THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, APRIL 19, 2010 AT 3:00 P.M.

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

Council Vice Chair Spatz 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

CAMP

Having been appointed to read the minutes of the City Council proceedings of April 12, 2010 reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Beutler presented the Award of Excellence for the month of March 2010 to Robert Hurley, Police Officer with the Lincoln Police Department- Investigative Division in the categories of Customer Relations and Productivity. He stated that Officer Hurley’s role as lead investigator of several cases resulted in the recovery of valuable stolen property; he has exhibited a willingness to travel and/or communicate with other law enforcement agencies in crime scene processing; and he has personally invested his own time and money in computer programs/equipment/training for effective analysis. He continues to maintain & develop his investigative skills which is evident in the fact that he is the only Nebraskan who holds dual certification of a Traffic Accident Reconstructionist as well as a Senior Crime Scene Analyst. Commitment to career and community is further evidenced as he is President of the Nebraska International Association for Identification.

Officer Hurley came forward to accept his award and express appreciation to the Mayor and City Council.

Chief Tom Casady came forward to state that not only has Officer Hurley served our country as a United States Army Major but his dedication to work is also a good representation of Lincoln’s police force who are all committed to get the job done.

MAYORAL PROCLAMATION

Mayor Chris Beutler recognized the Lincoln Amateur Radio Club and expressed gratitude for their service to the community. He introduced Reynolds Davis as the American Radio Relay League Emergency Coordinator for Lancaster County and Jeff Bennett as the President of the Lincoln Amateur Radio Club. Mayor Beutler reported that following Windstream Communication’s major land line switch failure on April 1st leaving emergency service, including 911 centers, without land line phone communication, ham radio operators implemented an emergency plan. Under the direction of Mr. Davis, operators were assigned to the emergency operation centers as well as 27 intersection sites around the City to accept emergency contacts. Before phone restoration, a total of 62 ham radio operators had devoted their time to keeping the community safe. Mayor Beutler asked those present who were representing the 300+ members of the Lincoln Amateur Radio Club to stand and be recognized for providing 4,270 volunteer hours for 28 different events in the year 2009.

Doug Ahlberg, Lancaster County Emergency Management Director, came forward to state that the Amateur Radio Club is the backbone of the spotters network who position themselves in 41 locations around the county. He shared the example of the December 2009 blizzard in which operators gave up their holiday time to transport 212 essential medical staff to/from work and hospitals, patients to dialysis for treatment and Meals On Wheels for Tabitha.

Jeff Bennett came forward on behalf of the Lincoln Amateur Radio Club to accept the honorable recognition for its members and express appreciation for the opportunity to serve the community.
PUBLIC HEARING

APPLICATION OF ROGELIO ARIAS DBA SUPER TACO II FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 100 FEET BY 100 FEET IN THE ADJACENT PARKING LOT AT 500 WESTGATE BLVD. ON APRIL 24, 2010 FROM 6:00 P.M. TO 1:00 A.M. - Fernando Alvarez, 500 Westgate Blvd., came forward to take oath and answer questions. This matter was taken under advisement.

MANAGER APPLICATION OF SOLOMON SPATARO FOR PEACOCK INDIAN CUISINE INC. DBA PEACOCK INDIAN CUISINE AT 2801 PINE LAKE ROAD - Investigator Russ Fosler, LPD, came forward to express areas of concern to the Council. He stated that Mr. Spataro failed to do the following: disclose several items in his criminal history; keep LPD appointments; and take the required RHC class. Inv. Fosler shared his opinion that, at this time, Mr. Spataro should not be manager of this liquor license.

Rod M. Confer, City Attorney, came forward to clarify to Council that a liquor license denial encompasses the concerns of LPD. This matter was taken under advisement.

APPROVING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH (IF ANY) BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE STREET CONSTRUCTION FUND AND WATER CONSTRUCTION FUND WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT - Roger Figard, Public Works & Utilities City Engineer, came forward to answer questions. He said Fran Mejer, Business Manager, and Nick McElvain, Water Operations Support Manager, were on hand for questioning. This matter was taken under advisement.

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND LYNETTE MCGILL FOR THE CONSTRUCTION AND PLACEMENT OF TELECOMMUNICATIONS FACILITIES ON PROPERTY GENERALLY LOCATED NEAR HALLAM, NEBRASKA FOR A 25-YEAR TERM - Sgt. Todd Beam, Lincoln Police Department, came forward to state that this is a multi-year lease to access land for construction of a communications tower and associated building. This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON APRIL 5, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk.

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED FEBRUARY 28, 2010 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That during the month ended February 28, 2010, $323,059.33 was earned from the investment of “IDLE FUNDS”. The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, MAY 10, 2010 AT 3:00 P.M. FOR THE APPLICATION OF LEONARD & STEPHEN JIMENEZ DBA LA PALOMA FOR A CLASS I LIQUOR LICENSE LOCATED AT 8320 NORTHWOODS PLAZA, SUITE 800 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:
BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 10, 2010, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 655 S. 10th St., Lincoln, NE, for the Application of Leonard & Stephen Jimenez dba La Paloma located at #20 Northwoods Plaza, Suite #80.

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

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

THE FOLLOWING HAS BEEN PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 10011
to Change of Zone No. 06063 North 40 Plaza Development Planned Unit Development approved by the Planning Director on April 6, 2010, requested by North 47 Group, LLC to change four single family lots into eight townhouse lots in the northwest corner of the site and add one single family lot on the west side of Doc’s Drive on property generally located ½ block east of N. 81st Street and Regent Drive.

LIQUOR RESOLUTIONS

APPLICATION OF ROGELIO ARIAS DBA SUPER TACO II FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 100 FEET BY 100 FEET IN THE ADJACENT PARKING LOT AT 500 WESTGATE BLVD. ON APRIL 24, 2010 FROM 6:00 P.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Rogelio Arias d/b/a Super Taco II for a Special Designated License to cover an area measuring approximately 100 feet by 100 feet in the adjacent parking lot at 500 Westgate Blvd., Lincoln, Nebraska, on the 24th day of April, 2010, between the hours of 6:00 p.m. and 1:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

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

MANAGER APPLICATION OF SOLOMON SPATARO FOR PEACOCK INDIAN CUISINE INC. DBA PEACOCK INDIAN CUISINE AT 2801 PINE LAKE ROAD - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for denial:

WHEREAS, Peacock Indian Cuisine Inc. dba Peacock Indian Cuisine located at 2801 Pine Lake Road, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Solomon Spataro 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 Solomon Spataro 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 Adam Hornung
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

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

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND DITTMER & DITTMER OF CRETE FOR THE LEASE OF OFFICE SPACE BY AGING PARTNERS FOR ITS PERSONAL & FAMILY SERVICES PROGRAM AT 1005 E. HIGHWAY 33, SUITE 6, CRETE, NE 68632 FOR A TERM OF JUNE 1, 2010 THROUGH MAY 31, 2011 - CLERK read an ordinance, introduced by John Spatz, accepting and approving a Lease Agreement between the City of Lincoln and Dittmer & Dittmer of Crete for the lease of office space by the Aging Partners for its Aging Partners Personal & Family Services program located at 1005 E. Highway 33, Suite 6, Crete, NE 68333, for a term of June 1, 2010 through May 31, 2011, the second time.

APPROVING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH (IF ANY) BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE STREET CONSTRUCTION FUND AND WATER CONSTRUCTION FUND WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT - CLERK read an ordinance, introduced by John Spatz, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Street Construction Fund and Water Construction Fund within the Public Works & Utilities Department, the second time.

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND LYNNETTE MCGILL FOR THE CONSTRUCTION AND PLACEMENT OF TELECOMMUNICATIONS FACILITIES ON PROPERTY GENERALLY LOCATED NEAR HALLAM, NEBRASKA FOR A 25-YEAR TERM - CLERK read an ordinance, introduced by John Spatz, accepting and approving the Lease Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Lynnette McGill for the construction and placement of telecommunications facilities upon property generally located near Hallam, Nebraska and authorizing the Mayor to sign such Lease Agreement on behalf of the City, the second time.

PUBLIC HEARING - RESOLUTIONS - NONE

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

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND SCOTT AND CINDY JENSEN FOR THE LEASE OF OFFICE SPACE BY AGING PARTNERS FOR ITS PERSONAL & FAMILY SERVICES MEDICAID WAIVER PROGRAM AT 320 N. STATE STREET, OSEOLA, NE 68651 FOR A TERM OF JUNE 1, 2010 THROUGH MAY 31, 2011 - CLERK read an ordinance, introduced by Eugene Carroll, accepting and approving a Lease Agreement between the City of Lincoln and Scott and Cindy Jensen for the lease of office space by the Aging Partners for its Personal & Family Services Medical Waiver program located at 320 N. State Street, Osceola, NE 68651, for a term of June 1, 2010 through May 31, 2011, the first time.

ANNEXATION NO. 10002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY ONE ACRE OF PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND VAN DORN STREET - CLERK read an ordinance, introduced by Eugene Carroll, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

APPROVING AN AMENDED AND RESTATED RETIREMENT PLAN FOR UNCLASSIFIED CITY DEPARTMENT DIRECTORS AND ADMINISTRATIVE ASSISTANTS TO THE MAYOR PERSUANT TO ART. II, SECTION 3 OF THE CHARTER OF THE CITY OF LINCOLN, TO COMPLY WITH REVISIONS TO THE
INTERNAL REVENUE CODE AND REGULATIONS - CLERK read an ordinance, introduced by Eugene Carroll, adopting an amended and restated version of the Retirement Plan for Unclassified Department Heads to update language contained in said Plan to comply with the requirements of ETRRA (Economic Growth and Tax Relief Reconciliation Act of 2001), and repealing Ordinance No. 17716 as hitherto existing, the first time.

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

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER A BY CHANGING THE PAY RANGE OF THE CLASSIFICATION CRIME ANALYSIS MANAGER - CLERK read an ordinance, introduced by Jayne Snyder, amending Section 1 of Ordinance No. 18967 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A," by changing the pay range of the job classification "Crime Analysis Manager" from A1- to A13, the third time.

Snyder Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.
The ordinance, being numbered #19375, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 10004 - APPLICATION OF JUAN AND DANA RODRIGUEZ FOR PROYECTO CULTURAL FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO B-3 COMMERCIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 22ND STREET AND Y STREET - CLERK read an ordinance, introduced by Jayne Snyder, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

Snyder Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.
The ordinance, being numbered #19376, is recorded in Ordinance Book #26, Page

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -

Camp Moved to extend the Pending List to April 26, 2010.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

UPCOMING RESOLUTIONS

Camp Moved to approve the resolutions to have Public Hearing on April 26, 2010.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.
CAMP moved to adjourn the City Council meeting of April 19, 2010. Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant