

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, NOVEMBER 16, 2009 AT 3:00 P.M.**

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

Council Chair Emery 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

CARROLL Having been appointed to read the minutes of the City Council proceedings of November 9, 2009 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF HONG'S INC. IV DBA CHINA BUFFET FOR A CLASS I LIQUOR LICENSE AT 120 NORTH 66TH STREET;

MANAGER APPLICATION OF HONG ZHENG FOR HONG'S INC. IV DBA CHINA BUFFET AT 120 NORTH 66TH STREET - Hong Zheng, 120 N. 66th St., came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF THE GROVE BLDG., INC. DBA THE GROVE FOR A CLASS C LIQUOR LICENSE AT 340 WEST CORNHUSKER HIGHWAY;

MANAGER APPLICATION OF TOMMY JELSMA FOR THE GROVE BLDG., INC. DBA THE GROVE AT 340 WEST CORNHUSKER HIGHWAY - Tommy L. Jelsma, 340 W. Cornhusker Hwy., came forward to take oath and answer questions.

Mike Morosin, 1500 N. 15th St., came forward to reminisce working for Mr. Jelsma 40 years ago at The Grove and wished him good luck in the new business venture.

This matter was taken under advisement.

APPLICATION OF SPEAKEASY MANAGEMENT GROUP, LLC DBA SPEAKEASY FOR A CLASS C LIQUOR LICENSE AT 3233 1/2 SOUTH 13TH STREET;

MANAGER APPLICATION OF BENJAMIN J. ZOZ FOR SPEAKEASY MANAGEMENT GROUP, LLC DBA SPEAKEASY AT 3233 1/2 SOUTH 13TH STREET - James Beckmann, attorney for the applicant, came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF MMG NEBRASKA F & B INC. DBA CHILI'S GRILL & BAR FOR A CLASS I LIQUOR LICENSE AT 6730 SOUTH 27TH STREET;

MANAGER APPLICATION OF JULIANNE E. ADAMS FOR MMG NEBRASKA F&B INC. DBA CHILI'S GRILL & BAR AT 6730 SOUTH 27TH STREET - Sean Kelley, 7140 Pacific St., Omaha, came forward to take oath and answer questions.

Julianne Adams, address not given, came forward to take oath and answer questions.

This matter was taken under advisement.

APPROVING AND RATIFYING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND COUNTY OF LANCASTER FOR THE HEALTH DEPARTMENT TO PROVIDE MEDICAL SERVICES TO THE YOUTH SERVICES CENTER FOR THE PERIOD OF JULY 1, 2009 THROUGH JUNE 30, 2010 - Judy Halstead, Lincoln/Lancaster County Health Department, came forward requesting approval of the annual agreement to provide services.

This matter was taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

REPORTS OF CITY OFFICERS

RESOLUTION LEVYING THE SPECIAL TAXES ASSESSED FOR THE COSTS OF THE IMPROVEMENTS IN THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, THE DOWNTOWN MAINTENANCE DISTRICT AND THE CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY, AS APPROVED BY THE BOARD OF EQUALIZATION ON MONDAY, NOVEMBER 9, 2009 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85586 RE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

The special taxes assessed November 2, 2009, to pay the costs of the improvements in the Downtown Business Improvement District, the Core Business Improvement District Overlay and the Downtown Maintenance District are hereby levied and that the period of time in which the assessments are to be paid shall be one (1) year.

Introduced by Eugene Carroll

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

SETTING THE PUBLIC HEARING DATE OF MONDAY, DECEMBER 7, 2009, AT 3:00 P.M. FOR THE ASSESSMENT OF THE COST OF WEED REMOVAL INCURRED FOR THE PERIOD OF JANUARY 1, 2009 THROUGH DECEMBER 31, 2009. (APPROVED)

ADMINISTRATIVE AMENDMENT NO. 09068 TO ADMINISTRATIVE SPECIAL PERMIT NO. 04001 APPROVED BY THE PLANNING DIRECTOR ON NOVEMBER 5, 2009, REQUESTED BY VERIZON WIRELESS TO REPLACE SIX EXISTING ANTENNA PANELS WITH LARGER PANELS AND TO INCREASE THE NUMBER OF ANTENNA PANELS FROM SIX TO NINE OF THE LARGER PANELS ON PROPERTY GENERALLY LOCATED AT CENTENNIAL HALL, WESLEYAN CAMPUS, NORTH 50TH STREET AND ST. PAUL AVENUE - CLERK presented said report which was placed on file in the Office of the City Clerk.

ADMINISTRATIVE AMENDMENT NO. 09069 TO SPECIAL PERMIT NO. 1853, APPROVED BY THE PLANNING DIRECTOR ON NOVEMBER 5, 2009, REQUESTED BY VERIZON WIRELESS TO REPLACE SIX EXISTING ANTENNA PANELS WITH WIDER PANELS AND TO INCREASE THE NUMBER OF ANTENNA PANELS FROM SIX TO NINE OF THE WIDER PANELS ON PROPERTY GENERALLY LOCATED AT SOUTH 48TH STREET AND RANDOLPH STREET - CLERK presented said report which was placed on file in the Office of the City Clerk.

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF OCTOBER, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REPORT FROM THE CITY TREASURER OF FRANCHISE TAX FOR THE 3RD QUARTER ENDING SEPTEMBER 30, 2009 FROM TIME WARNER CABLE - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF SEPTEMBER, 2009 FROM BLACK HILLS/NEBRASKA GAS UTILITY CO., LLC - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR 3RD QUARTER 2009: ACN COMMUNICATION SERVICES; AUGUST 2009: CHARTER FIBERLINK - NEBRASKA, LLC, INETWORKS GROUP, INC.; SEPTEMBER 2009: 8X8, INC., ACN COMMUNICATION SERVICES, AT&T COMMUNICATIONS OF MIDWEST, BUDGET PREPAY, COMTEL TELCOM ASSETS, GRANITE TELECOMMUNICATIONS, LEVEL 3 COMMUNICATIONS, QWEST COMMUNICATIONS COMPANY, TWC DIGITAL PHONE LLC, VONAGE AMERICA - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR SEPT./DEC. 2008: SHAFFER COMMUNICATIONS; MAR./JUNE/SEPT. 2009: SHAFFER COMMUNICATIONS; 3RD QUARTER 2009: AMERIVISION COMMUNICATIONS, COMTECH 21, DIGIZIP.COM, INC., INETWORKS GROUP, NECC TELECOM, ORBITCOM, T-MOBILE CENTRAL, TELENATIONAL COMMUNICATIONS; AUGUST 2009: ACN COMMUNICATIONS SERVICES, ARIZONA TELEPHONY, AT&T COMMUNICATIONS OF MIDWEST, BROADWING COMM., BUSINESS TELECOM, CELLCO PARTNERSHIP, CIMCO COMM., CINCINNATI BELL ANY DISTANCE, CTI LONG DISTANCE, FARM BUREAU CONNECTION, GLOBAL CROSSING, GLOBALSTAR USA, GRANITE, IBM GLOBAL, INTELICALL OPERATOR SERVICES, KDDI AMERICA, MCLEODUSA, NEBRASKA TECHNOLOGY & TELECOMM., NEW CINGULAR WIRELESS, NEW EDGE NETWORKS, NORSTAN NETWORK SERVICES, NOS COMM., OMAHA CELLULAR, ONSTAR, PRIMUS, PUBLIC COMMUNICATIONS SERVICES, QUANTUM SHIFT, QWEST COMM., SIOUX CITY MSA, TCG OMAHA, TELECORP COMM., TON SERVICES, TRACFONE WIRELESS, TRANS NATIONAL, TWC DIGITAL PHONE, UCN, USCOC OF GREATER IOWA, USCOC OF NEBRASKA/KANSAS, VERIZON WIRELESS, VIRGIN MOBILE USA, VOICECOM, WORKING ASSETS FUNDING SERVICE, XO COMMUNICATION SERVICES; SEPTEMBER 2009: ALLTEL COMMUNICATIONS OF NEBRASKA, ATS MOBILE TELEPHONE, BT AMERICAS, CAUSE BASED, COVISTA, CRICKET COMMUNICATIONS, D&D COMM., ENHANCED COMM. GROUP, ENHANCED COMM. NETWORK, FIRST COMMUNICATIONS, GLOBALCOM, I-WIRELESS, LIGHTYEAR NETWORK SOLUTIONS, MCI COMMUNICATIONS SERVICES, NEXTEL WEST CORP., NOS COMM., NOSVA, NPCR, INC., OPEX, PNG, SBC LONG DISTANCE, SPRINT SPECTRUM, TELECOM MANAGEMENT, 360NETWORKS, TOTAL HOLDINGS, TRI-M COMM., VIAERO WIRELESS, WHOLESALE CARRIER SERVICES, WWC LICENSE, YESTEL USA, ZONE TELECOM, INC - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON NOVEMBER 2, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, DECEMBER 7, 2009 AT 3:00 P.M. FOR THE APPLICATION OF LINCOLN BISON, LLC DBA COURTSIDE BANQUET HALL FOR A CLASS I LIQUOR LICENSE LOCATED AT 710 HILL STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85587 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 7, 2009, 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 Bison, LLC dba Courtside Banquet Hall for a Class I liquor license located at 710 Hill Street.

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

Introduced by Eugene Carroll

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 7, 2009 AT 3:00 P.M. FOR THE APPLICATION OF LAS GOLONDRINAS, INC. DBA MAZATLAN II MEXICAN RESTAURANT FOR A CLASS I LIQUOR LICENSE LOCATED AT 2711 KING LANE, SUITE 201 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85588 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 7, 2009, 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 Las Golondrinas, Inc. dba Mazatlan II Mexican Restaurant for a Class I liquor license located at 2711 King Lane, Suite 201.

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

Introduced by Eugene Carroll

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

LIQUOR RESOLUTIONS

APPLICATION OF HONG'S INC. IV DBA CHINA BUFFET FOR A CLASS I LIQUOR LICENSE AT 120 NORTH 66TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85589 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 Hong's Inc. IV dba China Buffet for a Class "I" liquor license at 120 North 66th Street, Lincoln, Nebraska, for the license period ending April 30, 2010, 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 premise 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 Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

MANAGER APPLICATION OF HONG ZHENG FOR HONG'S INC. IV DBA CHINA BUFFET AT 120 NORTH 66TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85590 WHEREAS, Hong's Inc. IV dba China Buffet located at 120 North 66th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Hong Zheng be named manager;

WHEREAS, Hong Zheng 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 Hong Zheng 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, Hornung, Snyder, Spatz; NAYS: None.

APPLICATION OF THE GROVE BLDG., INC. DBA THE GROVE FOR A CLASS C LIQUOR LICENSE AT 340 WEST CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85591 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 The Grove Bldg., Inc. dba The Grove for a Class "C" liquor license at 340 West Cornhusker Highway, Lincoln, Nebraska, for the license period ending October 31, 2010, 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 premise 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 Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

MANAGER APPLICATION OF TOMMY JELSMA FOR THE GROVE BLDG., INC. DBA THE GROVE AT 340 WEST CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85592 WHEREAS, The Grove Bldg., Inc. dba The Grove located at 340 West Cornhusker Highway, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Tommy Jelsma be named manager;

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

APPLICATION OF SPEAKEASY MANAGEMENT GROUP, LLC DBA SPEAKEASY FOR A CLASS C LIQUOR LICENSE AT 3233 1/2 SOUTH 13TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85593 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 Speakeasy Management Group, LLC, dba Speakeasy for a Class "C" liquor license at 3233 1/2 South 13th Street, Lincoln, Nebraska, for the license period ending October 31, 2010, 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 premise 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 Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

MANAGER APPLICATION OF BENJAMIN J. ZOZ FOR SPEAKEASY MANAGEMENT GROUP, LLC DBA SPEAKEASY AT 3233 1/2 SOUTH 13TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85594 WHEREAS, Speakeasy Management Group, LLC, dba Speakeasy located at 3233 1/2 South 13th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Benjamin J. Zoz be named manager;

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

APPLICATION OF MMG NEBRASKA F & B INC. DBA CHILI'S GRILL & BAR FOR A CLASS I LIQUOR LICENSE AT 6730 SOUTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:
A-85595 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 MMG Nebraska F & B Inc. dba Chili's Grill & Bar for a Class "I" liquor license at 6730 South 27th Street, Lincoln, Nebraska, for the license period ending April 30, 2010, be approved with the condition that the premise complies 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 Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

MANAGER APPLICATION OF JULIANNE E. ADAMS FOR MMG NEBRASKA F&B INC. DBA CHILI'S GRILL & BAR AT 6730 SOUTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85596 WHEREAS, MMG Nebraska F & B Inc. dba Chili's Grill & Bar located at 6730 South 27th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Julianne E. Adams be named manager;

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

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

PUBLIC HEARING RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF OCTOBER 16 - 31, 2009 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85597 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 November 2, 2009, 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:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Aon Recovery, Inc./FirstComp Insurance Co.		American Family Insurance Group	
(Claim #FNE900044324)	\$ 826.46	(Claim #00-071-491790 3909)	\$4,874.71
Mary Rezabek	942.73	Michael Vestecka d/b/a Fast	
State Farm Insurance		Mike's Inc.	375.48
(Claim #27-7839-371)	5,268.44	David Walker d/b/a Walker	
Thomas Finneman	720.29	Investment Motors	1,826.58
		Luke Mitchell	564.67
		Tami VanAndel	1,066.10

<u>LITIGATION SETTLEMENT</u>	
Kristina Teeters	60,000.00
Walter Teeters	2,000.00
Marjorie Teeters	1,750.00
Charles E.F. Teeters	1,500.00

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

APPROVING AND RATIFYING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND COUNTY OF LANCASTER FOR THE HEALTH DEPARTMENT TO PROVIDE MEDICAL SERVICES TO THE YOUTH SERVICES CENTER FOR THE PERIOD OF JULY 1, 2009 THROUGH JUNE 30, 2010 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85598 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln and County of Lancaster for the Lincoln-Lancaster County Health Department to provide medical services to the Youth Services Center for a period of July 1, 2009 through June 30, 2010, in accordance with the terms, conditions and assurances contained in said Agreement, which is attached hereto as Exhibit "A", is hereby approved and ratified and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to return one executed copy of the Agreement to Angela Zocholl, Lancaster County Clerk's Office, and one executed copy to Bruce Dart, Director of the Lincoln-Lancaster County Health Department for transmittal to Youth Services Center.

Introduced by Jon Camp

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

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

AMENDING SECTION 9.16.250 OF THE LINCOLN MUNICIPAL CODE RELATING TO RESIDENCY RESTRICTIONS FOR SEXUAL PREDATORS TO AMEND THE DEFINITION OF SEXUAL PREDATOR TO CONFORM WITH STATE STATUTE AND TO ESTABLISH AN EFFECTIVE DATE OF JANUARY 1, 2010 - CLERK read an ordinance, introduced by Eugene Carroll, amending Section 9.16.250 of the Lincoln Municipal Code relating to Residency Restrictions for Sexual Predators to amend the definition of sexual predator to conform with state statute; repealing Section 9.16.250 of the Lincoln Municipal Code as hitherto existing; and establishing an effective date of January 1, 2010, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE AIRPORT AUTHORITY OF THE CITY OF LINCOLN AND THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR THE LEASE OF STORAGE SPACE BY THE HEALTH DEPARTMENT AT BUILDING 2714 IN LINCOLN AIR PARK WEST FOR A ONE-YEAR PERIOD FROM DECEMBER 1, 2009 THROUGH NOVEMBER 30, 2010 - CLERK read an ordinance, introduced by Eugene Carroll, accepting and approving a Lease Agreement between the Airport Authority of the City of Lincoln, Nebraska and the Lincoln-Lancaster County Health Department for a lease of storage space by the Health Department at Building 2714 in Lincoln Air Park West for a one-year period from December 1, 2009 through November 30, 2010, the first time.

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

CHANGE OF ZONE 09025 - APPLICATION OF LINCOLN FEDERAL BANCORP FOR A CHANGE OF ZONE FROM R-5 RESIDENTIAL DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 33RD STREET AND YANKEE HILL ROAD - CLERK read an ordinance, introduced by John

Spatz, 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 third time.

SPATZ Moved to pass the ordinance as read.
Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered **#19331**, is recorded in Ordinance Book #26, Page

MISC. 09009-1 - AMENDING SECTION 26.23.140 OF THE LINCOLN MUNICIPAL CODE TO EXPAND THE EXCEPTIONS TO THE REQUIREMENT THAT EVERY LOT SHALL FRONT UPON AND TAKE ACCESS TO A PUBLIC STREET; AND REPEALING SECTION 26.23.140 AS HITHERTO EXISTING - PRIOR to reading:

COOK Moved MTA #1 to amend Bill No. 09-147 as follows:
1. On page 3, line 12, strike the phrase "other zoning districts" and insert in lieu thereof "any zoning district".

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

CLERK Read an ordinance, introduced by John Spatz, amending Section 26.23.140 of the Lincoln Municipal Code to expand the exceptions to the requirement that every lot shall front upon and take access to a public street; and repealing Section 26.23.140 of the Lincoln Municipal Code as hitherto existing, the third time.

SPATZ Moved to pass the ordinance as amended.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered **#19332**, is recorded in Ordinance Book #26, Page

MISC. 09009-2 - AMENDING SECTION 26.31.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO MODIFICATION OF REQUIREMENTS TO GRANT THE PLANNING DIRECTOR AUTHORITY TO EXTEND THE TIME FOR INSTALLATION OF REQUIRED SUBDIVISION IMPROVEMENTS AND TO PROVIDE A PROCEDURE FOR APPEALS OF SUCH APPROVALS BY THE PLANNING DIRECTOR; AND REPEALING SECTION 26.31.010 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - PRIOR to reading:

COOK Moved MTA #1 to amend Bill No. 09-148 in the following manner:
1. On page 3, lines 16, 17 and 18, delete the following language: "renewal of any defect, error or irregularity on the Planning Director to cause notice to be given as required in subsection (c) of Section 26.11.036".

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

COOK Moved MTA #2 to amend Bill No. 09-148 in the following manner:
1. On page 3, line 12, after the word "appeal", add the words with the Planning Director.

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

CLERK Read an ordinance, introduced by John Spatz, amending Section 26.31.010 of the Lincoln Municipal Code relating to modification of requirements to grant the Planning Director authority to extend the time for installation of required subdivision improvements and to provide a procedure for appeals of such approvals by the Planning Director; and repealing Section 26.31.010 of the Lincoln Municipal Code as hitherto existing, the third time.

SPATZ Moved to pass the ordinance as amended.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered **#19333**, is recorded in Ordinance Book #26, Page

ADOPTING AN AMENDED AND RESTATED CITY OF LINCOLN EMPLOYEES' RETIREMENT PLAN AND TRUST FOR CIVILIAN (NON-UNIFORMED SERVICE) EMPLOYEES PROVIDING FOR A CHANGE IN EMPLOYER CONTRIBUTIONS FOR EMPLOYEES HIRED AFTER A DATE CERTAIN AND ADOPTING IRS INTERIM AMENDMENTS NO. 1 AND NO. 2. (10/5/09 - Action Delayed to 10/12/09) (10/12/09 - Action Delayed to 10/19/09)

(10/19/09 - Action Delayed to 10/26/09) (10/26/09 - Action Delayed to 11/2/09) (11/2/09 - Action Delayed to 11/9/09) (11/9/09 - Action Delayed to 11/16/09) - PRIOR to reading:

SNYDER Moved to delay action of Bill No. 09-132 for two weeks to 11/30/09.

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

CLERK Read an ordinance, introduced by Jane Snyder, adopting an amended and restated version of the City of Lincoln Employees' Retirement Plan and Trust to provide that the employer contribution for employees hired on or after November 4, 2010 will be an amount equal to 3% of an employee's compensation up to and including \$4,800.00 plus 6% of his or compensation in excess of \$4,800.00 plus 6% of his or compensation in excess of \$4,800.00; to adopt Interim Amendment No. 1 relating to final IRS regulations under Internal Revenue Code Section 415 and Section 411(d)(6); and to adopt Interim Amendment No. 2 relating to the plan qualification requirements under the Pension Protection Act of 2006 (PPA) and other I.R.S. guidance; and to repeal Ordinance No. 17685 as hitherto existing, the third time.

RESOLUTIONS - ACTION ONLY

ADOPTING THE LINCOLN ELECTRIC SYSTEM RATE SCHEDULE, SERVICE REGULATIONS, AND COST ANALYSIS SUMMARY PROVIDING FOR A SYSTEM AVERAGE INCREASE OF 2.9 PERCENT, TO BE EFFECTIVE JANUARY 1, 2010. (REQUEST ACTION ON 11/16/09) (11/2/09 - TO HAVE ACTION ON 11/16/09) - PRIOR to reading:

COOK Moved to amend Bill No. 09R-198 in the following manner:

1. On page 1, line 13, strike "2.9" and insert in lieu thereof 2.4.

2. On page 2, line 1, after the word "attached" insert the word revised.

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

CLERK Read the following amended resolution, introduced by Jayne Snyder, who moved its adoption:

A-85599 WHEREAS, rate schedules and service regulations for the use and services of Lincoln Electric System of the City of Lincoln, including the electric energy sold, furnished or supplied by said City of Lincoln, Nebraska, have been established by resolution from time to time, the last one being Resolution No. A-84983, adopted by the City Council on August 18, 2008 and approved by the Mayor on August 20, 2008; and

WHEREAS, the Administrative Board of the Lincoln Electric System has recommended to the City Council of the City of Lincoln, Nebraska, that the document entitled, "Rate Schedules, Service Regulations and Cost Analysis Summary", for rates effective January 1, 2010, which is attached hereto and fully incorporated herein, be adopted for the use of Lincoln Electric System and the provision of services to ratepayers in the service area of Lincoln Electric System; and

WHEREAS, the rate recommendation demonstrating the justification for a system average increase of ~~2.9~~ 2.4% to be effective January 1, 2010 complies with the City of Lincoln's Bond Ordinance for Lincoln Electric System regarding rates; and

WHEREAS, it is evident to the City Council of the City of Lincoln, Nebraska, that the justification for said rates and charges has been demonstrated and therefore said rates should be adopted.

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

That effective January 1, 2010, the attached revised "Rate Schedules, Service Regulations and Cost Analysis Summary" for rates effective January 1, 2010, for the use of Lincoln Electric System and the provision of services to ratepayers in the service area of Lincoln Electric System is hereby established and adopted; and

BE IT FURTHER RESOLVED that Resolution No. A-84983, adopted on August 18, 2008, is hereby superseded by this Resolution effective January 1, 2010.

Introduced by Jayne Snyder

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

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2010, TO BECOME EFFECTIVE JANUARY 1, 2010. (ACTION DATE: 11/16/09) - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85600 WHEREAS, under the provisions of Section 4.24.090 of the Lincoln Municipal Code, a proposed annual budget for the operation of the Lincoln Electric System (LES) for 2010 was approved by the LES Administrative Board on October 16, 2009; and

WHEREAS, pursuant to the above-cited code section, a public hearing on the proposed budget was held on November 2, 2009, notice thereof having been published in one issue of the Lincoln Journal Star newspaper published and of general circulation in the City more than five (5) days before such hearing.

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

1. That pursuant to the provisions of Section 4.24.090 of the Lincoln Municipal Code, the Lincoln Electric System Annual Budget for the fiscal year beginning January 1, 2010, is hereby adopted, and all funds listed therein are hereby appropriated for the several purposes therein stated.

2. That all money received and any of the aforesaid funds in excess of the estimated balances and receipts set forth in said budget shall be credited to the unappropriated surplus of such funds.

3. That all monies received and set apart for the operation and maintenance of the Lincoln Electric System and all monies received from any source that are required to be applied to the costs of said operation and maintenance, shall be deposited in the appropriate operation and maintenance account, and paid out upon the order of those persons designated by the LES Administrative Board.

4. That by adoption of the Capital Improvements Budget, the City Council hereby authorizes the acquisition of all necessary right-of-way, easements, or other interests in land, by purchase if possible, by condemnation if necessary, for those projects included within the Capital Improvements Budget.

5. That, to the extent capital improvements for facilities of LES are made from LES revenue and other funds, it is intended that the amount of such expenditures, which is not reasonably expected to exceed \$50,000,000 shall be reimbursable to the LES revenue and other funds through the issuance of future electric system revenue bonds there being no funds of LES or the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to such expenditures, other than pursuant to the issuance of such electric system revenue bonds, this Resolution being determined to be consistent with the budgetary and financial circumstances of LES and the City as they exist or are reasonably foreseeable on the date hereof.

6. That, the City Council hereby authorizes the utilization of the Financial Accounting Standard 71 procedure to defer approximately \$3.3 million of costs related to Sheldon Station and recover the costs through LES rates and amortizing such costs over three years beginning in 2010.

7. There is hereby appropriated all money received from any source as grants or donations received for public purposes.

Introduced by Jayne Snyder

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

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to November 30, 2009.
Seconded by Spatz & carried by the following vote: AYES: Camp,
Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on
November 30, 2009.
Seconded by Spatz & carried by the following vote: AYES: Camp,
Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT 3:35 P.M.

CAMP Moved to adjourn the City Council meeting of November 16, 2009.
Seconded by Spatz & carried by the following vote: AYES: Camp,
Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant

REGULAR MEETING
NOVEMBER 16, 2009
Page 218