CHANGE OF ZONE NO. 07063 - APPLICATION OF RINGNECK DEVELOPMENT FOR A CHANGE OF ZONE APPROXIMATELY 7.72 ACRES GENERALLY LOCATED AT N.W. 48TH STREET AND WEST HOLDREGE ANNEXATION NO. 07005 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 7.72 ACRES AND THE DEVELOPMENT OF 233 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND I-80. (RELATED ITEMS: 11R-235, 11-149, 11-150) (ACTION DATE: 10/10/11); AMENDING TITLE 3 OF THE LINCOLN MUNICIPAL CODE RELATING TO REVENUE AND FINANCE BY ADDING A NEW SECTION NUMBERED 3.06.010 TO ESTABLISH AND DEFINE THE BIENNIAL BUDGET; ADDING A NEW SECTION NUMBERED 3.06.020 TO ESTABLISH THE PROCEDURE AND CALENDAR FOR THE FORMULATION OF THE PROPOSED BIENNIAL EXECUTIVE BUDGET AND FOR ITS SUBMISSION TO THE COUNCIL; ADDING A NEW SECTION NUMBERED 3.06.030 TO ESTABLISH THE CONTENTS OF THE BIENNIAL BUDGET; ADDING A NEW SECTION NUMBERED 3.06.040 TO ESTABLISH THE PROCEDURE FOR THE ADOPTION OF THE BIENNIAL BUDGET; ADDING A NEW SECTION NUMBERED 3.06.050 TO ESTABLISH AND DEFINE THE PROCEDURE FOR REDUCTION, TRANSFER AND REVISION TO THE BIENNIAL BUDGET; ADDING A NEW SECTION NUMBERED 3.06.060 TO ESTABLISH THE PROCEDURE FOR THE CAPITAL IMPROVEMENT BIENNIAL BUDGET; AND ADDING A NEW SECTION NUMBERED 3.06.070 TO ESTABLISH A DATE TO SET THE PROPERTY TAX RATE AND RE-APPROPRIATE UNENCUMBERED APPROPRIATIONS FOR THE SECOND YEAR - Steve Hubka, Interim Finance Director, came forward to clarify the biennial budget being proposed. Steve said an advantage of the biennial budget was that changes can be made to the ordinance with a resolution. Another advantage would be the savings of staff and Council time. Drafting and refining of the ordinance has been completed over the last year. Steve is proposing that the biennial budget be adopted in an even numbered year as this is the off year for the City election cycle. This matter was taken under advisement.

PUBLIC HEARING

AMENDING SECTION 2.76.200 OF THE LINCOLN MUNICIPAL CODE, COMPENSATION PLAN; TEMPORARY ASSIGNMENT IN A HIGHER CLASSIFICATION, TO ALLOW EMPLOYEES IN THE PAY RANGES PREFIXED BY THE LETTERS N AND X TO COINCIDE WITH PAE EMPLOYEES TO BE EFFECTIVE AUGUST 18, 2011; AMENDING SECTION 2.76.180 OF THE LINCOLN MUNICIPAL CODE, SICK LEAVE WITH PAY, TO CLARIFY FOR EMPLOYEES IN THE PAY RANGES PREFIXED BY THE LETTERS N AND X THAT SICK LEAVE PAYOUT UPON RESIGNATION IS FOR REGULAR EMPLOYEES ONLY - Mark Koller, Personnel Director, came forward to explain that these amendments will bring the code back into line with the P.A.G.E. Contract that has already been approved and drafted. This matter was taken under advisement.

APPROVING THE 1-80 WEST LINCOLN BUSINESS CENTER CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND RINGNECK DEVELOPMENT LLC FOR ANNEXATION OF APPROXIMATELY 7.72 ACRES AND THE DEVELOPMENT OF 233 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND I-80. (RELATED ITEMS: 11R-235, 11-149, 11-150) (ACTION DATE: 10/10/11); ANNEXATION NO. 07005 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 7.72 ACRES AND THE DEVELOPMENT OF 233 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND WEST HOLDREGE STREET. (RELATED ITEMS: 11R-235, 11-149, 11-150) (ACTION DATE: 10/10/11); CHANGE OF ZONE NO. 07063 - APPLICATION OF RINGNECK DEVELOPMENT FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL WITH A PLANNED UNIT DEVELOPMENT DESIGNATION ON 7.72 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND WEST HOLDREGE STREET WITH REQUESTED WAIVERS AND MODIFICATION TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW APPROXIMATELY 42,000 SQUARE FEET OF OFFICE AND COMMERCIAL FLOOR AREA AND SIX DWELLING UNITS ON THE UNDERLYING R-3 ZONED AREA. (RELATED ITEMS: 11R-235, 11-149, 11-150) (ACTION DATE: 10/10/11) - DaNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, representing Ringneck Development LLC, came forward and reported that Ringneck Development is the owner of about 233 acres located north of Interstate. In 2007, Ringneck submitted the original applications to the City asking for a comp plan amendment, a change of zone and annexation. Ms. Kalkowski reported that this property is already being taken care of in the draft comp plan that is going through the approval process right now. What Ringneck is proposing today is in compliance with the new draft comp plan. It is Ringneck’s proposal to go through as many steps of governmental approval processes as possible up front to minimize the time frame when they have an actual user. She stated that Ringneck went through the Planning Commission for
approval of the annexation and change of zone for the entire site and did receive approval from the Planning Commission. Ms. Kalkowski indicates that Ringneck is asking for approval of an annexation agreement that would be the master plan put the infrastructure of the entire site. When Ringneck met with the Planning Commission approved the whole application, then in the future as we have additional phases come forward we would just bring the change of zone and annexation directly to the City Council as long as it was in compliance with what was approved by the Planning Commission.

Ms. Kalkowski then spoke about the annexation agreement. Ringneck is only requesting an annexation of a small portion of the site that would allow Ringneck to do the infrastructure for the development of this entire site. One of the benefits of this site is that there is sanitary sewer located on the north side of the intersection, just at the south edge of the property. Another benefit is that there is already a 16" water line in NW 48th Street. With respect to the roads, NW 48th Street has had some improvements, what Ringneck tried to provide was phased improvement of NW 48th Street. The State has controlled access a certain distance from the Interstate and this dictates the location of West Vine. The second major access to NW 48th Street is north. When Ringneck met with the Planning Commission, those access points were a huge issue because of the control of access on the south side and future commercial industrial uses on the east side, so the access points shown today have not changed since what was approved at Planning Commission and meet the NDOR standards. West Holdrege Street and NW 56th Street are currently gravel. The comp plan does show them as basically two lane with center turn lane arterials. A neighborhood meeting was held in January, and it is important to have a sit down meeting with our neighbor to the southeast before meeting with the Planning Commission about access issues.

In conclusion, the site has been identified by the City, the Chamber, and by private owners, as a large site with some great qualities that make it attractive to industrial and employment center type users. The purpose of these applications is to try to get the approval of the annexation as far along as possible to minimize the time frame when we actually have a user. Ringneck is asking for approval of the first phase for the change of zone and the annexation and also approval of the annexation agreement. Todd Lorenz and Shane King, Olsson Assoc. are present for questions.

Council Member Cook wanted to clarify the unusual procedure on future change of zone and annexations stating that Ringneck would bypass the Planning Commission for all of this related to this property? Ms. Kalkowski indicated to him that the answer would be yes because the Planning Commission has already approved the entire PUD and entire site. Ms. Kalkowski responded, of course you don’t want to annex and have the change of zone in advance because the property value goes up. She indicated that he was right, Ringneck wants a master plan for the infrastructure of the entire site, but you cannot afford to the put annexation and the zoning in place up front.

Council Member Hornung asked if Ms. Kalkowski could describe what will be going on the 7.72 acres. She clarified that the underlying zoning would be Bz and that there are no specific users right now.

Peter Katt, Baylor Evnen, 600 Wells Fargo Center, 1248 O St., came forward, appearing on behalf of owners of property on the east side of NW 48th Street. Mr. Katt told the City Council that he believes their job as the City Council is to avoid problems with regard to access when planning future development. The current comp plan shows the east side of NW 48th Street as containing a very similar type of mixed use of residential, commercial, and industrial uses and sets demand for access points and for access to the infrastructure for the development of this entire site. One of the benefits of this site is that there is sanitary sewer located on the north side of the intersection. It has been done through planning for the access on the east side, the Opportunity Drive location was sited so that the two properties could split the infrastructure in the development. This assures both of them access to that roadway. Randy indicated that meetings have taken place with NDOR and one of the requirements that they had for creating the location of West Vine Street was the ability to go a 4-way. NW 40th Street would be designed to have access on both sides of the road and so both property owners would need to do the work to get that break in control of access; Ringneck has done this and the east side has not. Discussion followed.

Council Member Cook questioned the alternate approval process, just how it works, and if this is the first time we are using a process like this? Ms. Kalkowski responded it is the first time that we have used this process. Mr. Krout also stated that we would do this process with anyone who is asking for a change to a PUD or CUP or
a special permit. The Planning Department looks at the nature of it and if it is not a significant change and it is within the area that we have the ability to approve administratively generally outlined in the PUD then we would say no it does not have to go to the active Planning Commission. Other circumstances, the Planning Department would tell the applicants yes and it would have to go to the Planning Commission. Discussion followed.

Council Member Cook expressed appreciation of the efforts the Planning Department is doing to streamline processes, but also expressed concern about if the City Council approves it on this project it may be the expectation that this will become common place in some other large projects. It concerns me to leave the Planning Commission out of the loop. Marvin Krout indicated he has seen the whole picture and if there are any significant changes the Planning Commission would need to see it again, but right now I really don’t see a problem with this process.

Council Member Cook had one more question for Public Works. He would like to know if Mr. Dowd could get a closer access point. Randy Hoskins indicated that it is his understanding from discussions with NDOR is that as it was noted the interchange out there is going to be rebuilt and so that is going to make some of the ramps out there to push him further north. So I think NDOR’s position is that the location of West Vine street is as far south as they would allow an access to NW 48th Street.

Council Chair Carroll asked Miki Esposito if she saw the motion to amend and if she is okay with it and Ms. Esposito responded yes. DaNay Kalkowski came forward for rebuttal. She appreciated the comments from the neighbors and stated that they had the same opportunity that Ringneck had to work with NDOR and work with the City on these access points. She stated that every effort was made going through the initial process trying to get that access point located as far south and as close to the Interstate as we could. Regarding the access closest to I-80, NDOR informed them that this access was too close to the off ramps and that they would not allow it. Ringneck worked with NDOR to find the next best location to the north and that is where it is on the map. Both of these intersections are set up to accommodate full 4-way intersections This matter was taken under advisement.

APPROVING A LEASE AGREEMENT BETWEEN THE LINCOLN PARKS AND RECREATION DEPARTMENT AND LINCOLN PARKS AND RECREATION FOUNDATION FOR THE LEASE OF APPROXIMATELY 230 SQUARE FEET OF SPACE TO THE FOUNDATION AT 2740 A STREET FOR A 13.5 YEAR PERIOD - Lynn Johnson, Director of Parks & Recreation, came forward to report on the recent addition to the administration building that added two accessible restrooms and an accessible meeting room. The Parks Foundation is providing $25,000 to assist with the construction project in recognition of that contribution of the project we are purposing a 13-1/2 year leasing agreement for this 230 square feet that will become the Lincoln Parks Foundation Office space. This matter was taken under advisement.

APPROVING THE ALLOCATION OF $1 MILLION OF CAPITAL IMPROVEMENT FUNDS APPROPRIATED IN THE FY 2011-12 BUDGET TO CERTAIN PROJECTS WITHIN THE PARKS AND RECREATION DEPARTMENT - Lynn Johnson, Director of Parks & Recreation, came forward to thank the Mayor and City Council for the appropriation and named the priorities of projects that would be completed with these funds. This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND CAPITAL TOWING, INC. FOR THE ANNUAL REQUIREMENTS FOR CITY OF LINCOLN TOWING AND STORAGE SERVICES, PURSUANT TO BID NO. 11-176, FOR A FOUR-YEAR TERM WITH AN OPTION TO RENEW FOR ONE ADDITIONAL FOUR-YEAR TERM - Robert Walla, Assisting Purchasing Agent, came forward to answer questions. Michael Rierden, 645 M St., Suite 200, appearing on behalf of the Auto Connection, one of the three bidders. Mr. Rierden stated that his client’s concerns were that Capital Towing was non-compliant and bid hourly instead of
per occurrence as stated in the instructions, did not bid on all packages leaving out #13, not complying to the City Administration Fee, and getting their bid modified with a phone call after submitting it.

Peter Katt, Baylor Evnen, 600 Wells Fargo Center, 1248 O St., came forward representing Mid-West Towing. In terms of the documentation (handouts), #1 it documents an inappropriate lobbying contact by the bidder with City Purchasing prior to the award of contract and #2 it demonstrates that the Purchasing Department agreed to effectively amend the bid by treating an hourly bid for certain items as a per occurrence bid. Mr. Katt also expressed concerns regarding the maintenance of the City Lot and the Living Wage Ordinance.

Darrel Stock, 1115 K Street No. 104, came forward representing Capital Towing. Mr. Stock indicated the important thing about this contract is the winning bid by Capital Towing Company saves the consumers in Lincoln $7 a tow. They were below the next higher bidder by $7 which is what the people that get their cars towed have to pay. They are also $2 less for storage per day. Secondly, as far as their performance, they have been doing this 16 years and the Council was strongly urged to ask members of the Lincoln Police Department or Lincoln Fire and Rescue. Mr. Stock reports that the Living Wage Ordinance excludes services bids.

Tom Graf, 2419 Bradfield Drive, came forward to discuss the poor customer service and his experience with Capital Towing Company.

Jeff Jackson, 4201 Colfax, came forward owner of Midwest Towing. Mr. Jackson explained his bid for the oversized tow. He indicated he clarified with Robert Walla through a fax through an addendum on this bid that it was a per occurrence. Mr. Jackson indicated the reason he is here is to question the integrity if the bid was actually done properly.

Jeremy Crambler, 4201 Colfax, came forward stating that he was a former employee of the Capital Towing and that while he was employed with Capital Towing regular maintenance of equipment and the tow yard were completed on a regular basis.

Robert Walla, Assisting Purchasing Agent, came forward for more questions.

Council Member Camp asked why the bid was based on per occurrence vs. hourly, the Living Wage Ordinance conformance, and the tow lot maintenance.

Mr. Walla started with the explanation on tow lot maintenance. He indicated that he has been to the lot and they have a serious drainage problem. A new parking lot was put in and the rain drains onto the lot. They do have a road grader. It is the City's lot and Robert has talked to the Street Department in regards to the drainage problem.

Mr. Walla indicated while reviewing the bids, #13 was included in the hourly rate for items 2 thru 6. Mr. Walla called Capital Towing for clarification and stated this was done on a regular basis to obtain clarification. He indicated that the reason the bid was per occurrence was because towing is restricted to the City of Lincoln. He stated that the clarification of hourly vs. per occurrence did not change the dollar amount of the bid.

Director Casady, came forward to report on the experience he has had with Capital Towing. During the entire time that Capital Towing has had the contract, they have fulfilled the needs of the Lincoln Police Department and the Lincoln Fire and Rescue with helping out with special circumstances.

Steve Huggenberger, Assistant City Attorney, came forward to answer questions.

Council Member Camp asked about the Living Wage Ordinance and secondly for Steve's thoughts on the ability of changing the bid.

Mr. Huggenberger indicated the reference to the compliance with the Living Wage was included in the instructions to the bidder; which is a boiler plate document that is included with all city contracts. All city contracts do not have to comply with the Living Wage Ordinance only the contracts that are defined in the Living Wage Ordinance have to comply with the Living Wage Ordinance. The language of the ordinance is focused on expenditures of public funds for city contracts. This particular contract involves no expenditures of public funds for city contracts. In the Living Wage Ordinance it defines a service contract as limited to service contracts that involve $25,000 or more in expenditures. There are no expenditures involved in this contract, all the monies come to the city through the lease of the tow lot. There is also a provision included in the Living Wage Ordinance which specifically excludes all bids as having to comply with the Living Wage Ordinance; now that is primarily talking about purchases of property not service contract. After looking at all those particular items it was our conclusion even this probably didn't require compliance with the Living Wage Ordinance. Mr. Huggenberger also indicated the decision to change items 2, 3, 4, and 5 from hourly to per occurrence was not a significant modification as it did not change the amount of the bid. Discussion followed.

Rod Confer, City Attorney, came forward and indicated the only way you can define the Living Wage is by the ordinance. This matter was taken under advisement.
APPROVING A CONTRACT AGREEMENT BETWEEN THE PARKS AND RECREATION DEPARTMENT AND THE LINCOLN PARKS AND RECREATION FOUNDATION ESTABLISHING THE MUTUAL RESPONSIBILITIES AND UNDERSTANDINGS IN PROVIDING FACILITIES AND PROGRAMS THROUGH FUND RAISING ACTIVITIES, SECURING GRANT FUNDS, DONOR STEWARDSHIP AND VOLUNTEER RECRUITMENT FOR A FOUR YEAR TERM - Lynn Johnson, came forward for questions and to clarify the parallel agreements between the departments and the supporting foundation. This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION TO INSTALL A SOLAR RENEWABLE ENERGY ROOF TOP ARRAY ON THE LINCOLN POLICE DEPARTMENT CENTER TEAM HEADQUARTERS BUILDING AT 1501 N. 27TH STREET, UTILIZING FEDERAL ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FUNDS - Milo Mumgaard, Sr. Policy Aid to Mayor Reutler, came forward to speak to this Interlocal Agreement and answer questions. This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING BENNIE SHOBE JR. TO THE COMMISSION ON HUMAN RIGHTS TO FILL AN UNEXPIRED TERM EXPIRING DECEMBER 31, 2011 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption;

A-86513

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

That the appointment of Bennie Shobe Jr. to the Commission on Human Rights to fill an unexpired term expiring December 31, 2011, is hereby approved. Introduced by Jonathan Cook

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

REPORT OF SETTLEMENT AGREEMENT UNDER NEB. REV. STAT. 84-713. (NON TORT CLAIMS) - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK’S LETTER & MAYOR’S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON SEPTEMBER 19, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS ON AUGUST 31, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, OCTOBER 17, 2011 AT 3:00 P.M. FOR THE APPLICATION OF PARKER’S RIB RANCH, INC. DBA PARKER’S SMOKEHOUSE TO ADD CATERING TO THEIR CLASS I LIQUOR LICENSE LOCATED AT 6440 O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption;

A-86514

BE IT RESOLVED by the City Council of the City of Lincoln, that a hearing date is hereby set for Monday, October 17, 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 Parker’s Rib Ranch dba Parker’s Smokehouse for the addition of a Catering License to their Class I liquor license at 6440 O Street.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 17, 2011 AT 3:00 P.M. FOR THE APPLICATION OF HY-VEE, INC. DBA HY-VEE #1 FOR A CLASS CK LIQUOR LICENSE LOCATED AT 5010 O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption;

A-86515

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 17, 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 for a Class CK liquor license at 5010 O Street.

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

Introduced by Doug Emery

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.
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SETTING THE HEARING DATE OF MONDAY, OCTOBER 17, 2011 AT 3:00 P.M. FOR THE APPLICATION OF WMID LLC DBA SINGLE BARREL FOR A CLASS CK LIQUOR LICENSE LOCATED AT 130 N. 10TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:  
A-86516  
BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 17, 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 WMID, LLC dba Single Barrel for a Class CK liquor license at 130 N. 10th Street.  
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.  
Introduced by Doug Emery  
Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 17, 2011 AT 3:00 P.M. FOR THE APPLICATION OF RHINO DYNAMICS LLC DBA DUFFY'S TAVERN FOR A SPECIAL DESIGNATED LICENSE LOCATED AT 5611 S. 27TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:  
A-86517  
BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 17, 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 Nebraska CVS Pharmacy, LLC dba CVS Pharmacy #4033 for a License Class D liquor license at 5611 S. 27th Street.  
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.  
Introduced by Doug Emery  
Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 17, 2011 AT 3:00 P.M. FOR THE APPLICATION OF LINCOLN SOUTH LLC DBA PEPPER JAX GRILL FOR A CLASS A LIQUOR LICENSE LOCATED AT 2801 FINE LAKE ROAD, SUITE S - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:  
A-86518  
BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 17, 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 Lincoln South, LLC dba Pepper Jax Grill for a Class A liquor license at 2801 Pine Lake Road, Suite S.  
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.  
Introduced by Doug Emery  
Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

MISCELLANEOUS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF RHINO DYNAMICS, INC. DBA DUFFY'S TAVERN FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 50 FEET BY 75 FEET AT 1412 O STREET ON OCTOBER 8, 2011 FROM 9:00 A.M. TO 2:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:  
A-86519  
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 surrounding the application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Rhino Dynamics, Inc. dba Duffy's Tavern for a Special Designated License to cover an outdoor area measuring approximately 50 feet by 75 feet adjacent to its premises at 1412 O Street, Lincoln, Nebraska, on October 8, 2011 between the hours of 9:00 a.m. and 2:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:  
1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.  
2. Adequate security shall be provided for the event.  
3. The area requested for the permit shall be separated from the public by a fence or other means.  
4. Responsible alcohol service practices shall be followed.  
5. Any food sold shall be provided by a licensed and inspected establishment.  

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

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

AMENDING TITLE 3 OF THE LINCOLN MUNICIPAL CODE RELATING TO REVENUE AND FINANCE BY ADDING A NEW SECTION NUMBERED 3.06.010 TO ESTABLISH AND DEFINE THE BIENNIAL BUDGET; ADDING A NEW SECTION NUMBERED 3.06.020 TO ESTABLISH THE PROCEDURE FOR THE FORMULATION OF THE PROPOSED BIENNIAL EXECUTIVE BUDGET AND FOR ITS SUBMISSION TO THE COUNCIL; ADDING A NEW SECTION NUMBERED 3.06.030 TO ESTABLISH THE CONTENTS OF THE BIENNIAL BUDGET; ADDING A NEW SECTION NUMBERED 3.06.040 TO ESTABLISH THE PROCEDURE FOR THE ADOPTION OF THE BIENNIAL BUDGET; ADDING A NEW SECTION NUMBERED 3.06.050 TO ESTABLISH AND DEFINE THE PROCEDURE FOR REDUCTION, TRANSFER AND REVISION TO THE BIENNIAL BUDGET; ADDING A NEW SECTION NUMBERED 3.06.060 TO ESTABLISH THE PROCEDURE FOR THE CAPITAL IMPROVEMENT BIENNIAL BUDGET; AND ADDING A
NEW SECTION NUMBERED 3.06.070 TO ESTABLISH A DATE TO SET THE PROPERTY TAX RATE AND REAPPROPRIATE UNENCUMBERED APPROPRIATIONS FOR THE SECOND YEAR - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 3 of the Lincoln Municipal Code relating to Revenue and Finance by adding a new section numbered 3.06.070 to establish a date to set the property tax rate and to appropriate unencumbered appropriations for the second year, the second time.

AMENDING SECTION 2.76.200 OF THE LINCOLN MUNICIPAL CODE, COMPENSATION PLAN; TEMPORARY ASSIGNMENT IN A HIGHER CLASSIFICATION, TO ALLOW EMPLOYEES IN THE PAY RANGES PREFIXED BY THE LETTERS N AND X TO COINCIDE WITH PAGE EMPLOYEES TO BE EFFECTIVE AUGUST 18, 2011 - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 2.76.200 of the Lincoln Municipal Code relating to Temporary Assignment in a Higher Classification to provide that "N" and "X" employees coincide with recent changes with PAGE and making the changes retroactively effective as of August 18, 2011; and repealing Section 2.76.200 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 2.76.380 OF THE LINCOLN MUNICIPAL CODE, SICK LEAVE WITH PAY, TO CLARIFY FOR EMPLOYEES IN THE PAY RANGES PREFIXED BY THE LETTERS N AND X THAT SICK LEAVE PAYOUT UPON RESIGNATION IS FOR REGULAR EMPLOYEES ONLY - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 2.76.380 of the Lincoln Municipal Code to clarify that for "N" and "X" employees sick leave payout upon resignation is only for regular employees; and repealing Section 2.76.380 of the Lincoln Municipal Code as hitherto existing, the second time.


ANNEXATION NO. 07005 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 7.72 ACRES GENERALLY LOCATED AT N.W. 48TH STREET AND WEST HOLDREGE STREET (RELATED ITEMS: 11R-235, 11-149, 11-150) - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE NO. 07063 - APPLICATION OF RINGNECK DEVELOPMENT FOR A CHANGE OF ZONE FROM AN AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL WITH A PLANNED UNIT DEVELOPMENT DESIGNATION ON 7.72 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND WEST HOLDREGE STREET WITH REQUESTED WAIVERS AND MODIFICATION TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW APPROXIMATELY 42,000 SQUARE FEET OF OFFICE AND COMMERCIAL FLOOR AREA AND SIX DWELLING UNITS ON THE UNDERLYING R-3 ZONED AREA (RELATED ITEMS: 11R-235, 11-149, 11-150) - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as proposed by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE LINCOLN PARKS AND RECREATION DEPARTMENT AND LINCOLN PARKS AND RECREATION FOUNDATION FOR THE LEASE OF APPROXIMATELY 230 SQUARE FEET OF SPACE TO THE FOUNDATION AT 2740 A STREET FOR A 13.5 YEAR PERIOD - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving the Lease Agreement between the City of Lincoln, Nebraska on behalf of Lincoln Parks and Recreation Department and the Lincoln Parks and Recreation Foundation for the lease of approximately 230 square feet of office space in the Parks and Recreation Department’s administrative offices located at 2740 A Street to the Parks and Recreation Foundation for a term commencing on October 1, 2011 and terminating on April 30, 2024, the second time.

APPROVING THE ALLOCATION OF $1 MILLION OF CAPITAL IMPROVEMENT FUNDS APPROPRIATED IN THE FY 2011-12 BUDGET TO CERTAIN PROJECTS WITHIN THE PARKS AND RECREATION DEPARTMENT - CLERK read an ordinance, introduced by Jonathan Cook, approving the transfer of unspent and unencumbered appropriations to certain capital improvement projects within the Parks and Recreation Department, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND CAPITAL TOWING, INC. FOR THE ANNUAL REQUIREMENTS FOR CITY OF LINCOLN TOWING AND STORAGE SERVICES, PURSUANT TO BID NO. 11-149 FOR A FOUR-YEAR TERM WITH AN OPTION TO RENEW FOR ONE ADDITIONAL FOUR-YEAR TERM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

NORRISING MOVED TO REJECT THE BIDS AND INITIATE A RE-BID

Seconded by Carl Eskridge & carried by the following vote: AYES: Carroll,
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Cook, Emery, Eskridge, Hornung; NAYS: Camp.
The resolution having LOST was assigned #38-4611 & was placed on file in the office of the City Clerk.

APPROVING A CONTRACT AGREEMENT BETWEEN THE PARKS AND RECREATION DEPARTMENT AND THE LINCOLN PARKS AND RECREATION FOUNDATION ESTABLISHING THE MUTUAL RESPONSIBILITIES AND DUTIES OF EACH PARTY IN PROVIDING FACILITIES AND PROGRAMS THROUGH FUND RAISING ACTIVITIES, SECURING GRANT FUNDS, DONOR STEWARDSHIP AND VOLUNTEER RECRUITMENT FOR A FOUR YEAR TERM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86521
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Contract Agreement between the Parks and Recreation Department and the Lincoln Parks and Recreation Foundation establishing the mutual responsibilities and understandings in providing facilities and programs through fund raising activities, securing grant funds, donor stewardship and volunteer recruitment for a four year term, upon the terms and conditions as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute said Contract Agreement on behalf of the City.

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION TO INSTALL A SOLAR RENEWABLE ENERGY ROOFTOP ARRAY ON THE LINCOLN POLICE DEPARTMENT CENTER TEAM HEADQUARTERS BUILDING AT 1501 N. 27TH STREET. UTILIZING FEDERAL ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FUNDS. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86522
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Interlocal Agreement between the City of Lincoln and the Lincoln-Lancaster County Public Building Commission to install a solar renewable energy rooftop array on the Lincoln Police Department Center Team headquarters building at 1501 N. 27th Street, utilizing Federal Energy Efficiency and Conservation Block Grant funds for a year term of June 30, 2011 through July 1, 2012, upon the terms and conditions as set forth in said Interlocal Agreement, is hereby approved and the Mayor is authorized to execute said Contract Agreement on behalf of the City.

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 1 - 15, 2011 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86523
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Interlocal Agreement between the City of Lincoln and the Lincoln-Lancaster County Public Building Commission to install a solar renewable energy rooftop array on the Lincoln Police Department Center Team headquarters building at 1501 N. 27th Street, utilizing Federal Energy Efficiency and Conservation Block Grant funds for a year term of June 30, 2011 through July 1, 2012, upon the terms and conditions as set forth in said Interlocal Agreement, is hereby approved and the Mayor is authorized to execute said Contract Agreement on behalf of the City.

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

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

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED $3,000,000.00 PRINCIPAL AMOUNT THE CITY OF LINCOLN, NEBRASKA GENERAL OBLIGATION SPECIAL ASSESSMENT REVOLVING FUND BONDS, SERIES 2011B - CLERK read an ordinance, introduced by Doug Emery, authorizing and directing the issuance, sale and delivery of $3,000,000 principal amount of general obligation special assessment revolving fund bonds, series 2011B, of the City of Lincoln, Nebraska; prescribing the form and details of such bonds; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on such bonds as they become due; and authorizing certain other documents and actions in connection therewith, the first time.
AUTHORIZING THE CITY OF LINCOLN, NEBRASKA TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY, LINCOLN, NEBRASKA, FOR A PURCHASE PRICE OF $4,750,000.00 FOR THE ACQUISITION OF STREET LIGHTS, COMPUTER SOFTWARE AND A NEW CLUBHOUSE AND RELATED FURNISHINGS AT HOLMES GOLF COURSE - CLERK read an ordinance, introduced by Doug Emery, authorizing and approving a lease-purchase transaction with Union Bank and Trust Company, the proceeds of which may be used to pay the costs of (A) acquiring and installing street lights and related improvements and certain computer software and (B) constructing, equipping and furnishing a new clubhouse at the City's Holmes Golf Course, the issuance, sale and delivery of not to exceed $4,750,000 principal amount of certificates of participation in such lease; fixing in part and providing for the fixing in part of certain provisions of the lease and related documents; and related matters, the first time.

CHANGE OF ZONE 11031 - APPLICATION OF OLDERBAK GEORGETOWN/WILLOWS, LLC FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT AND R-3 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND VAN DORN STREET. (RELATED ITEMS: 11-155, 11R-244) (ACTION DATE: 10/17/11) - CLERK read an ordinance, introduced by Doug Emery, WHEREAS, Olderbak Georgetown/Willows, LLC has submitted an application designated as Special Permit No. 459A for authority to expand the Georgetown Apartments Community Unit Plan approved by Special Permit No. 459 to increase the number of apartment dwelling units from 115 to 160; and WHEREAS, Olderbak Georgetown/Willows, LLC has requested a waiver to adjust the parking requirements on property generally located at S. 70th Street and Van Dorn Street and legally described as: A tract of land being out of and a part of Lots 6 and 7, Strain's Acres and vacated Drury Lane about the north lines of said lots, all located in the Southwest Quarter of Section 34, Township 10 North, Range 7 East of the Sixth Principal Meridian, Lincoln, Lancaster County, Nebraska, more particularly described as follows: Beginning at the 5/8th Rebar found at the intersection of the north right-of-way of Van Dorn Street and the east line of said Lot 7, being the southeast corner of the tract herein described as follows; Following at a 5/8th Rebar found at the intersection of the north right-of-way of Van Dorn Street and the east line of said Lot 7, being the southeast corner of the tract herein described as follows; thence north 00 degrees 00 minutes 15 seconds east, a distance of 630.70 feet; thence south 69 degrees 26 minutes 04 seconds west, a distance of 94.31 feet; thence south 00 degrees 47 minutes 59 seconds east, a distance of 522.64 feet, to the east right-of-way of 70th Street; thence south 00 degrees 46 minutes 27 seconds east, a distance of 273.90 feet; thence south 00 degrees 47 minutes 00 seconds west, a distance of 8.57 feet; thence south 00 degrees 00 minutes 00 seconds west, a distance of 14.17 feet; thence north 00 degrees 47 minutes 00 seconds east, a distance of 175.25 feet; thence south 00 degrees 00 minutes 00 seconds west, a distance of 310.00 feet; thence north 00 degrees 47 minutes 00 seconds east, a distance of 440.87 feet to the point of beginning; containing 7.200 acres, more or less.

CHANGE OF ZONE 11033 - APPLICATION OF NORTH THIRTY THIRD, LLC FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND R-5 RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT; FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND R-3 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT; AND FROM I-3 EMPLOYMENT CENTER DISTRICT, R-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO R-3 RESIDENTIAL DISTRICT AND R-5 RESIDENTIAL DISTRICT TO R-3 HIGHWAY COMMERCIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 33RD STREET AND POLK AYRES BOULEVARD - CLERK read an ordinance, introduced by Doug Emery, 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 11035 - APPLICATION OF R.I.P., INC. FOR A CHANGE OF ZONE FROM R-1 INDUSTRIAL DISTRICT, I-3 EMPLOYMENT CENTER DISTRICT, B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND R-5 RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT; FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND R-3 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT; AND FROM I-3 EMPLOYMENT CENTER DISTRICT, B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO R-3 RESIDENTIAL DISTRICT AND R-5 RESIDENTIAL DISTRICT TO R-3 HIGHWAY COMMERCIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 24TH STREET AND DOODGE STREET. (RELATED ITEMS: 05-188, 11-157, 11R-246) (ACTION DATE: 10/17/11) - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District Maps adopted by reference and made a part of the 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.

SPECIAL PERMIT 11023 – APPEAL OF LANDON’S NEIGHBORHOOD ASSOCIATION AND REGALTON NEIGHBORHOOD ASSOCIATION FROM THE PLANNING COMMISSION’S CONDITIONAL APPROVAL OF ITS APPLICATION FOR AUTHORITY TO DEVELOP THE MAGIC HILLS COMMUNITY UNIT PLAN COMPRISING 96 DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT NORTH 24TH STREET AND VAN DORN STREET. (RELATED ITEMS: 05-188, 11-157, 11R-246) (ACTION DATE: 10/17/11) - CLERK read an ordinance, introduced by Doug Emery, WHEREAS, Dan Klein and Martin Fortney of Regal Building Systems have submitted an application designated as Special Permit No. 11023 for authority to develop Magic Hills Community Unit Plan for 96 dwelling units on property generally located at North 24th Street and Dodge Street, consisting of 96 dwelling units in four buildings and a clubhouse, on property generally located at North 24th Street and Dodge Street, consisting of 96 dwelling units in four buildings and a clubhouse, on property generally located at North 24th Street and Dodge Street.
ordinances - 3rd reading & related resolutions (as required)

amending the pay schedule for a certain employee group by creating the classifications of "library service associate," "library service supervisor," "librarian," "library manager" and creating the job classification of "library coordinator," - PRIOR to reading:

cook

moved mta #1 to amend bill no. 11-69 in the following manner:

1. on page 1, line 13, strike "(A10) $43,964.96 - $58,619.36" and insert in lieu thereof "(A09) $42,498.56 - $56,682.08"
2. on page 1, line 14, strike "(A12) $48,474.40 - $64,654.72" and insert in lieu thereof "(A11) $46,846.48 - $62,508.18"
3. on page 1, line 15, strike "(A14) $53,447.68 - $71,287.84" and insert in lieu thereof "(A12) $49,202.40 - $65,624.00"
4. on page 1, line 20, strike "(C17) $32,859.84 - $41,959.84" and insert in lieu thereof "(C16) $32,579.04 - $41,604.16"

seconded by eskridge & carried by the following vote: ayes: camp, carroll, cook, emery, eskridge, hornung; nays: none.

clerk

read an amended ordinance introduced by jonathan cook, amending section 1 of ordinance no. 18967 passed august 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "a" by creating the job classification of "library service associate," "library service supervisor," "librarian," "library manager" and creating the job classification of "library coordinator," amending section 3 of ordinance no. 18967 passed august 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "c" and by creating the job classification of "library coordinator," - PRIOR to reading:

cook

moved to pass ordinance as amended.

seconded by doug emery & carried by the following vote: ayes: camp, carroll, cook, emery, eskridge, hornung; nays: none.

the ordinance, being numbered 19627, is recorded in ordinance book #27, page 901.

creating and ordering construction of sidewalk improvement district no. 96. in various locations within the city and assessing the cost against the benefitted property - clerk read an ordinance, introduced by jon camp, creating and ordering the construction of sidewalk improvement district no. 96, defining the limits thereof, providing for the construction of public sidewalks therein, providing for the payment of the cost thereof, designating the property to be benefited and repealing all ordinances or parts of ordinances in conflict herewith. - PRIOR to reading:

camp

moved to amend bill no. 11-143 in the following manner:

1. on page 2, delete line 6 through 13, being all of paragraph (F).

seconded by hornung & LOST by the following vote: ayes: camp, hornung; nays: carroll, cook, emery, eskridge.

clerk

read an ordinance, introduced by jon camp, creating and ordering the construction of sidewalk improvement district no. 96, defining the limits thereof, providing for the construction of public sidewalks therein, providing for the payment of the cost thereof, designating the property to be benefited and repealing all ordinances or parts of ordinances in conflict herewith.

camp

moved to pass the ordinance as read.

seconded by doug emery & carried by the following vote: ayes: camp, carroll, cook, emery, eskridge; nays: camp, hornung.

the ordinance, being numbered 19628, is recorded in ordinance book #27, page 901.

amending chapter 8.46 of the lincoln municipal code relating to weed abatement by adding a new section numbered 8.46.005 to provide definitions for certain words and phrases used in this chapter; adding a new section numbered 8.46.015 to designate the lancaster county weed control authority as the agency to provide, execute and operate a weed control program for and on behalf of the city; repealing section 8.46.020, city may cause removal of weeds; adding a new section numbered 8.46.022, notice of weed control activities; to provide procedures for providing notice of control activity; adding a new section numbered 8.46.024, collection of costs, to provide a notice of potential lien to be recorded in real estate records; adding a new section numbered 8.46.026, service of notice, modify the method of service of notices issued pursuant to this chapter; adding a new section numbered 8.46.028, notice of weed assessment costs to the city council; amending section 8.46.030, designating the weed control authority to provide weed assessment collections; and adding a new section numbered 8.46.045 to provide for appeals - clerk read an ordinance, introduced by jon camp, amending chapter 8.46 of the lincoln municipal code relating to weed abatement by adding a new section numbered 8.46.005 to provide definitions for certain words and phrases used in
this chapter; adding a new section numbered 8.46.015 to designate the Lancaster County Weed Control Authority as the agency to provide, execute and operate a weed control program for and on behalf of the City; repealing Section 8.46.020, City May Cause Removal of Weeds; adding a new section numbered 8.46.022, Notice of Weed Control Activities, to provide procedures for providing notice of control activity; adding a new section numbered 8.46.024, Collection of Costs, to provide for a notice of potential lien to be recorded in real estate records; adding a new section numbered 8.46.026, Service of Notice, to modify the method of service of notices issued pursuant to this chapter; adding a new section numbered 8.46.028, Liens & Collections, to provide a procedure for collection of costs and release of liens; amending Section 8.46.030 to provide that the Weed Control Authority report weed assessment costs to the City Council; amending Section 8.46.040 to designate the Weed Control Authority as the City’s agent for weed assessment collections; adding a new section numbered 8.46.045 to provide for appeals; and repealing Sections 8.46.030 and 8.46.040 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP Moved to pass the ordinance as read.
Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

The ordinance, being numbered #19629, is recorded in Ordinance Book #27, Page

RESOLUTION - ACTION ONLY

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR A COMBINED WEED CONTROL PROGRAM TO PROVIDE FOR ABATEMENT AND CONTROL OF NOXIOUS WEEDS, COMMON WEEDS AND WORTHLESS VEGETATION WITHIN THE LIMITS OF THE CITY. (9/12/11 - Placed on Pending to have Public Hearing & Action on 10/3/11) (9/19/11 - To have Public Hearing on 9/26 with Action on 10/3/11) - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86520
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the Agreement between the City of Lincoln and Lancaster County for a Combined Weed Control Program to provide for abatement and control of noxious weeds, common weeds and worthless vegetation within the limits of the City, upon the terms and conditions set out in the Agreement which is attached hereto marked as Attachment "A", is hereby approved.

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

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to October 10, 2011.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on October 3, 2011.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

ADJOURNMENT 6:19 P.M.

CAMP Moved to adjourn the City Council meeting of October 3, 2011.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.