THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JANUARY 11, 2010 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

Having been appointed to read the minutes of the City Council proceedings of January 4, 2010 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.

MAYOR’S AWARD OF EXCELLENCE

Mayor Beutler presented the December 2009 Mayor’s Award of Excellence to Esther Hernandez, receptionist for the Mayor’s Department of Aging Partners in the category of Valor. Esther reacted to a life threatening incident last October 2nd. While having lunch at the Downtown Senior Center a client who was allowing eating lunch there started choking on her food. When the woman continued to choke and started turning red Esther administered back blows to the woman and then administered the Heimlich maneuver. The food was dislodged after two attempts.

June Pederson, Director of Aging, stated this was a nice recognition and is a very special opportunity enacted that a life was saved that might not have been. The story is in the Living Well magazine on Page 4.

PUBLIC HEARING

APPLICATION OF WALGREEN CO. DBA WALGREENS #05874 FOR A CLASS D LIQUOR LICENSE AT 2630 PINE LAKE ROAD;
MANAGER APPLICATION OF JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #05874 AT 2630 PINE LAKE ROAD;
APPLICATION OF WALGREEN CO. DBA WALGREENS #02845 FOR A CLASS D LIQUOR LICENSE AT 5701 VILLAGE DRIVE;
MANAGER APPLICATION OF JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #02845 AT 5701 VILLAGE DRIVE;
APPLICATION OF WALGREEN CO. DBA WALGREENS #11089 FOR A CLASS D LIQUOR LICENSE AT 5500 RED ROCK LANE;
MANAGER APPLICATION OF JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #11089 AT 5500 RED ROCK LANE;
APPLICATION OF WALGREEN CO. DBA WALGREENS #00541 FOR A CLASS D LIQUOR LICENSE AT 1301 O STREET;
MANAGER APPLICATION OF JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #00541 AT 1301 O STREET;
APPLICATION OF WALGREEN CO. DBA WALGREENS #00515 FOR A CLASS D LIQUOR LICENSE AT 2600 SOUTH 48TH STREET;
MANAGER APPLICATION OF JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #00515 AT 2600 SOUTH 48TH STREET;
APPLICATION OF WALGREEN CO. DBA WALGREENS #06884 FOR A CLASS D LIQUOR LICENSE AT 4000 SOUTH 70TH STREET;
MANAGER APPLICATION OF JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #06884 AT 4000 SOUTH 70TH STREET;
APPLICATION OF WALGREEN CO. DBA WALGREENS #01162 FOR A CLASS D LIQUOR LICENSE AT 8300 NORTHERN LIGHTS;
MANAGER APPLICATION OF JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #01162 AT 8300 NORTHERN LIGHTS;
APPLICATION OF WALGREEN CO. DBA WALGREENS #03182 FOR A CLASS D LIQUOR LICENSE AT 7045 O STREET;
MANAGER APPLICATION OF JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #03182 AT 7045 O STREET;
APPLICATION OF WALGREEN CO. DBA WALGREENS #04088 FOR A CLASS D LIQUOR LICENSE AT 2502 NORTH 48TH STREET;
MANAGER APPLICATION OF JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #04088 AT 2502 NORTH 48TH STREET;
APPLICATION OF WALGREEN CO. DBA WALGREENS #01430 FOR A CLASS D LIQUOR LICENSE AT 1701 SOUTH STREET;
MANAGER APPLICATION OF JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #01430 AT 1701 SOUTH STREET;
APPLICATION OF WALGREEN CO. DBA WALGREENS #10408 FOR A CLASS D LIQUOR LICENSE AT 4811 O STREET;
MANAGER APPLICATION OF JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #10408 AT 4811 O STREET - James Karins, 4601 Browning Court, took the oath and came forward stating this request is as a convenience to the customer making it a one stop shopping experience. The employees will have extensive training in the sale of beer & wine.

Jonathan Cook, Council Member, asked if Walgreens had applied for special permits at five of their locations? Mr. Karins stated he was not aware the special permits were needed and would talk to their attorney about this matter.

Mike Morosin, 1500 N. 15th St., stated he feels these liquor licenses will
cause more of a burden on those who regulate liquor sales. He feels there are
too many selling alcohol in Lincoln.

This matter was taken under advisement.

CHANGE OF ZONE 09028 - APPLICATION OF LANCASTER COUNTY FOR A CHANGE OF ZONE FROM P
PUBLIC USE DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT
THE SOUTHEAST CORNER OF SOUTH 10TH STREET AND SOUTH STREET - Kile Johnson,
Johnson, Jordan, Godman, Guenzel, & Widger Law Firm, 227 Lincoln Mall, came forward
stating their firm represented Lancaster County in the negotiation of the
purchase agreement with Hunter Management. There is no easement right to
the south side of the parking lot. The purchase document runs off Trabert Hall and
Trabert Hall is a permanent easement that runs with the land to include the
easement that runs in front of Trabert Hall including the 30 stalls on the south
deck. The pre-existing easement between St. Francis Chapel and Lancaster County allows for a change on Sundays versus the rest of the week
for available parking to meet the parking requirements. Lancaster County
Property Management determined that 91 parking stalls can be available to
Trabert Hall users and is adequate for the purposes of affecting the surrounding
areas. South Street and the Saratoga accesses remain available for people using
either St. Francis Chapel or Trabert Hall. The new owners wanted Standards 12
parking toward South Street and paid money to get that parking. The new owners
will not own the easement on the east side of Trabert Hall to Saratoga, but
could probably access it.

Bob Van Valkenburg, 7921 Reno Road, came forward to talk about the sale of
Lancaster Manor which is not on this agenda.

This matter was taken under advisement.

APPROVING THE CITY OF LINCOLN CONTRACT AGREEMENT BETWEEN THE CITY AND REPUBLIC PARKING
SYSTEM, INC. FOR THE MANAGEMENT OF THE CITY OF LINCOLN PARKING FACILITIES FOR A
TERM OF SEPTEMBER 1, 2009 THROUGH AUGUST 30, 2013 - David Landis, Director of
Urban Development, came forward to state the language offered is satisfactory
for their purposes. The question was asked if they would move off-street
parking to a civil or commercial contractual relationship what would it cost
which was answered that this is included in the contract as an addendum.

This matter was taken under advisement.

ADOPTING THE LES RATE STANDARDS AS RECOMMENDED BY THE LES ADMINISTRATIVE BOARD - Todd
Hall, Lincoln Electric System, stated these standards are to ensure conservation of
energy, authorization of the efficient use of the utility resources namely
consumption, plants and equitable rates for all utility consumers. All standards 22
through 26 are being considered today. The Federal Standards do require the
City Council as well as the LES Administrative Board to consider and determine
whether or not it is appropriate to implement any of the standards recommended
by the Department of Energy. Consideration and determination of each standard
as to whether it is mandatory is required. It does not require the standards to
be implemented just to go through the process and the policy. The Federal Act
requires the utilities go through a variety of appropriate financial standards
and to look at societal good. These standards encourage that LES begin an
understanding about rates and purchase of energy for projects that are creating
or generating electricity from waste to projects.

This matter was taken under advisement.

APPROVING A DEPARTMENT OF THE INTERIOR GEOLOGICAL SURVEY SUPPLEMENTAL JOINT FUNDING
AGREEMENT FOR WATER RESOURCES INVESTIGATIONS CONDUCT STORMWATER QUALITY
MONITORING TO MEET THE REQUIREMENTS OF THE CITY’S NPDES STORMWATER PERMIT
THROUGH OCTOBER 31, 2010 - Ben Higgins, Public Works & Utilities/Watershed
Dept., stated this is to do some water quality monitoring which is a coordinated
effort with UNL, UBGS and the Lower Platte South NRD. The monitoring is being
done to meet the requirements for the City stormwater permit. The City’s share
will come out of grant funds.

This matter was taken under advisement.

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND SOUTHEAST COMMUNITY
COLLEGE TO PROVIDE CLINICAL TRAINING FOR PUBLIC HEALTH NURSING STUDENTS AND
DENTAL ASSISTANT STUDENTS AT THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR
A PERIOD OF SEPTEMBER 1, 2009 THROUGH AUGUST 31, 2012;
APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBRASKA HOUSE CALL
PHYSICIANS, P.C. FOR PHYSICIAN MEDICAL SERVICES FOR THE HEALTH DEPARTMENT FOR
DECEMBER 1, 2009 THROUGH DECEMBER 31, 2010;
APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNIVERSITY OF NEBRASKA
COLLEGE OF NURSING TO PROVIDE FIELD AND CLINICAL TRAINING FOR PUBLIC HEALTH
NURSING STUDENTS AND DENTAL ASSISTANT STUDENTS - Marvin Krout, Director of Planning,
commented that when a use is brought
into a category like this parking it would not be permitted without a special
permit for parking and this facility which is classified as a health center
would not be allowed without a special permit either. If they expand they would
have to amend the pre-existing special permit and go through a hearing process.

This matter was taken under advisement.

PROVIDING THE LES RATE STANDARDS AS RECOMMENDED BY THE LES ADMINISTRATIVE BOARD - Todd
Hall, Lincoln Electric System, stated these standards are to ensure conservation of
energy, authorization of the efficient use of the utility resources namely
consumption, plants and equitable rates for all utility consumers. All standards 22
through 26 are being considered today. The Federal Standards do require the
City Council as well as the LES Administrative Board to consider and determine
whether or not it is appropriate to implement any of the standards recommended
by the Department of Energy. Consideration and determination of each standard
as to whether it is mandatory is required. It does not require the standards to
be implemented just to go through the process and the policy. The Federal Act
requires the utilities go through a variety of appropriate financial standards
and to look at societal good. These standards encourage that LES begin an
understanding about rates and purchase of energy for projects that are creating
or generating electricity from waste to projects.

This matter was taken under advisement.

APPROVING THE CITY OF LINCOLN CONTRACT AGREEMENT BETWEEN THE CITY AND REPUBLIC PARKING
SYSTEM, INC. FOR THE MANAGEMENT OF THE CITY OF LINCOLN PARKING FACILITIES FOR A
TERM OF SEPTEMBER 1, 2009 THROUGH AUGUST 30, 2013 - David Landis, Director of
Urban Development, came forward to state the language offered is satisfactory
for their purposes. The question was asked if they would move off-street
parking to a civil or commercial contractual relationship what would it cost
which was answered that this is included in the contract as an addendum.

This matter was taken under advisement.

APPROVING THE CITY OF LINCOLN CONTRACT AGREEMENT BETWEEN THE CITY AND REPUBLIC PARKING
SYSTEM, INC. FOR THE MANAGEMENT OF THE CITY OF LINCOLN PARKING FACILITIES FOR A
TERM OF SEPTEMBER 1, 2009 THROUGH AUGUST 30, 2013 - David Landis, Director of
Urban Development, came forward to state the language offered is satisfactory
for their purposes. The question was asked if they would move off-street
parking to a civil or commercial contractual relationship what would it cost
which was answered that this is included in the contract as an addendum.

This matter was taken under advisement.
APPROVING THE DESIGN-BUILD CONTRACT OR THE CONSTRUCTION MANAGEMENT AT RISK CONTRACT DELIVERY SYSTEM PROVIDED FOR IN THE POLITICAL SUBDIVISION CONSTRUCTION ALTERNATIVES ACT - Rod Confer, City Attorney, came forward to explain this is a measure that is required by the political subdivision construction alternative act. School districts and other public bodies were formally able to engage in design build contracts or construction manager risk contracts. In the last legislature the city supported legislation to allow the city’s to also have the power to engage in these types of agreements in order to have public construction performed. This contract is often referred to as a turn key arrangement where they put up for bidding a project with the idea that the project will design the project and build it, and when they are all done it will be turned over to the city. The construction management at risk contract is somewhat similar, however, it allows the city to appoint an architect or engineer to oversee the construction of a project. This gives some additional flexibility to the city having public projects constructed. Under the political subdivision construction alternative act the city had the authority to approve a resolution that will allow it to enter into these types of agreements. The vote must be two-thirds of the council in order to be effective. This will be decided on a project by project basis and gives the city authority to consider that and a third alternative. This matter was taken under advisement.

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, LINCOLN-LANCASTER PUBLIC BUILDING COMMISSION AND CORNERSTONE PRINTING & IMAGING REPLY TO LATER PRINTED LETTERHEAD PRINTING; APPROVING A MULTI-YEAR CONTRACT WITH A-TEC RECYCLING FOR FLUORESCENT BULB RECYCLING SERVICES FOR A TWO-YEAR TERM WITH A RENEWAL OPTION FOR AN ADDITIONAL TWO-YEAR TERM - Bob Walla, City Assistant Purchasing Agent, came forward to state these are multi-year contracts and would answer any questions.

APPROVING SPEAKEASY AS A KENO SATELLITE SITE AT 3233 ½ SOUTH 13TH STREET - Katrina Coffey, Vice President of Marketing & Sales for Big Red KENO, 11248 John Galt Blvd., came forward representing Ben Zoë, Manager of Speakeasy. This is just an ownership change.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO PLEDGE AGREEMENT BETWEEN THE CITY OF LINCOLN AND UNF CHARITABLE GIFT FUND TO AMEND PARAGRAPH 8 OF THE PLEDGE AGREEMENT TO REVISE THE DATE WHEN THE PLEDGE REGARDING FUNDING FOR THE ARENA PROJECT WILL BE CONSIDERED A CHARITABLE GRANT - Rod Confer, City Attorney, came forward to state this amendment is an agreement approved by city council in May 2008. At that time the University of Nebraska Foundation pledged $1,650,000 to the city for preliminary studies on the West Haymarket Arena project. Part of the agreement is that if the project is not approved by the electorate then the pledge will be considered a charitable grant. If it is approved by the electorate then it will be repaid to the University of Nebraska Foundation without interest. This amendment extends the date to 2030 since there was no election in 2009. Richard Esquivel, 733 Cumings St., stated this agreement expired December 31, 2009 at what time it would be considered a charitable gift if nothing happened before that date. He questioned why they should be given a second chance to be repaid by the public? Mr. Confer answered that if you don’t repay the University Foundation they aren’t going to want to participate anymore.

This matter was taken under advisement.

APPROVING AN INTER-GOVERNMENTAL AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY OF LINCOLN REGARDING THE IMPLEMENTATION OF THE STORMWATER MANAGEMENT PLAN PROGRAM - Ben Higgins, Public Works & Utilities/Watershed Dept., stated this is an agreement with NDEQ to obtain funding of a little over $500,000. The city’s coadministration would be 20%. This is the fourth grant received from NDEQ which is 2½% less than it was originally going to be due to recent cuts by the state. The city’s 20% match will come from existing funds to be used to help the city meet the state and federal requirements for it’s stormwater permit.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY TO PROVIDE A LIAISON FOR THE DELIVERY OF HUMAN SERVICES TO THE HISPANIC/LATINO COMMUNITY FOR A ONE-YEAR TERM - Rick Hoppe, Mayor’s Chief of Staff, came forward to explain this interpreter position originally was a position with the Police Department, but due to a large number of bilingual officers lessening the need for interpretive services. That original position has since been doing a lot of community outreach and community liaison work rather than interpretation work. It was decided a contract relationship with human services administration would be the best place to put the liaison to help reduce barriers in getting services and access to various needs to those who do not speak English in the Hispanic community. The previous position was paid $60,000 in salary/benefits. His new position is expected to be a lot less than the previous position. This amount was budgeted to contract with human services administration to cover the contractual relationship, computer software, rent, and other expenses.

This matter was taken under advisement.

APPROVING THE DESIGN, BID, BUILD AND OWNERSHIP CHANGE TO THE CATALYST ONE/CIVIC PLAZA REDEVELOPMENT PROJECT TO DEVELOP A NEW PUBLIC PLAZA AND SUPPORTING STREETSCAPE ENHANCEMENTS WITH THE CONSTRUCTION OF 100 NEW RESIDENTIAL UNITS ABOVE THE GARAGE, ON PROPERTY GENERALLY BOUNDED 13TH, 14TH, P AND Q STREETS - Dave Landis, Director of Urban Development, stated this area is...
in need of parking. It is hoped this can be a retail friendly mixed use parking lot that the City owns. The City bought the Douglas Theater properties and two other businesses which is now surfaced parking lots which is making $100,000 a year in parking revenue compared to about $7,500 in property taxes from the purchased buildings. The mixed use parking lot would include six floors of parking, 500 stalls, owned by the City with three floors of housing with 48 units of 2/4 bedrooms and 15,000 to 20,000 sq. ft. of retail. The parking lot will be run by the City’s contracting party at the City’s direction. This plan was put out to the community asking for a response that someone take on this project of which two responded. After the review process a developer was selected. The impact of this agreement on granting Tax Increment Financing (TIF) is to give the authority to entertain the idea of using TIF. It does not authorize it. $1.5 million TIF funds are proposed for the plaza and will be a developer purchased bond. To have a successful plaza it is suggested it be of a certain size, 17,000 to 18,000 sq. ft. and that activities spill out into the plaza from buildings around the plaza. It was requested that in the negotiation for retail businesses cigar bars, tattoo parlors, and liquor establishments not be allowed in this development.

Richard Baquivel, 733 Cummings St., came forward with questions regarding where the taxes from the Downtown Douglas Theater go since they used the 15 year TIF to build their theater? Where is the $105,000 net from parking going? Mr. Spatz commented that the money from Douglas Theaters is used to repay TIF. For every dollar we pay into the state for sales and income tax we get 85 cents back in terms of state aide. Under the TIF formula when there is an increase of valuation that money is going to pay off the TIF bond versus going to the school system. If the bond is paid off early we can send the money to tax entities or use it in the TIF area. Mr. Landis answered the money collected from parking goes to the parking fund which is a revenue fund that has to be spent for parking. If the TIF bond is paid off early the City has the choice to close down the project and put it back on the tax roles or use it to support the civic plaza. This matter was taken under advisement.

AUTHORIZING THE SALE OF SURPLUS PROPERTY DESCRIBED AS PORTIONS OF LOTS 11 AND 12, WESLEYAN HEIGHTS ADDITION, GENERALLY LOCATED NORTHWEST OF NORTH 41ST STREET AND GREENWOOD STREET TO DENNIS WOHLERS - Clint Thomas, Urban Development Real Estate Agent, came forward to state that Mr. Wohlers was unable to be at this meeting, but would abide by whatever the City decides. This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING MIKE MCNIFF TO THE WATER CONDITIONING BOARD OF EXAMINERS FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 4, 2012 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85645

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

That the reappointment of Mike McNiff to the Water Conditioning Board of Examiners for a three-year term expiring September 4, 2012, is hereby approved. Introduced by John Spatz
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Snyder, Spatz; NAYS: None; ABSENT: Hornung.

REAPPOINTING MIKE MCNIFF TO THE EXAMINING BOARD OF PLUMBERS FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 4, 2012 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85644

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

That the reappointment of Mike McNiff to the Examining Board of Plumbers for a three-year term expiring September 4, 2012, is hereby approved. Introduced by John Spatz
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Snyder, Spatz; NAYS: None; ABSENT: Hornung.
REPORT FROM CITY TREASURER OF E911 FOR THE MONTH OF OCTOBER 2009: AT&T OF MIDWEST, CHARTER FIBERLINK-NE; NOVEMBER 2009: 8X8, 8X8, QWEST, LEVEL 3, TWC DIGITAL, AT&T OF MIDWEST, GRANITE, VONAGE AMERICA, VONAGE AMERICA, BUDGET PREPAY, ACN, COMTEL - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF OCTOBER AND NOVEMBER 2009 FROM BLACK HILLS/NEBRASKA GAS UTILITY COMPANY - CLERK presented said report which was placed on file in the Office of the City Clerk.

FORMAL PAVING PETITION FOR ALLEY RE-PAVING DISTRICT 49 TO PAVE EAST-WEST ALLEY BETWEEN G AND H AND 10TH AND 11TH STREETS (701 S. 11TH ST. AND 1027 H ST.) SUBMITTED BY KLEIN PROPERTIES II, LLC. - CLERK presented said petition which was referred to the Law Department.

FORMAL PAVING PETITION FOR ALLEY RE-PAVING DISTRICT 49 TO PAVE THE EAST-WEST ALLEY BETWEEN G AND H AND 10TH AND 11TH STREETS (1028 G ST. AND 745 S. 11TH ST.) SUBMITTED BY KLEIN’S BAKERY & MARKET, INC. - CLERK presented said petition which was referred to the Law Department.

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

CHANGE OF ZONING NO. 09029 - Requested by the Director of Planning, amending Section 27.26.080 of the Lincoln Municipal Code relating to the O-2 Suburban Office District to provide that the maximum height of buildings in said district shall not exceed 25' if the building has a flat roof and 28' if the building has a mansard, pitched, hipped, or shed roof; and repealing Section 27.26.080 of the Lincoln Municipal Code as hitherto existing.

SPECIAL PERMIT NO. 09028 - Requested by Hoppe Homes, LP., for expansion of a nonconforming use, on property located at N. 30th Street and Apple Street.

USE PERMIT NO. 125A - Requested by Manzitto, Inc., for an amendment to expand the use permit by .7 acres to allow a garden center in the B-2 Planned Neighborhood Business District, on property all located in the north ½ of Section 10-9-7, Lancaster County, Nebraska, generally located at Pioneers Boulevard and Lucile Drive.

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 1, 2010 AT 3:00 P.M. FOR APPLICATION OF SRRM, INC. DBA MILLS SQUEEGERE FILL STATION #1 FOR A CATERING LICENSE FOR CLASS D LIQUOR LICENSE LOCATED AT 2601 TICONDEROGA DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85646
BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 1, 2010 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 Application of SRRM, Inc. dba Mills Squeegee Fill Station #1 for a Catering license for a Class D liquor license located at 2601 Ticonderoga Drive.

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

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 1, 2010 AT 3:00 P.M. FOR APPLICATION OF SRRM, INC. DBA MILLS SQUEEGERE FILL STATION #2 FOR A CATERING LICENSE FOR CLASS D LIQUOR LICENSE LOCATED AT 4445 S. 70TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85647
BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 1, 2010 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 Application of SRRM, Inc. dba Mills Squeegee Fill Station #2 for a Catering license for a Class D liquor license located at 4445 S. 70th Street.

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

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 1, 2010 AT 3:00 P.M. FOR APPLICATION OF L & M FOODS INC. DBA SAM & LOUIE’S FOR A CLASS C LIQUOR LICENSE LOCATED AT 1332 P STREET, SUITE A - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85648
BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 1, 2010 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 Application of L&M Foods Inc. dba Sam & Louie’s for a Class C liquor license located at 1332 P Street, Suite A.

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

Introduced by Jon Camp
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
SETTING THE HEARING DATE OF MONDAY, FEBRUARY 1, 2010 AT 3:00 P.M. FOR APPLICATION OF
ONE INVESTMENT LLC DBA COMFORT SUITES FOR A CLASS C LIQUOR LICENSE LOCATED AT
331 N. COTNER BLVD. - The resolution, having been WITHDRAWN, was assigned the
File #38-4599 & was placed on file in the Office of the City Clerk.

LIQUOR RESOLUTIONS

APPLICATION OF TCN INC. DBA CHINASIA CAFÉ FOR A CLASS I LIQUOR LICENSE AT 2704 Y
STREET - CLERK read the following resolution, introduced by Jon Camp, who moved
its adoption for denial:
A-85649  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, pertinent City
ordinances, and the following:
  a. If the applicant is of a class of person to whom no license can be
     issued.
  b. If the existing population of the City of Lincoln and the
     projected population growth of the City of Lincoln and within the
     area to be served are adequate to support the proposed license.
  c. If the issuance of the license would be compatible with the nature
     of the neighborhood or community.
  d. If existing licenses with similar privileges adequately serve the
     area.
  e. If there are any existing motor vehicle and/or pedestrian traffic
     flow in the area or if this application would cause motor vehicle
     and/or pedestrian traffic flow issues.
  f. If there is an adequate number of existing law enforcement
     officers in the area.
  g. If there are zoning and/or distance restrictions that prevent the
     issuance of a license.
  h. If there are sanitation and/or sanitary conditions on or about the
     area.
  i. If a citizens' protest has been made.

The City Council recommends to the Nebraska Liquor Control Commission that the
application of T.C.N. Inc. dba Chinasia Café for a Class "I" liquor license, at
2704 Y Street, Lincoln, Nebraska, be denied. The City Council has determined
that the application should be denied for one or more of the following reasons:
  a. The applicant is unfit, unwilling, and/or unable to properly
     provide the service proposed within the City of Lincoln.
  b. The applicant cannot conform to all provisions and requirements of
     and rules and regulations adopted pursuant to the Nebraska Liquor
     Control Act and/or pertinent City ordinances.
  c. The applicant has not demonstrated that the type of management and
     control to be exercised over the premises described in the
     application will be sufficient to insure that the licensed
     business can conform to all provisions and requirements of and
     rules and regulations adopted pursuant to the Nebraska Liquor
     Control Act, and pertinent City ordinances.
  d. The applicant has not demonstrated that the issuance of the
     license is or will be required by the present or future public
     convenience and necessity.

BE IT FURTHER RESOLVED that 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 KEVIN M. BELTON FOR TCN INC. DBA CHINASIA CAFÉ AT 2704 Y STREET
- CLERK read the following resolution, introduced by Jon Camp, who moved its
adoption for denial:
A-85650  WHEREAS, T.C.N. Inc. dba Chinasia Café located at 2704 Y Street,
Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and
now requests that Kevin M. Belton be named manager;  
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 to the Nebraska Liquor Commission
that Kevin M. Belton be denied as manager of this business for said licensee.

The City Council has determined that the application should be denied for one or
more of the following reasons:
  a. The applicant is unfit, unwilling, and/or unable to properly
     provide the service proposed within the City of Lincoln.
  b. The applicant cannot conform to all provisions and requirements of
     and rules and regulations adopted pursuant to the Nebraska Liquor
     Control Act and/or pertinent City ordinances.
  c. The applicant has not demonstrated that the type of management and
     control to be exercised over the premises described in the
     application will be sufficient to insure that the licensed
     business can conform to all provisions and requirements of and
     rules and regulations adopted pursuant to the Nebraska Liquor
     Control Act, and pertinent City ordinances.

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 WALGREEN CO. DBA WALGREENS #05874 FOR A CLASS D LIQUOR LICENSE AT 2630 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85651

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 Walgreen Co. dba Walgreens #05874 for a Class "D" liquor license at 2630 Pine Lake Road, 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 JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #05874 AT 2630 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85652

WHEREAS, Walgreen Co., dba Walgreens #05874 located at 2630 Pine Lake Road, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that James P. Karins be named manager;

WHEREAS, James P. Karins 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 James P. Karins 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 WALGREEN CO. DBA WALGREENS #02845 FOR A CLASS D LIQUOR LICENSE AT 5701 VILLAGE DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85653

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 Walgreen Co. dba Walgreens #02845 for a Class "D" liquor license at 5701 Village Drive, 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 JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #02845 AT 5701 VILLAGE DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85654

WHEREAS, Walgreen Co., dba Walgreens #02845 located at 5701 Village Drive, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that James P. Karins be named manager;

WHEREAS, James P. Karins 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 James P. Karins 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 WALGREEN CO. DBA WALGREENS #11089 FOR A CLASS D LIQUOR LICENSE AT 5500 RED ROCK LANE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85655

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 Walgreen Co. dba Walgreens #11089 for a Class "D" liquor license at 5500 Red Rock Lane, 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 JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #11089 AT 5500 RED ROCK LANE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85656
WHEREAS, Walgreen Co., dba Walgreens located at 5500 Red Rock Lane, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that James P. Karins be named manager;

WHEREAS, James P. Karins 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 James P. Karins 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 WALGREEN CO. DBA WALGREENS #00541 FOR A CLASS D LIQUOR LICENSE AT 1301 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85657
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 Walgreen Co. dba Walgreens for a Class "D" liquor license at 1301 O 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 JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #00541 AT 1301 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85658
WHEREAS, Walgreen Co., dba Walgreens located at 1301 O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that James P. Karins be named manager;

WHEREAS, James P. Karins 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 James P. Karins 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 WALGREEN CO. DBA WALGREENS #00515 FOR A CLASS D LIQUOR LICENSE AT 2600 SOUTH 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85659
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 Walgreen Co. dba Walgreens for a Class "D" liquor license at 2600 S. 48th 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 JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #00515 AT 2600 SOUTH 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85660

WHEREAS, Walgreen Co., dba Walgreens #00515 located at 2600 S. 48th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that James P. Karins be named manager;  
WHEREAS, James P. Karins 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 James P. Karins 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 WALGREEN CO. DBA WALGREENS #06884 FOR A CLASS D LIQUOR LICENSE AT 4000 SOUTH 70TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85661

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 Walgreen Co. dba Walgreens #06884 for a Class "D" liquor license at 4000 S. 70th 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 JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #06884 AT 4000 SOUTH 70TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85662

WHEREAS, Walgreen Co., dba Walgreens #06884 located at 4000 S. 70th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that James P. Karins be named manager;  
WHEREAS, James P. Karins 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 James P. Karins 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 WALGREEN CO. DBA WALGREENS #01162 FOR A CLASS D LIQUOR LICENSE AT 8300 NORTHERN LIGHTS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-85663

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, and the following:  
a. If the applicant is of a class of person to whom no license can be issued.  
b. If the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are adequate to support the proposed licensee.  
c. If the issuance of the license would be compatible with the nature of the neighborhood or community.  
d. If existing licenses with similar privileges adequately serve the area.  
e. If there are any existing motor vehicle and/or pedestrian traffic flow in the area or if this application would cause motor vehicle and/or pedestrian traffic flow issues.  
f. If there is an adequate number of existing law enforcement
The City Council recommends to the Nebraska Liquor Control Commission that the application of Walgreen Co. dba Walgreens #01162 for a Class "D" liquor license, at 8300 Northern Lights Lane, Lincoln, Nebraska, be denied. The City Council has determined that the application should be denied for one or more of the following reasons:

- The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.
- The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.
- The applicant has not demonstrated that the issuance of the license is or will be required by the present or future public convenience and necessity.

BE IT FURTHER RESOLVED that 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 JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #01162 AT 8300 NORTHERN LIGHTS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-85664

WHEREAS, Walgreen Co. dba Walgreens #01162 located at 8300 Northern Lights Lane, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that James P. Karins be named manager; 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 to the Nebraska Liquor Commission that James P. Karins be denied as manager of this business for said licensee. The City Council has determined that the application should be denied for one or more of the following reasons:

- The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.
- The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.

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 WALGREEN CO. DBA WALGREENS #03182 FOR A CLASS D LIQUOR LICENSE AT 7045 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-85665

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, pertinent City ordinances, and the following:

- If the applicant is of a class of person to whom no license can be issued.
- If the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are adequate to support the proposed license.
- If the issuance of the license would be compatible with the nature of the neighborhood or community.
- If existing licenses with similar privileges adequately serve the area.
- If there are any existing motor vehicle and/or pedestrian traffic flow issues in the area or if this application would cause motor vehicle and/or pedestrian traffic flow issues.
- If there is an adequate number of existing law enforcement officers in the area.
- If there are zoning and/or distance restrictions that prevent the issuance of a license.
- If there are sanitation and/or sanitary conditions on or about the area.
- If a citizens' protest has been made.

BE IT RESOLVED that 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.
The City Council recommends to the Nebraska Liquor Control Commission that the application of Walgreen Co. dba Walgreens #03182 for a Class "D" liquor license, at 7045 O Street, Lincoln, Nebraska, be denied. The City Council has determined that the application should be denied for one or more of the following reasons:

a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.

b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.

c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.

d. The applicant has not demonstrated that the issuance of the license is or will be required by the present or future public convenience and necessity.

BE IT FURTHER RESOLVED that 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 JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #03182 AT 7045 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

WHEREAS, Walgreen Co. dba Walgreens #03182 located at 7045 O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that James P. Karins be named manager;

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 to the Nebraska Liquor Commission that James P. Karins be denied as manager of this business for said license.

The City Council has determined that the application should be denied for one or more of the following reasons:

a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.

b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.

c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.

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 WALGREEN CO. DBA WALGREENS #04088 FOR A CLASS D LIQUOR LICENSE AT 2502 NORTH 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

WHEREAS, Walgreens, Walgreen Co. dba Walgreens #04088 located at 2502 N. 48th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that James P. Lengyel be named manager;

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, pertinent City ordinances, and the following:

a. If the applicant is of a class of person to whom no license can be issued.

b. If the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are adequate to support the proposed license.

c. If the issuance of the license would be compatible with the nature of the neighborhood or community.

d. If existing licenses with similar privileges adequately serve the area.

e. If there are any existing motor vehicle and/or pedestrian traffic flow issues.

f. If there is an adequate number of existing law enforcement officers in the area.

g. If there are zoning and/or distance restrictions that prevent the issuance of a license.

h. If there are sanitation and/or sanitary conditions on or about the area.

i. If a citizens' protest has been made.

The City Council recommends to the Nebraska Liquor Control Commission that the application of Walgreens, Walgreen Co. dba Walgreens #04088 for a Class "D" liquor license, at 2502 N. 48th Street, Lincoln, Nebraska, be denied. The City Council has determined that the application should be denied for one or more of the following reasons:
a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.

b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.

c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.

d. The applicant has not demonstrated that the issuance of the license is or will be required by the present or future public convenience and necessity.

BE IT FURTHER RESOLVED that 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 JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #04088 AT 2502 NORTH 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

WHEREAS, Walgreen Co. dba Walgreens #04088 located at 2502 N. 48th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that James P. Karins be named manager;

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 to the Nebraska Liquor Commission that James P. Karins be denied as manager of this business for said licensee. The City Council has determined that the application should be denied for one or more of the following reasons:

a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.

b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.

c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.

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 WALGREEN CO. DBA WALGREENS #01430 FOR A CLASS D LIQUOR LICENSE AT 1701 SOUTH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

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, pertinent City ordinances, and the following:

a. If the applicant is of a class of person to whom no license can be issued.

b. If the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are adequate to support the proposed license.

c. If the issuance of the license would be compatible with the nature of the neighborhood or community.

d. If existing licenses with similar privileges adequately serve the area.

e. If there are any existing motor vehicle and/or pedestrian traffic flow issues or if this application would cause motor vehicle and/or pedestrian traffic flow issues.

f. If there is an adequate number of existing law enforcement officers in the area.

g. If there are zoning and/or distance restrictions that prevent the issuance of a license.

h. If there are sanitation and/or sanitary conditions on or about the area.

i. If a citizens’ protest has been made.

The City Council recommends to the Nebraska Liquor Control Commission that the application of Walgreen Co. dba Walgreens #01430 for a Class "D" liquor license, at 1701 South Street, Lincoln, Nebraska, be denied. The Lincoln, Nebraska, Council has determined that the application should be denied for one or more of the following reasons:

a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.

b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.

d. The applicant has not demonstrated that the issuance of the license is or will be required by the present or future public convenience and necessity.

BE IT FURTHER RESOLVED that 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 JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #01430 AT 1701 SOUTH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

WHEREAS, Walgreen Co. dba Walgreens #01430 located at 1701 South Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that James P. Karins be named manager;

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 to the Nebraska Liquor Commission that James P. Karins be denied as manager of this business for said licensee.

The City Council has determined that the application should be denied for one or more of the following reasons:

a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.

b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.

c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.

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 WALGREEN CO. DBA WALGREENS #10408 FOR A CLASS D LIQUOR LICENSE AT 4811 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

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, pertinent City ordinances, and the following:

a. If the applicant is of a class of person to whom no license can be issued.

b. If the existing population of the City of Lincoln and the projected population growth of the City of Lincoln within the area to be served are adequate to support the proposed license.

c. If the issuance of the license would be compatible with the nature of the neighborhood or community.

d. If existing licenses with similar privileges adequately serve the area.

e. If there are any existing motor vehicle and/or pedestrian traffic flow in the area or if this application would cause motor vehicle and/or pedestrian traffic flow issues.

f. If there is an adequate number of existing law enforcement officers in the area.

g. If there are zoning and/or distance restrictions that prevent the issuance of a license.

h. If there are sanitation and/or sanitary conditions on or about the area.

i. If a citizens' protest has been made.

The City Council recommends to the Nebraska Liquor Control Commission that the application of Walgreen Co. dba Walgreens #10408 for a Class "D" liquor license, at 4811 O Street, Lincoln, Nebraska, be denied. The City Council has determined that the application should be denied for one or more of the following reasons:

a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.

b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.

c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.
d. The applicant has not demonstrated that the issuance of the
license is or will be required by the present or future public
convenience and necessity.

BE IT FURTHER RESOLVED that 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 JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #10408 AT 4811 O
STREET - CLERK read the following resolution, introduced by Jon Camp, who moved
its adoption for denial:

A-85672

WHEREAS, Walgreen Co. dba Walgreens #10408 located at 4811
Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor
license, and now requests that James P. Karins be named manager;

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 to the Nebraska Liquor Commission
that James P. Karins be denied as manager of this business for said licensee.

The City Council has determined that the application should be denied for one or
more of the following reasons:

a. The applicant is unfit, unwilling, and/or unable to properly
provide the service proposed within the City of Lincoln.

b. The applicant cannot conform to all provisions and requirements of
and rules and regulations adopted pursuant to the Nebraska Liquor
Control Act and/or pertinent City ordinances.

c. The applicant has not demonstrated that the type of management and
control to be exercised over the premises described in the
application will be sufficient to insure that the licensed
business can conform to all provisions and requirements of and
rules and regulations adopted pursuant to the Nebraska Liquor
Control Act, and pertinent City ordinances.

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)

CHANGE OF ZONE 09028 - APPLICATION OF LANCASTER COUNTY FOR A CHANGE OF ZONE FROM P
PUBLIC USE DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT
THE SOUTHEAST CORNER OF SOUTH 10TH STREET AND SOUTH STREET - 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,

PUBLIC HEARING - RESOLUTIONS

APPROVING THE CITY OF LINCOLN CONTRACT AGREEMENT BETWEEN THE CITY AND REPUBLIC PARKING
SYSTEM, INC. FOR THE MANAGEMENT OF THE CITY OF LINCOLN PARKING FACILITIES FOR A
TERM OF SEPTEMBER 1, 2009 THROUGH AUGUST 30, 2013 - CLERK read the following
resolution, introduced by Jane Snyder, who moved its adoption:

A-85673

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

That the Contract Agreement between the City of Lincoln and Republic
Parking System, Inc. for City of Lincoln parking facilities which is attached
hereto, marked as Attachment "A" and made a part hereof by reference, under
which Republic Parking System will manage the parking facilities of the City
for a four-year term upon the terms and conditions as set forth in said Agreement is
hereby approved and the Mayor is authorized to execute the same on behalf of the
City.

The City Clerk is directed to transmit one copy of the executed original
Agreement to Republic Parking System, Republic Centre Suite 200, Chattanooga,
Tennessee 37402, for execution of the Agreement to the City Parking Manager in the
Public Works & Utilities Department.

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING
DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF DECEMBER 1- 31, 2009 – CLERK
read the following resolution, introduced by John Spatz, who moved its adoption:

A-85674

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 December 31, 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 approv-
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

Jessika Harris  NAS*  Cincinnati Insurance Co.  
(Claim #950379)  $7,519.62  
Loren & Connie Boeckman  3,054.98  
Michelle Laue  2,622.62  
Jennifer Lampkin  2,387.73  
Thomas Fargett  5,500.00  
Jennifer Brost  327.49  

* No Amount Specified

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

Introduced by John Spatz, who moved its adoption:

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

DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION, EQUIPPING AND FURNISHING OF IMPROVEMENTS TO THE CITY’S SOLID WASTE MANAGEMENT FACILITIES FROM THE PROCEEDS OF CITY SOLID WASTE MANAGEMENT REVENUE BONDS - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, CONSTRUCTING, EQUIPPING AND FURNISHING OF IMPROVEMENTS TO THE CITY’S SOLID WASTE MANAGEMENT FACILITIES FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA SOLID WASTE MANAGEMENT REVENUE BONDS BE IT RESOLVED by the Council (the “Council”) of the City of Lincoln, Nebraska (the “City”) as follows:

Section 1. Findings

(a) The City has begun acquiring, constructing, equipping and furnishing certain improvements (the “Project”) to the City’s solid waste management facilities (the “Facilities”) in the current fiscal year to provide for the health, safety and welfare of its residents and on and after January 11, 2010, the City anticipates spending funds in the amount of $5,800,000 to pay the costs of the Project.

(b) The City is authorized, pursuant to the provisions of (1) Sections 15-244, and 18-1803 to 18-1805, inclusive, Reissue Revised Statutes of Nebraska, as amended, and (2) Sections 8 and 44 of Article IX of the City’s Home Rule Charter (the “Charter”), to issue and sell its solid waste management revenue bonds, payable solely from the revenues derived and to be derived from the operation of the Facilities and the proceeds of the Bonds (the “Bonds”) in connection with the Project to finance all or a portion of the costs of the Project.

(c) The City anticipates incurring a portion of the costs of the Project prior to the issuance of the Bonds and desires to preserve its ability to reimburse such costs under the provisions of the Internal Revenue Code of 1986, as amended (the “Code”), and the applicable regulations thereunder (the “Regulations”).

(d) The Code and the Regulations (collectively, the “Tax Law”) require that the City declare its official intent to reimburse any original expenditures (except as set forth in the Tax Law) for costs of the Project with the proceeds of the Bonds, payable solely from the revenues derived and to be derived from the operation of the Facilities and the proceeds of the Bonds (the “Bonds”) in connection with the Project to finance all or a portion of the costs of the Project.

(e) It is necessary, desirable, and in the best interests of the City that it declare its official intent to permit the City to reimburse costs of the Project made by the City from the proceeds of the Bonds in accordance with the requirements of the Tax Law.

Section 2. Declaration of Intent and Related Matters.

(a) In accordance with the provisions of the Tax Law, the Council hereby declares the official intent of the City to reimburse all or part of the costs of the Project through the issuance of the Bonds in connection therewith, the interest on which will be excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended. Prior to the issuance of the Bonds, the City is authorized to advance money in an amount not to exceed $3,000,000 for costs of the Project with the proceeds of the Bonds, payable solely from the revenues derived and to be derived from the operation of the Facilities and the proceeds of the Bonds (the “Bonds”) in connection with the Project.

(b) The City anticipates incurring a portion of the costs of the Project prior to the issuance of the Bonds and desires to preserve its ability to reimburse such costs under the provisions of the Internal Revenue Code of 1986, as amended (the “Code”), and the applicable regulations thereunder (the “Regulations”).

(c) The reasonably expected source of funds to be used to pay debt service on the Bonds will be the net revenues of the Facilities and certain occupation taxes, which shall be pledged to the payment of the principal of and interest on the Bonds.

(d) The Bonds will be issued in the amount and upon the terms and conditions agreed to between the City and the purchaser of the Bonds for the purpose of paying or reimbursing or incident to costs of the planning, acquisition, construction and financing of the Project, the Bonds to be authorized by the Council at a meeting held for such purpose.

(e) The reasonably expected source of funds to be used to pay debt service on the Bonds will be the net revenues of the Facilities and certain occupation taxes, which shall be pledged to the payment of the principal of and interest on the Bonds.

(f) The Bonds will be issued in the amount and upon the terms and conditions agreed to between the City and the purchaser of the Bonds for the purpose of paying or reimbursing or incident to costs of the planning, acquisition, construction and financing of the Project, the Bonds to be authorized by the Council at a meeting held for such purpose.

As of the date of this Resolution, there are no funds of 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 the Project.
other than the contemplated issuance of the Bonds. This Resolution is consistent with the budgetary and financial circumstances of the City as they exist or are reasonably foreseeable on the date hereof.

Section 3. Authorizations.

(a) The Finance Director and the City Controller (each an “Authorized Officer”) are hereby authorized to take any further action as such Authorized Officer shall deem necessary or desirable without further action by the Council to carry out the transactions contemplated by this Resolution.

(b) The Authorized Officers be, and each of them hereby is, authorized to execute, on behalf of the City and to deliver to any and all persons and entities delivering, as the Council may by resolution direct, any and all instruments and documents, including, but not limited to, such certificates or instruments as may be required under the terms of this Resolution necessary to be executed and delivered in connection with this Resolution as such Authorized Officer shall deem necessary or desirable.

(c) The Authorized Officers shall be responsible for making the reimbursement allocations” described in Section 1.150-2 of the Regulations by transferring the appropriate amount of Bonds proceeds to the City accounts used to temporarily finance some or all of the Project. Each allocation must be evidenced by an entry on the official books of the City maintained for the records of the Bonds (the “Bonds”). Each allocation must be made within 18 months after the date the original expenditure is paid.

Section 4. Ratification.

All acts and deeds heretofore done by any officer, employee or agent of the City, on behalf of the City, to preserve the City’s ability to reimburse expenditures made in furtherance of the Project with the proceeds of the Bonds are hereby ratified, confirmed and approved.

Section 5. Effective Dates.

This Resolution will be in full force and effect from and after its passage and adoption by the Council.

Section 6. Conflicting Resolutions Repealed.

All resolutions of the Council, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

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

DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, PURCHASE AND INSTALLATION OF LIGHT POLES FROM THE PROCEEDS OF THE CITY CERTIFICATES OF PARTICIPATION — CLERK read the following resolution, introduced by John Spatz Carroll, who moved its adoption:

BE IT RESOLVED by the Council (the “Council”) of the City of Lincoln, Nebraska (the “City”) as follows:

Section 1. Findings.

(a) The City has begun the acquisition and installation of (1) light poles and related equipment for the lighting of streets and (2) golf course maintenance equipment to maintain municipal recreational facilities (collectively, the “Project”) in the current fiscal year to provide for the health, safety and welfare of its residents.

(b) Pursuant to Section 15-201.02, Reissue Revised Statutes of Nebraska, as amended (“Section 15-201.02”), the City is authorized to enter into contracts for the purchase of personal property, with such contracts need not be restricted to a single year and may provide for the purchase of the property in installment payments to be paid over more than one fiscal year.

(c) The City anticipates entering into a lease-purchase agreement (the “Lease Agreement”) pursuant to its authority under Section 15-201.02 in connection with the Project to finance all or a portion of the costs of the Project through issuance, sale and delivery of Certificates of Participation in the Lease Agreement (the “COPs”).

(d) The City anticipates incurring a portion of the costs of the Project prior to the issuance of the COPs and desires to preserve its ability to reimburse such costs under the provisions of the Internal Revenue Code of 1986, as amended (the “Code”), and the applicable regulations thereunder (the “Regulations”).

(e) The Regulations govern the City’s use of proceeds derived from the sale of the COPs to reimburse original expenditures made by the City prior to the authorization of the COPs. Specifically, the Code requires the City to declare its official intent to reimburse original expenditures made in furtherance of the Project not later than 60 days after payment of such original expenditures. The Code requires that tax-exempt obligations be issued, and reimbursement allocation be made, from the proceeds of those obligations within 18 months after the later of the date the original expenditure is paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid.

It is necessary, desirable, advisable and in the best interests of the City that the requirements of the Regulations be satisfied so that the City’s ability to reimburse costs of the Project made by the City from and after the date of the passage and adoption of this Resolution from the proceeds of the COPs.

Section 2. Declaration of Intent and Related Matters.

(a) In accordance with the provisions of this Resolution and Section 1.150-2 of the Regulations, the Council hereby declares the official intention of the City to reimburse all or part of the costs of the Project through (and including) the execution and delivery of the Lease Agreement and the issuance of the COPs in accordance with the provisions of the Code, and that the interest portion of the COPs will be excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended by (Section 15-201.02).
Revenue Code of 1986, as amended. Prior to the execution and delivery of the Lease Agreement and the issuance of the COPs, the City is authorized to advance moneys in an amount not to exceed $2,500,000 for the purposes hereinbefore described.

(b) Except for (i) expenditures to be paid or reimbursed from sources other than the COPs, (ii) de minimus expenditures defined under Section 1.150-2(f)(1) of the Regulations, and (iii) preliminary expenditures defined under Section 1.150-2(f)(2) of the Regulations, no expenditures made in furtherance of the Project have been paid by the City more than 60 days prior to the adoption of this Resolution.

(c) Payments under the Lease Agreement constituting debt service on the COPs will be paid from the City's General Fund. (d) The COPs will be issued in the amount, and upon the terms and conditions agreed to between the City, the lessor under the Lease Agreement and the purchaser(s) of the COPs, as authorized by the Council at a meeting held for such purpose.

As of the date of this Resolution, there are no funds of 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 the Project, other than the contemplated issuance of the COPs.

Section 3. Authorizations.

(a) The Finance Director and the City Controller (each an "Authorized Officer") are hereby authorized to take any further action that is necessary to preserve the ability of the City to reimburse original expenditures made in furtherance of the Project from and after the date of the passage and adoption of this Resolution from the proceeds of the COPs.

(b) The Authorized Officers be, and each of them hereby is, authorized to execute on behalf of the City and to deliver any and all other instruments and documents including, but not limited to, such certificates or instruments as may be required under the terms of this Resolution necessary to be executed and delivered in connection with this Resolution and the approvals made hereby.

(c) An Authorized Officer shall be responsible for making the reimbursement allocations described in Section 1.150-2 of the Regulations by transferring the appropriate amount of COPs proceeds to the City accounts used to temporarily finance some or all of the Project. Each allocation must be evidenced by an entry on the official books of the City maintained for the Project and must specifically identify the original expenditure being reimbursed.

Section 4. Ratification. All acts and deeds heretofore done by any officer, employee or agent of the City, on behalf of the City, to preserve the City's ability to reimburse expenditures made in furtherance of the Project with the proceeds of the COPs are hereby ratified, confirmed and approved.

Section 5. Effective Dates. This Resolution will be in full force and effect from and after its passage and adoption by the Council and approval by the Mayor.

Section 6. Conflicting Resolutions Repealed. All resolutions of the Council, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

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

ADOPTING THE LES RATE STANDARDS AS RECOMMENDED BY THE LES ADMINISTRATIVE BOARD - CLERK

WHEREAS, by virtue of the Energy Independence and Security Act of 2007 (EISA), the Lincoln Electric System (LES), a nonregulated utility, is required to consider and determine the appropriateness of certain rate Standards set forth in EISA as applied to LES operations; and

WHEREAS, four of the standards required to be considered are EISA amendments to certain rate Standards in PURPA of 1978, as amended; and

WHEREAS, the purposes of PURPA are to encourage:

a. The conservation of energy supplied by electric utilities;

b. The optimization of the efficiency of use of facilities and resources by electric utilities; and

c. Equitable rates to electric consumers.

WHEREAS, the LES Administrative Board on August 18, 2009 conducted public hearings in which a record was properly established on five EISA Standards: a. Integrated Resource Planning; b. Rate Design Modifications to Promote Energy Efficiency Investments; c. Consideration of Smart Grid Investments; d. Smart Grid Information; and e. Waste Energy Recovery Projects.

WHEREAS, pursuant to the LES Procedures for conducting PURPA hearings, the LES Administrative Board’s determinations become the Final Order of these proceedings when adopted by the City Council.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that such attached Resolution 2009-21, attached as Resolution considered by the City Council and is hereby adopted by the City Council as the Final Order, regarding these proceedings.

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

APPROVING A DEPARTMENT OF THE INTERIOR GEOLOGICAL SURVEY SUPPLEMENTAL JOINT FUNDING AGREEMENT FOR WATER RESOURCES INVESTIGATIONS CONDUCT STORMWATER QUALITY MONITORING TO MEET THE REQUIREMENTS OF THE CITY’S NPDES STORMWATER PERMIT THROUGH OCTOBER 31, 2010 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85678
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Amendment to the Joint Funding Agreement (A-84982) for Water Resources Investigations between the U.S. Geological Survey, United States Department of the Interior, and the City of Lincoln, to conduct stormwater quality monitoring services under the city's National Pollutant Discharge Elimination System (NPDES) stormwater permit, is hereby 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 to Dave Rus, U.S. Geological Survey, Nebraska Water Science Center, 5231 S. 19th Street, Lincoln, NE 68512.

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

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND SOUTHEAST COMMUNITY COLLEGE TO PROVIDE CLINICAL TRAINING FOR PUBLIC HEALTH NURSING STUDENTS AND DENTAL ASSISTANT STUDENTS AT THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR A PERIOD OF SEPTEMBER 1, 2009 THROUGH AUGUST 31, 2012 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85679
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and Southeast Community College Schools, to provide clinical training for public health nursing students and dental assistant students at the Lincoln-Lancaster County Health Department for a period of September 1, 2009 through August 31, 2012, upon the terms and conditions set forth in said Service Agreement, which is attached hereto marked as Attachment "A", 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 forward one fully executed original of said Agreement to Bruce Dart, Lincoln-Lancaster County Health Department Director, for transmittal to Southeast Community College.

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

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBRASKA HOUSE CALL PHYSICIANS, P.C. FOR PHYSICIAN MEDICAL SERVICES FOR THE HEALTH DEPARTMENT FOR A PERIOD OF DECEMBER 1, 2009 THROUGH DECEMBER 31, 2010 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85680
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and Nebraska House Call Physicians, P.C., to provide physician medical services at the Lincoln-Lancaster County Health Department for a period of December 1, 2009 through December 31, 2010, upon the terms and conditions set forth in said Service Agreement, which is attached hereto marked as Attachment "A", 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 forward one fully executed original of said Agreement to Bruce Dart, Lincoln-Lancaster County Health Department Director, for transmittal to Nebraska House Call Physicians, P.C.

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

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNIVERSITY OF NEBRASKA COLLEGE OF NURSING TO PROVIDE FIELD AND CLINICAL TRAINING FOR PUBLIC HEALTH NURSING STUDENTS AT THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR A PERIOD OF JULY 1, 2009 THROUGH JUNE 30, 2012 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85681
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and the Board of Regents of the University of Nebraska, on behalf of the College of Nursing (UNMC), to provide field and clinical training for public health nursing students at the Lincoln-Lancaster County Health Department for a period of July 1, 2009 through June 30, 2012, upon the terms and conditions set forth in said Service Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City
WHEREAS, the Nebraska Legislature has adopted the Political

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

WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska

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

APPROVING THE DESIGN-BUILDING CONTRACT OR THE CONSTRUCTION MANAGEMENT AT RISK CONTRACT DELIVERY SYSTEM PROVIDED FOR IN THE POLITICAL SUBDIVISION CONSTRUCTION ALTERNATIVES ACT - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85683

WHEREAS, the Nebraska Legislature has adopted the Political

Subdivision Construction Alternatives Act (Neb. Rev. Stat. §§ 13-2901 to 13-2914); and

WHEREAS, the Political Subdivision Construction Alternatives Act authorizes political subdivisions to enter into a design-build contract which is subject to qualification based selection or a construction management at risk contract for a public project if the political subdivision adheres to the procedures set forth in the Act; and

WHEREAS, as a condition precedent to utilizing the design-build contract or construction management at risk contract delivery system as an alternative to public letting of bids for a public project, the Political Subdivision Construction Alternatives Act requires that the political subdivision adopt a resolution by an affirmative vote of at least two-thirds of the governing body of the political subdivision selecting the design-build or contract construction management at risk contract delivery system for a public project; and

WHEREAS, the City of Lincoln desires to select the design-build contract or the construction management at risk contract delivery system as an alternative method to the public letting of bids for a public project in accordance with the provisions of the Political Subdivision Construction Alternatives Act.

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

1. The design-build contract or the construction management at risk contract delivery system provided for in the Political Subdivision Construction Alternatives Act is hereby selected as an alternative to the public letting of bids for construction of a public project.

2. The Mayor is hereby directed to develop policies in accordance with the Act for entering into a design-build contract or a construction management at risk contract and such policies as may be promulgated by Executive Order of the Mayor shall be filed with the office of the City Clerk and when so filed shall be in full force and effect.

Introduced by John Spatz

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, LINCOLN-LANCASTER PUBLIC BUILDING COMMISSION AND CORNERSTONE PRINTING & IMAGING FOR BUSINESS CARDS AND LETTERHEAD PRINTING - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85684

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

That the Contract between the City of Lincoln, Lancaster County, Lincoln-Lancaster County Public Building Commission and Cornerstone Printing & Imaging for business cards and letterhead printing through inter-governmental cooperative purchasing, as per Section 2.18.030(o) of the Lincoln Municipal Code, with the State of Nebraska for a two-year term with an option to renew for one additional two-year term, upon the terms and conditions as set forth in said Contract, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Contract on behalf of the City.

Introduced by John Spatz

APPROVING A MULTI-YEAR CONTRACT WITH A-TEC RECYCLING FOR FLUORESCENT BULB RECYCLING SERVICES FOR A TWO-YEAR TERM WITH A RENEWAL OPTION FOR AN ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85685

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

That the Contract between the City of Lincoln, Lancaster County, Lincoln-Lancaster County Public Building Commission and A-Tec Recycling for fluorescent bulbs and ballasts recycling services through inter-governmental cooperative purchasing, as per Section 2.18.030(o) of the Lincoln Municipal Code, for a two-year term with an option to renew for one additional two-year term, upon the terms and conditions as set forth in said Contract, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Contract on behalf of the City.

Introduced by John Spatz

APPROVING SPEAKEASY AS A KENO SATELLITE SITE AT 3233 1/2 SOUTH 13TH STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85688

WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska:

have entered into an Interlocal Agreement for the purposes of providing for a
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

WHEREAS, the City Council on October 22, 1984, adopted Resolution A-85689

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY TO PROVIDE A LIAISON FOR THE DELIVERY OF HUMAN SERVICES TO THE HISPANIC/LATINO COMMUNITY FOR A ONE-YEAR TERM - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

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

APPROVING AN INTER-GOVERNMENTAL AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY OF LINCOLN REGARDING THE IMPLEMENTATION OF THE STORMWATER MANAGEMENT PLAN PROGRAM - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY TO PROVIDE A LIAISON FOR THE DELIVERY OF HUMAN SERVICES TO THE HISPANIC/LATINO COMMUNITY FOR A ONE-YEAR TERM - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

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

APPROVING AN INTER-GOVERNMENTAL AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY OF LINCOLN REGARDING THE IMPLEMENTATION OF THE STORMWATER MANAGEMENT PLAN PROGRAM - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

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

Joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of a keno type lottery with EHPV Lottery Services, LLC, a Nebraska limited liability company; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno Contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno Contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of Speakeasy, 3233 1/4 South 13th Street, Lincoln, NE 68502.

The City Clerk is directed to return an executed copy of this Resolution to Speakeasy and a copy to EHPV Lottery Services, LLC.

Introduced by John Spatz

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

APPROVING AN AMENDMENT TO PLEDGE AGREEMENT BETWEEN THE CITY OF LINCOLN AND UNF CHARITABLE GIFT FUND TO AMEND PARAGRAPH 8 OF THE PLEDGE AGREEMENT TO REVISE THE DATE WHEN THE PLEDGE REGARDING FUNDING FOR THE ARENA PROJECT WILL BE CONSIDERED A CHARITABLE GRANT - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85646

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

That the attached Amendment to Pledge Agreement between the City of Lincoln and UNF Charitable Gift Fund, related to the Arena project and related amenities, to amend paragraph 8 of the Pledge Agreement to revise the date when the pledge regarding funding for the arena project will be considered a charitable grant, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to return a fully executed copy of the Agreement to Rick Feo, Chief Assistant City Attorney, for transmittal to the UNF Charitable Gift Fund.

Introduced by John Spatz

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

APPROVING AN INTER-GOVERNMENTAL AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY OF LINCOLN REGARDING THE IMPLEMENTATION OF THE STORMWATER MANAGEMENT PLAN PROGRAM - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85687

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

That the attached Cooperative Agreement between the City of Lincoln and the Nebraska Department of Environmental Quality (NDEQ) regarding grant funding from the state Stormwater Management Plan Program, 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. This Agreement provides for Nebraska funding to implement programs and projects in association with the City of Lincoln’s Stormwater Management Program.

The City Clerk is directed to transmit an executed original Agreement to Ben Higgins, Public Works and Utilities Department, 901 N. 6th Street, for transmittal to the Nebraska Department of Environmental Quality.

Introduced by John Spatz

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY TO PROVIDE A LIAISON FOR THE DELIVERY OF HUMAN SERVICES TO THE HISPANIC/LATINO COMMUNITY FOR A ONE-YEAR TERM - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85688

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 provision of a liaison for the delivery of human services to the Hispanic/Latino community for a period of January 1, 2010 through December 31, 2010, in accordance with the terms, conditions and assurances which contain an attached hereto as Exhibit "A", is hereby approved 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.

Introduced by John Spatz

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

COMP. PLAN CONFORMITY 09013 - APPROVING AMPENDMENTS TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE "CATALYST ONE/CIVIC PLAZA REDEVELOPMENT PROJECT" TO DEVELOP A NEW FIRST FLOOR PLAZA AND SUPPORTING STREETSCAPE ENHANCEMENTS WITH THE CONSTRUCTION OF A MIXED-USE PUBLIC PARKING FACILITY WITH RETAIL ON THE GROUND FLOOR AND RESIDENTIAL UNITS ABOVE THE GARAGE, ON PROPERTY GENERALLY BOUNDED 13TH, 14TH, P AND Q STREETS - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85689

WHEREAS, the City Council on October 22, 1984, adopted Resolution No. A-71701 finding said area to be blighted and substandard as...
defined in the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101, et seq.) as found and in need of redevelopment; and

WHEREAS, The City Council has previously adopted the Lincoln Center Redevelopment Plan (hereinafter the Plan including plans for various redevelopment projects within said area in accordance with the requirements and procedures of the Nebraska Community Development Law; and now desires to modify said Plan by establishing the “Catalyst One/Civic Plaza Redevelopment Project” for a public plaza and supporting streetscape improvements with the construction of a mixed-use public parking facility with retail on the ground floor and residential units above the garage in an area generally bounded by 13th and 14th Streets and P and Q Streets; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk modifications to the Redevelopment Plan contained in the document entitled “Proposed Amendments to the Lincoln Center Redevelopment Plan for the Catalyst One/Civic Plaza Redevelopment Project” which is attached hereto, marked as Attachment “A”, and made a part hereof by reference, and has reviewed said plan and has found that it meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 2007); and

WHEREAS, on December 4, 2009, a notice of public hearing was mailed postage prepaid to the foregoing registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place and purpose of the public hearing to be held on December 16, 2009 before the Lincoln - Lancaster County Planning Commission regarding the proposed Catalyst One/Civic Plaza Redevelopment Project, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment “B” and “C” respectively; and

WHEREAS, on December 23, 2009 a notice of public hearing was mailed postage prepaid to the foregoing registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on January 11, 2010, regarding the proposed Catalyst One/Civic Plaza Redevelopment Project, a copy of said notice having been attached hereto as Attachment “D” and marked as Attachment “E”; and

WHEREAS, on December 24, 2009 and December 31, 2009 a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place and purpose of the Public Hearing to be held on January 11, 2010 regarding the proposed Catalyst One/Civic Plaza Redevelopment Project for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment “B”; and

WHEREAS, said proposed Amendments to the Lincoln Center Redevelopment Plan to add the Catalyst One/Civic Plaza Redevelopment Project has been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and said Planning Commission on December 16, 2009 found the Plan Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on January 11, 2010 in the City Council chambers of the County-City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed modifications to the Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed modifications to the redevelopment plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed modifications to the redevelopment plan.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the Catalyst One/Civic Plaza Redevelopment Project is described in sufficient detail and is designed with the general purpose of satisfying the coordinated, adjusted and balanced development of the City and its environs which will promote the general health, safety and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and its inhabitants with the general purpose of promoting a coordinated, adjusted and balanced development of the City and its environs which will promote the general health, safety and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That incorporating the Catalyst One/Civic Plaza Redevelopment Project into the Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.

3. That the substandard and blighted conditions in the Catalyst One/Civic Plaza Redevelopment Project Area are beyond remedy and control solely by the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing.

4. That elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

5. That the Catalyst One/Civic Plaza Redevelopment Project would not be economically feasible without the use of tax-increment financing.

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

1. That the document entitled “Proposed Amendments to the Lincoln Center Redevelopment Plan for the Catalyst One/Civic Plaza Redevelopment Project” attached hereto as Attachment “A”, establishing and adding the Catalyst One/Civic Plaza Redevelopment Project to the Lincoln Center Redevelopment Plan,
is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan as they relate to the above-described modifications.

3. That the Redevelopment Project Area for the Catalyst One/Civic Plaza Redevelopment Project as described and depicted in the Plan Amendments is the Redevelopment Project Area comprising the property to be included in the area subject to the tax increment provision authorized in the Nebraska Community Development Law.

4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and other actions that it deems necessary to provide the Community Improvement Financing in accordance with the Community Development Law to finance related necessary and appropriate public acquisitions, improvements and other activities set forth in said Plan Amendment to the Lincoln Center Redevelopment Plan.

Introduced by John Spatz

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

ORDINANCE - PUBLIC HEARING & 3RD READING

AUTHORIZING THE SALE OF SURPLUS PROPERTY DESCRIBED AS PORTIONS OF LOTS 11 AND 12, WESLEYAN HEIGHTS ADDITION, GENERALLY LOCATED NORTHWEST OF NORTH 41ST STREET AND GREENWOOD STREET TO DENNIS WOLKERS - CLERK read an ordinance, introduced by Jane Snyder, authorizing the sale of a surplus tract of land, legally described as a portion of Lots 11 and 12, Wesleyan Heights Addition, Lincoln, Lancaster County, Nebraska, the third time.

SNYDER Moved to pass the ordinance as read.

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

The ordinance, having LOST, was assigned the File #38-4598 & was placed on file in the Office of the City Clerk.

COOK Moved, for this particular surplus lot, to ask that Urban Development put a for sale sign on the property; advertise in the newspaper; find a location to advertise this on our City website; that some commercial Realtors are contacted to make them aware of the property, all of the owners of I-1 property located between N. 39th Street and N. 41st Street contact in writing be contacted in writing making them aware of the property is for sale; contact in writing the residential landowners within 200 feet of this lot and to develop a policy containing the foregoing.

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 CHAPTER 4.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LIBRARY BOARD BY AMENDING SECTION 4.20.010 TO PROVIDE THAT NO LIBRARY BOARD DIRECTOR SHALL SERVE MORE THAN ONE CONSECUTIVE TERM OF SEVEN YEARS AND AMENDING SECTION 4.20.040 TO CHANGE THE CONTENT OF THE LIBRARY BOARD’S ANNUAL REPORT TO THE CITY COUNCIL AND THE DATE IT SHALL BE SUBMITTED - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 4.20 of the Lincoln Municipal Code relating to the Library Board by amending Section 4.20.010 to provide that no Library Board director shall serve more than one consecutive term of seven years; amending Section 4.20.040 to change the content of the Library Board’s annual report to the City Council and the date it shall be submitted; and repealing Sections 4.20.010 and 4.20.040 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING TITLE 14 OF THE LINCOLN MUNICIPAL CODE RELATING TO PUBLIC PROPERTY AND PUBLIC WAYS BY ADDING A NEW CHAPTER 14.42 TO PROVIDE FOR THE APPLICATION OF PAINTED ART ON LOCAL STREETS WITHIN THE PUBLIC RIGHT-OF-WAY IN RESIDENTIAL ZONING DISTRICTS - CLERK read an ordinance, introduced by Jon Camp, amending Title 14 of the Lincoln Municipal Code relating to Public Property and Public Ways by adding a new Chapter 14.42 to provide for the application of painted art on local streets within the public right-of-way in residential zoning districts, the first time.

CHANGE OF ZONE 08075 - APPLICATION OF WATERFORD ESTATES, LLC, FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 98TH STREET AND O STREET - CLERK read an ordinance introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, the first time.

CAMP Moved to place Bill No. 10-4 on Indefinite Pending with Public Hearing required when removed from Pending.

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
USE PERMIT 08003 – APPLICATION OF WATERFORD ESTATES, LLC, TO DEVELOP 250,000 SQ. FT. OF COMMERCIAL FLOOR AREA ON PROPERTY GENERALLY LOCATED AT NORTH 98TH STREET AND O STREET – PRIOR to reading:
CAMPA moved to place Bill No. 10R-26 on Indefinite Pending with Public Hearing required when removed from Pending.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ORDINANCES - 3rd READING & RELATED RESOLUTIONS (as required)
APPROVING THE AMENDED AND RESTATED SITE LEASE FROM THE CITY AND THE COUNTY TO THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION; THE AMENDED AND RESTATED LEASE AGREEMENT FROM THE COMMISSION TO THE COUNTY AND THE CITY; AND THE ISSUANCE OF NOT TO EXCEED $4,750,000 OF THE COMMISSION’S TAX SUPPORTED LEASE RENTAL REVENUE BUILDING AND REFUNDING BONDS; SERIES 2010 - CLERK read an ordinance, introduced by Jane Snyder, of the City of Lincoln, Nebraska approving (A) an amended and restated site lease among the Lincoln-Lancaster County Public Building Commission, as lessee, and the City and the County of Lancaster, Nebraska; (B) an amended and restated lease agreement among the City and the County, jointly, as lessee, and the Commission, as lessor, and (C) the issuance of not to exceed $4,750,000 in principal amount of the Commission’s tax supported lease rental revenue building and refunding bonds Series 2010; and related matters, the third time.
Snyder moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Snyder; NAYS: Camp, Hornung, Spatz.
The ordinance, being numbered #19337, is recorded in Ordinance Book #26, Page 283.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE VILLAGE OF FIRTH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 311 NEMAHA STREET, FIRTH, NEBRASKA FROM SEPTEMBER 1, 2009 TO AUGUST 31, 2010 - CLERK read an ordinance, introduced by Jane Snyder, accepting and approving a Lease Agreement between the City of Lincoln and the Village of Firth for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center Program at 311 Nemaha Street, Firth, NE 68358 for a term beginning September 1, 2009 through August 31, 2010, the third time.
Snyder moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered #19338, is recorded in Ordinance Book #26, Page 283.

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 Weekly to 1/4/2010) - PRIOR to reading:
Snyder moved to delay action of Bill No. 09-132 to 1/25/10.
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 her compensation in excess of $4,800.00 plus 6% of his or her 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.

OPEN MICROPHONE
Richard Raquivel, 733 Cumings St., came forward to ask the number of completed TIF projects, the dollar amount of these projects, how many TIF projects are being funded, and the dollars collected from the Wheel Tax. This matter was taken under advisement.

Lee Towle, 4110 W. Huntington Avenue, came forward to request better access to Arnold Elementary School. There are only two roads to approach the school which has created traffic problems and a concern for the safety of the children.
Roger Figard, Public Works & Utilities Dept., came forward to report that Public Works is currently working on widening it out to add a left turn lane at the south end and take a look to maximize the length between John Scholl Drive and West Cumings to make that turn lane as long as we possibly can. This matter was taken under advisement.

Mike Morosin, 1500 N. 15th St., came forward to ask how much money has been collected from the Wheel Tax, what projects are paid for with this money, and how much is currently in the Wheel Tax fund. This matter was taken under advisement.
REGULAR MEETING
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MISCELLANEOUS BUSINESS

PENDING DATE CERTAIN -
HEARING DATE OF MONDAY, FEBRUARY 1, 2010, REQUESTED BY J. MICHAEL RIERDEN ON BEHALF OF LINCOLN FEDERAL SAVINGS BANK AND STONEBRIDGE CREEK LLC APPEALING FROM THE DETERMINATION OF IMPACT FEES IMPOSED ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 39, 45, 46, 47, 49, 50 IN SECTION 25, TOWNSHIP 11 NORTH, RANGE 6 EAST GENERALLY LOCATED BETWEEN CENTURION DRIVE AND NORTH 27TH STREET ALONG BOTH SIDES OF ALVO ROAD, LANCASTER COUNTY, NEBRASKA - PRIOR to reading:
CAMP Moved to place this item on Indefinite Pending with Public Hearing required when removed from Pending.
  Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

PENDING -
CAMP Moved to extend the Pending List to January 25, 2010.
  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 January 25, 2010.
  Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT 6:08 P.M.
CAMP Moved to adjourn the City Council meeting of January 11, 2010.
  Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant