Dang’s leadership abilities during a serious medical emergency leading to a favorable outcome.

Thien Dang came forward to accept his award with gratitude and honor.

PUBLIC HEARING

APPLICATION OF EMJS INC. FOR A CLASS C LIQUOR LICENSE AT 1427 O STREET; MANAGER APPLICATION OF JOSHUA J. ROOT FOR EMJS INC. AT 1427 O STREET - Joshua Root, 1451 Manatt St., came forward to take the oath and answer questions.

Inv. Russ Fosler, LPD, came forward to answer Council questions.

This matter was taken under advisement.

CHANGE OF ZONE 11025 - AMENDING SECTION 27.35.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERMITTED USES IN THE B-4 LINCOLN CENTER BUSINESS DISTRICT TO PROHIBIT SEXUALLY ORIENTED LIVE ENTERTAINMENT ESTABLISHMENTS IN ALL AREAS OF THE B-4 ZONING DISTRICT - Marvin Krout, Planning Director, came forward to discuss the change of zone initiated by staff requesting a prohibition of SOLEE’s in the traditional downtown area. He said the concern is that documentation from police, planners and other communities indicated that this particular use directly correlated with crime, drug use, prostitution, blighting effects and reduction in property values. He said city-wide regulations control the concentration of those activities (1,500 ft. from an existing establishment) and 1,000 ft. from sensitive uses or residential zones. He said highway commercial/industrial areas are large areas which are well removed from residential/sensitive zoning districts. Locations there would be less likely to have the concerned adverse effects.

Ed Swotek, Chairman of the Downtown Lincoln Association, came forward in support of amending the B-4 zoning code to exclude SOLEE’s from entering the vibrant, growing, family-friendly downtown community.

Terry Uland, President of DLA, came forward in support of the change of zone. He said in his 4 1/2 years as president, he’s never had an issue which has garnered so much unanimity & support from major property owners, residents, small retailers and churches.
Dan Parsons, CEO of Parsons Marketing PR Design, 129 N. 10th St., came forward representing the online organization, Lincoln Can Do Better. He said they oppose the Viper/Drunken Monkey strip club and support a change in zoning laws.

This matter was taken under advisement.

COMP. PLAN CONFORMANCE 11007 - DECLARING APPROXIMATELY 2.5 ACRES OF PREVIOUSLY VACATED PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTH 14TH STREET AND MANATT STREET AS SURPLUS AND AUTHORIZING THE SALE THEREOF;

VACATION 11008 - VACATING NORTH 13TH STREET FROM MANATT STREET SOUTH TO THE NORTH LINE OF VACATED NORTH 13TH STREET; VACATING HARTLEY STREET FROM THE WEST RIGHT-OF-WAY LINE OF NORTH 14TH STREET TO THE EAST RIGHT-OF-WAY LINE OF NORTH 13TH STREET; AND VACATING THE EAST-WEST ALLEY FROM THE WEST RIGHT-OF-WAY LINE OF NORTH 14TH STREET TO THE EAST RIGHT-OF-WAY LINE OF NORTH 13TH STREET, GENERALLY LOCATED AT NORTH 13TH STREET AND HARTLEY STREET;

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY SCHOOL DISTRICT 001 FOR THE SALE AND/OR EXCHANGE OF PROPERTY RELATED TO THE VACATION AND SURPLUS OF PROPERTY GENERALLY LOCATED AT N. 13TH STREET AND MANATT STREET - Lynn Johnson, Director of Parks & Recreation, came forward to present the surplus property and vacation request. He said the proposal is to develop a new 30,000 sq. ft. facility known as Educare with 100 parking spaces, an outdoor previous use. It discourages small businesses who are trying to employ people and add sales tax revenue. She suggested an assessment in one year rather than in the beginning. Trip studies between 4 and 6:00 p.m. do not prove to be accurate as drinking establishments have more traffic after 9:00 p.m.

This matter was taken under advisement.

APPROVING THE CONTRACT AGREEMENT BETWEEN THE CITY AND X-TRA KLEEN, INC. FOR THE ANNUAL CLEANING SERVICES FOR STARTRAN FACILITIES, PURSUANT TO BID NO. 11-141 FOR A TWO-YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - Vince Mejer, Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

APPROVING A MULTIPLE-YEAR MANAGEMENT CONTRACT FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICTS BETWEEN THE CITY AND THE DOWNTOWN LINCOLN ASSOCIATION FOR A FOUR-YEAR TERM - David Landis, Urban Development Director, came forward to present an underlying contract lasting four years identifying an outline of the relationship of the City to the special assessment district.

This matter was taken under advisement.

AMENDING RESOLUTION NO. A-86391 TO CHANGE THE DATE OF PUBLIC HEARING ON THE CREATION OF THE HAVELOCK BUSINESS IMPROVEMENT DISTRICT FROM JULY 18, 2011 TO SEPTEMBER 12, 2011 - David Landis, Urban Development Director, came forward to answer questions. He said due to miscommunication, a date of publication for a notice was missed.

This matter was taken under advisement.

APPROVING A PRELIMINARY ENGINEERING AGREEMENT BETWEEN THE CITY AND KIRKHAM MICHAEL & ASSOCIATES FOR ENGINEERING SERVICES FOR THE CAVETT CONNECTOR TRAIL PROJECT, NDOR PROJECT NO. ENK-55 (172) GENERALLY LOCATED NEAR 34TH AND YANKEE HILL ROAD - Lynn Johnson, Director of Parks & Recreation, came forward to discuss the process of extending the Williamsburg Trail through securement of a transportation enhancement grant. He said the Cavett Trail Connector is a half mile connection of trail between San Mateo Lane and Yankee Hill Road.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE LINCOLN HOUSING AUTHORITY FOR REHABILITATION OF THE CHANNEL ALONG THE SOUTH SIDE OF PINELAKE ROAD WEST OF SOUTH 22ND STREET - Ben Higgins, Public Works & Utilities, came forward to clarify that each party has a separate responsibility to repair the ditch erosion but it will be bid out together as one project.

This matter was taken under advisement.

HEARING ON THE APPEAL OF AMETTA MARTIN FROM THE DETERMINATION OF IMPACT FEES IMPOSED FOR THE NON-RESIDENTIAL BUILDING LOCATED AT 7301 SOUTH 27TH STREET, SUITE 150 AND REQUESTING A WAIVER OR REDUCTION OF SAID FEES - Ameeta Martin, M.D., 3424 Old Dominion Rd., came forward to explain her appeal. She disagrees with the methodology used to assess impact fees on a remodel project. She said it doesn’t seem fair to new business owners to assess an 80% net increase in fees from the previous use. It discourages small businesses who are trying to employ people and add sales tax revenue. She suggested an assessment in one year rather than in the beginning. Trip studies between 4 and 6:00 p.m. do not prove to be accurate as drinking establishments have more traffic after 9:00 p.m.
Michaela Dugan, Impact Fee Administrator, came forward to answer questions. She explained the impact fee schedule and provisions in the ordinance as they related to the applicant’s change of 3,264 sq. ft. of retail use to a drinking place/bar use. Ms. Dugan cited language from the impact fee ordinance and said this appeal does not meet any of the stipulations required for reduction in impact fees.

Rick Peo, Asst. City Attorney, came forward to answer questions. He explained traffic patterns and calculation of trip generation as it related to the national standard.

Dr. Martin came forward in rebuttal. She said she has very good traffic data for the red9 establishment located downtown between the hours of 4 and 6:00 p.m.

This matter was taken under advisement.

APPROVING A CONSULTANT AGREEMENT BETWEEN THE CITY OF LINCOLN AND SRF CONSULTING GROUP, INC. FOR FINANCIAL AND OPERATIONAL ANALYSIS OF STARTRAN - Don Herz, Finance Director, came forward to state that following an RFP developed by the Audit Board, proposals were solicited and SRF Consulting Group, Inc. was chosen at a cost of $104,000.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

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

RESOLUTION APPROVING THE CITY OF LINCOLN’S INVESTMENT ACTIVITY REPORT FROM THE CITY TREASURER FOR THE THIRD QUARTER, FISCAL YEAR 2010-11 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86446

BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the Investment Activity report and attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, AUGUST 22, 2011 AT 3:00 P.M. FOR THE APPLICATION OF WILL-MACK, LLC DBA HOUR LOUNGE FOR A CLASS C LIQUOR LICENSE LOCATED AT 101 N. 14TH ST., SUITE 6 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86447

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 22, 2011, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 655 S. 10th St., Lincoln, NE for the Application of Will-Mack, LLC dba Hour Lounge for a Class C liquor license located at 101 N. 14th St., Suite 16.

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

Introduced by Jonathan Cook
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. 11019 to Special Permit No. 1870A, Stevens Creek Ridge Community Unit Plan, approved by the Planning Director on August 8, 2011 requested by Gerry and Dianne Krieser to add two lots as provided for in Resolution PC-00863 and R-82824 on property generally located at N. 134th St. and Holdrege St.
REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 11026 - Requested by Ben and Nancy Sand amending Title 27 of the Lincoln Municipal Code, the Zoning Code, by adding a new section numbered 27.03.225 to add the definition of “farm winery”; amending Section 27.07.040 to allow farm wineries as a permitted special use in the AG Agriculture District; amending Section 27.63.680 to allow a farm winery operating under a permitted special use to be located within 100 feet of a residential district; amending Section 27.63.685 to provide that a special permit or amendment thereto shall not be required for interior expansions of an existing licensed farm winery; adding a new section numbered 27.63.810 to provide conditions for granting a special permit to allow a farm winery in the AG Agriculture District; and repealing Sections 27.07.040, 27.63.680, and 27.63.685 of the Lincoln Municipal Code as hitherto existing.

Change of Zone No. 11030 - Requested by Brad Alderman from R-2 Residential District to O-3 Office Park District on property generally located at Highway 77 and West A Street.

Use Permit No. 126C - Requested by Wilderness Woods Holdings, LLC for an amendment to the Wilderness Woods Office Park to reduce the amount of office square footage permitted from 275,000 square feet to 225,000 square feet and permit 186 dwelling units, with a request that required residential parking spaces may be located on a driveway behind a garage that is attached to a dwelling unit, on property generally located at Executive Woods Drive and Yankee Hill Road.

Use Permit No. 11001 - Requested by Brad Alderman to allow for general and/or medical office uses on property generally located at Highway 77 and West A Street.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF EMJS INC. FOR A CLASS C LIQUOR LICENSE AT 1427 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86448

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 EMJS Inc. for a Retail Class "C" liquor license at 1427 O Street, Lincoln, Nebraska, for the license period ending October 31, 2011, be approved with the condition that 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 Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

MANAGER APPLICATION OF JOSHUA J. ROOT FOR EMJS INC. AT 1427 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86449

WHEREAS, EMJS Inc. located at 1427 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Joshua J. Root be named manager;

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

APPLICATION OF HY-VEE, INC. DBA HY-VEE #1 GAS FOR A CLASS D LIQUOR LICENSE AT 250 NORTH 52ND 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 Hy-Vee, Inc. dba Hy-Vee #1 Gas for a Class “D” liquor license at 250 N. 52nd 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 Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

MANAGER APPLICATION OF SCOTT A. SCHLATTER FOR HY-VEE #1 GAS AT 250 NORTH 52ND STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:
WHEREAS, Hy-Vee, Inc. dba Hy-Vee #1 Gas located at 250 N. 52nd Street, Lincoln, Nebraska has been approved for a Retail Class “D” liquor license, and now requests that Scott A. Schlatter be named manager;
WHEREAS, Scott A. Schlatter 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 Scott A. Schlatter 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 Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

ORDINANCE - 2ND READING & RELATED RESOLUTIONS (as required)
CHANGE OF ZONE 11025 - AMENDING SECTION 27.35.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERMITTED USES IN THE B-4 LINCOLN CENTER BUSINESS DISTRICT TO PROHIBIT SEXUALLY ORIENTED LIVE ENTERTAINMENT ESTABLISHMENTS IN ALL AREAS OF THE B-4 ZONING DISTRICT - CLERK read an ordinance, introduced by Jon Camp, amending Section 27.35.020 of the Lincoln Municipal Code relating to Permitted Uses in the B-4 Lincoln Center Business District to prohibit sexually oriented live entertainment establishments in all areas of the B-4 zoning district; and repealing Section 27.35.020 of the Lincoln Municipal Code as hitherto existing, the second time.

COMP. PLAN CONFORMANCE 11007 - DECLARING APPROXIMATELY 2.5 ACRES OF PREVIOUSLY VACATED PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTH 14TH STREET AND MANATT STREET AS SURPLUS AND AUTHORIZING THE SALE THEREOF. (RELATED ITEMS: 11-121, 11-122, 11R-191) (ACTION DATE: 8/22/11)

VACATION 11098 - VACATING NORTH 13TH STREET FROM MANATT STREET SOUTH TO THE NORTH LINE OF VACATED NORTH 13TH STREET; VACATING HARTLEY STREET FROM THE WEST RIGHT-OF-WAY LINE OF NORTH 14TH STREET TO THE EAST RIGHT-OF-WAY LINE OF NORTH 14TH STREET; AND VACATING THE EAST-WEST ALLEY FROM THE WEST RIGHT-OF-WAY LINE OF NORTH 14TH STREET TO THE EAST RIGHT-OF-WAY LINE OF NORTH 13TH STREET, GENERALLY LOCATED AT NORTH 13TH STREET AND HARTLEY STREET. (RELATED ITEMS: 11-121, 11-122, 11R-191) (ACTION DATE: 8/22/11) - CLERK read an ordinance, introduced by Jon Camp, vacating North 13th Street from the south right-of-way line of Manatt Street south to the north right-of-way line of vacated North 13th Street, vacating Hartley Street from the east right-of-way line of North 13th Street east a distance of 253 feet; and
vacating the east-west alleys in Blocks 17 and 30, Lincoln Heights Addition, each from the east right-of-way line of North 13th Street east a distance of 253 feet, generally located at North 13th Street and Hartley Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY SCHOOL DISTRICT 001 FOR THE SALE AND/OR EXCHANGE OF PROPERTY RELATED TO THE VACATION AND SURPLUS OF PROPERTY GENERALLY LOCATED AT N. 13TH STREET AND MANATT STREET. (RELATED ITEMS: 11-121, 11-122, 11R-191) (ACTION DATE: 8/22/11)

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 16 - 31, 2011 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86452
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 August 1, 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

None

Allowed/Settled Claims

Brian Matulka $2,600.00

Withdrawn Claim

Tyrone Hall $25,000.00

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

Approving the Contract Agreement between the City and X-Tra Kleen, Inc. for the annual cleaning services for StarTran Facilities, pursuant to Bid No. 11-141 for a two-year term with the option to renew for one additional two-year term - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86453
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached multi-year Contract between the City of Lincoln and X-Tra Kleen, Inc. for the annual cleaning services for StarTran Facilities, pursuant to Bid No. 11-141, for a two-year term with the option to renew for one additional two-year term, upon the terms as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

Approving a multiple-year Management Contract for Downtown Business Improvement Districts between the City and the Downtown Lincoln Association for a four-year term - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86454
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Management and Maintenance Contract for Downtown Business Improvement Districts between the City of Lincoln, and the Downtown Lincoln Association, upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is hereby directed to transmit a copy of the executed original Agreement to Tim Sieh, Assistant City Attorney, for transmittal to the Downtown Lincoln Association.

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

Amending Resolution No. A-86391 to change the date of public hearing on the creation of the Havelock Business Improvement District from July 18, 2011 to September 12, 2011 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:
WHEREAS, Resolution No. A-86391, adopted by the City Council on June 27, 2011, approved its intention to create a Business Improvement District to be known as the Havelock Business Improvement District for the purpose of maintaining, repairing and reconstructing certain public facilities along Havelock Avenue generally from Cornhusker Highway to 64th Street; and

WHEREAS, Resolution No. A-86391 sets July 18, 2011 as the date to consider an ordinance to create the recommended Business Improvement District; and

WHEREAS, the need for on-going maintenance in the area and supporting meetings with the Havelock Business Association, the Business Improvement District Board Members and the business and property owners have resulted in delays to the established timeline; and

WHEREAS, the parties are now prepared to create the Havelock Business Improvement District and desire to amend the public hearing date which was set in Resolution No. A-86391 to be heard before the City Council of the City of Lincoln, Nebraska from July 18, 2011 to September 12, 2011.

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

That Resolution No. A-86391, adopted by the City Council on June 27, 2011, be amended as follows:

1. On page 1, line 14; page 2, line 21; page 4, line 14; page 4, line 17; and page 4, lines 21 and 22; delete the date July 18, 2011 and insert in lieu thereof the date September 12, 2011.

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

Approving a Preliminary Engineering Agreement between the City and Kirkham Michael & Associates for engineering services for the Cavett Connector Trail Project, NDOR Project No. ENH-55(172) generally located near 34th and Yankee Hill Road - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

WHEREAS, City of Lincoln is developing a transportation project for which it intends to obtain Federal funds;

WHEREAS, City of Lincoln as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project;

WHEREAS, City of Lincoln and Kirkham Michael wish to enter into an Engineering Services Agreement to provide Preliminary Engineering Services for the Federal-aid project.

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

That the Agreement which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and the Lincoln Housing Authority of the City of Lincoln, Nebraska to rehabilitate the channel along the south side of Pine Lake Road west of South 22nd Street is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Agreement on behalf of the City.
BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement and Resolution to Ben Higgins, Public Works and Utilities Department, and one fully executed copy of this Agreement also to Ben Higgins for transmittal to the Lincoln Housing Authority of the City of Lincoln, c/o Larry Potratz, 5700 ‘R’ Street, Lincoln, NE 68505.

Introduced by Jon Camp

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

Hearing on the appeal of Ameeta Martin from the determination of Impact Fees imposed for the non-residential building located at 7301 South 27th Street, Suite 150 and requesting a waiver or reduction of said fees - PRIOR to reading:

HORNUNG Moved to continue Public Hearing on Bill No. 11R-187 two weeks with Action on August 29, 2011.

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

Approving a Consultant Agreement between the City of Lincoln and SRF Consulting Group, Inc. for Financial and Operational Analysis of StarTran - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86458

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

That the attached Consultant Agreement between the City of Lincoln and SFR Consulting Group, Inc. for Financial and Operational Analysis of StarTran for the Audit Board, pursuant to Resolution No. A86238 adopted by the City Council on February 7, 2011, in accordance with the terms and conditions contained in said Consultant 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 Consultant Agreement to Vince Mejer, Purchasing Agent, for transmittal to SFR Consulting Group.

Introduced by Jon Camp

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 FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY SCHOOL DISTRICT 001 FOR AN ADDITIONAL 3,425 SQUARE FEET OF SPACE FOR USE BY LINCOLN PUBLIC SCHOOLS AT 949 WEST BOND STREET - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving the First Amendment to Lease Agreement between the City of Lincoln and Lancaster County School District No. 001 for the lease of additional office space in the building located at 949 West Bond Street to Lincoln Public Schools, the first time.

ORDINANCES - 3RD 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 third time.

SNYDER 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 #19598, is recorded in Ordinance Book #27, Page .

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 "B"; and repealing Section
2.76.155 of the Lincoln Municipal Code as hitherto existing, the third time.

SNYDER Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Snyder; NAYS: Hornung.
The ordinance, being numbered #19599, is recorded in Ordinance Book #27, Page 441.

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 third time.

SNYDER 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 #19600, is recorded in Ordinance Book #27, Page 441.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE 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 the
letters "A," and "C"; and repealing Ordinance No. 18967, passed by the City
Council on August 6, 2007, the third time.

SNYDER Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Snyder; NAYS: Hornung.
The ordinance, being numbered #19601, is recorded in Ordinance Book #27, Page 441.

AMENDING THE PAY SCHEDULES FOR A CERTAIN EMPLOYEE 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
third time.

SNYDER Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Snyder; NAYS: Hornung.
The ordinance, being numbered #19602, is recorded in Ordinance Book #27, Page 441.

AMENDING THE PAY SCHEDULES FOR A CERTAIN EMPLOYEE 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
third time.

SNYDER Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Snyder; NAYS: Hornung.
The ordinance, being numbered #19603, is recorded in Ordinance Book #27, Page 441.

OPEN MICROPHONE - NONE
MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to August 22, 2011. Seconded by Hornung & 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 22, 2011. Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

ADJOURNMENT 4:39 P.M.

CAMP Moved to adjourn the City Council meeting of August 15, 2011. Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.