THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JUNE 21, 2010 AT 3:00 P.M.

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

Council 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

EMERY

Having been appointed to read the minutes of the City Council proceedings of June 14, reported having done so, found same correct.

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

MAYOR’S AWARD OF EXCELLENCE

Mayor Chris Beutler presented the Award of Excellence for the month of May 2010 to Terry A. Gustafson, Labor Supervisor I, of the Street Maintenance Operation Division of the Public Works & Utilities Department in the categories of Customer Relations, Productivity and Safety. Employed since 1991, Mayor Beutler said Mr. Gustafson was nominated by all 23 employees in his crew at the Southwest District shop. As the City coped with last winter’s snow storms, Mr. Gustafson led by example by interacting with a positive attitude toward citizens, contractors and fellow employees. He repaired equipment to keep snow-blowing operations moving on the street with as little down time as possible resulting in considerable savings to the City. On a regular supervisory basis, Mr. Gustafson promotes & encourages safety throughout the workplace which was then evidenced as he identified the safest locations for equipment refueling & repair to protect workers & the public. Nominators said his job dedication and commitment was visible as he worked nights, holidays and, at times, missing family sporting events. Recognizing the stressful & difficult task associated with snow removal, Mr. Gustafson was sure to give positive recognition to his own co-workers.

Terry Gustafson came forward to accept his award with appreciation. Scott Opfer, Public Works & Utilities Dept., came forward to offer his congratulations and thank the Mayor & City Council for recognizing Terry Gustafson for his excellent work through a stressful winter. Mr. Opfer said that being nominated by fellow shop workers speaks loudly on how a team feels about their supervisor.

PUBLIC HEARING

APPLICATION OF FAMOUS DAVE’S RIBS-U INC. DBA FAMOUS DAVE’S FOR A SPECIAL DESIGNATED LIQUOR LICENSE FOR AN AREA MEASURING APPROXIMATELY 240 FEET BY 260 FEET IN THE PARKING LOT TO THE EAST OF FAMOUS DAVE’S AT 2750 PINE LAKE ROAD ON JULY 24, 2010 FROM 4:00 P.M. TO 10:30 P.M. - Robby Yendra, 11150 Stagecoach Rd., Hickman, NE, came forward as General Manager for Famous Dave’s to explain the event as being a BBQ and Blues Festival at the South Pointe location.

This matter was taken under advisement.

APPLICATION OF VINCENZO’S INC. DBA VINCENZO’S RISTORANTE TO DELETE THE COURTYARD AREA FROM THE LICENSED PREMISES AT 808 P STREET;
APPLICATION OF VINCENZO’S INC. DBA VINCENZO’S RISTORANTE TO EXPAND ITS PRESENTLY LICENSED PREMISES BY THE ADDITION OF A SIDEWALK CAFÉ MEASURING APPROXIMATELY 32 FEET BY 9 FEET TO THE SOUTH AT 808 P STREET - Bill Whitley, 808 P St., came forward representing Vincenzo’s to take oath and answer questions. In response to Council questioning, Mr. Whitley said he was in support of the two licensed premise changes. This matter was taken under advisement.
APPLICATION OF TOP SPIN LLC DBA TAVERN ON THE SQUARE FOR A CLASS CK LIQUOR LICENSE AT 816 P STREET;

MANAGER APPLICATION OF MATTHEW T. TAYLOR FOR TOP SPIN LLC DBA TAVERN ON THE SQUARE AT 816 P STREET - Matthew Taylor, 1320 P St., came forward to take oath and answer questions. Mr. Taylor expressed that he agreed to the Department of Public Safety and Security's concerns and said he will fully comply with liquor laws.

Russ Fosler, LPD Investigator, came forward to answer Council questions and stated the address issue has been cleared. He said the accessibility issues are clarified by enforcing that the applicant comply with all the rules & regulations of the Liquor Control Act.

This matter was taken under advisement.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $22,500,000 PRINCIPAL AMOUNT OF THE CITY OF LINCOLN GENERAL OBLIGATION ANTICIPATION BOND NOTES AND $27,500,000 OF THE CITY OF LINCOLN GENERAL OBLIGATION TAX ANTICIPATION NOTES - Don Herz, Director of Finance, came forward to state that technical revisions have been made to the ordinances. He said this is the first transaction dealing with the West Haymarket as it pertains to financing. These Bond and Tax Anticipation Notes will facilitate the closing of the railroad property. If approved, Mr. Herz said they would not draw upon this line of credit until action was taken on the ordinances dealing with occupation tax.

Scott Keene, Ameritas, was on hand for questioning. Lauren Wismer, Gilmore & Bell Bond Counsel, was on hand for questioning. This matter was taken under advisement.

AUTHORIZING THE ISSUANCE OF SERIES A AND SERIES B TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED $2.494 MILLION FOR THE CITY OF LINCOLN, HAYMARKET HOTEL AND TOOL HOUSE REDEVELOPMENT PROJECT;

APPROVING AN AMENDMENT TO THE FY 09/10 CIP TO AUTHORIZE AND APPROPRIATE $2.494 MILLION IN TIF FUNDS FOR THE HAYMARKET HOTEL AND TOOL HOUSE REDEVELOPMENT PROJECT;

APPROVING THE HAYMARKET HOTEL AND TOOL HOUSE REDEVELOPMENT AGREEMENT BETWEEN B&J PARTNERSHIP, LTD. AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 8TH AND 9TH, Q AND R STREETS - David Landis, Director of Urban Development, came forward to clarify the project as one that will construct 48 to 56 residences, 19,000 sq. ft. of retail and a 105-unit hotel in the Haymarket area. TIF will be spent on 1) bond fees; 2) utility work/street scape; 3) Tool House rehab; 4) private dock area improvements; 5) brick façade; and lastly, 6) energy efficiency improvements.

Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing B&J Partnership stating they will retain ownership of the project land as well as the retail space. Mr. Hunzeker said the hotel tenant plans to be open on or before the first football game of 2011. He said Public Works is well aware of the transportation challenges and alley vacation/public sewer abandonment issues all during the 8th Street closure. In response to Council Member Carroll's question regarding parking, Mr. Hunzeker replied that 17 parking stalls are provided under the hotel.

Mr. Landis came forward in closing to say this project is not related to the existence of the Arena but rather a sign of the vitality of the Haymarket area itself.

This matter was taken under advisement.

CHANGE OF ZONE 10011 - AMENDING CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIGNS BY AMENDING SECTION 27.69.020 TO DELETE THE DEFINITION OF PEDESTRIAN MARQUEE SIGN; AMENDING SECTION 27.69.030 TO AMEND THE GENERAL PROVISIONS TO PROVIDE THAT FOR CENTER SIGNS PERMITTED ON A "PER FRONTAGE" BASIS, FRONTAGE SHALL MEAN THE FRONTAGE OF THE CENTER ADJACENT TO AN ARTERIAL OR COLLECTOR STREET; AND TO DELETE THE GENERAL PROVISION REGARDING PEDESTRIAN MARQUEE SIGNS; AMENDING SECTION 27.69.220 TO ADD AN EXCEPTION TO THE REQUIREMENT THAT A COMPLEX OR SUBDIVISION FREESTANDING SIGN ABUTTING A RESIDENTIAL ZONED LOT MAY NOT BE ILLUMINATED UNLESS LOCATED AT LEAST 100 FEET FROM AN ABUTTING RESIDENTIAL ZONED LOT IF THE ABUTTING RESIDENTIAL ZONED LOT IS USED FOR ANOTHER MULTI-FAMILY USE OR A SPECIAL PERMITTED USE; AND AMENDING SECTION 27.69.340 TO ELIMINATE RESTRICTIONS REGARDING HEIGHT AND ILLUMINATION OF FREESTANDING SIGNS USED FOR OFFICE AND RETAIL USES - Marvin Krout, Director of Planning, came forward to summarize the amendments as a way to clean-up sign ordinance items and as a way to respond to developer inquiries.

This matter was taken under advisement.
CHANGE OF ZONE 10012 - AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS BY AMENDING SECTION 27.63.640 AND 27.63.645 REGARDING THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON AND OFF THE PREMISES, RESPECTIVELY, TO ADD A REQUIREMENT THAT THE LICENSED PREMISES MUST BE LOCATED NO CLOSER THAN 100 FEET FROM THE PROPERTY LINE OF A PREMISES WHICH IS OCCUPIED IN WHOLE OR PART BY A FIRST-FLOOR RESIDENTIAL USE AND TO CLARIFY THAT THE REQUIRED 100-FOOT SEPARATION FROM A DAY CARE FACILITY, PARK, CHURCH, OR STATE MENTAL INSTITUTION IS MEASURED FROM THE LICENSED PREMISES TO THE PROPERTY LINE OF THE PREMISES USED FOR THE DAY CARE FACILITY, PARK, CHURCH, OR STATE MENTAL HEALTH INSTITUTION - Marvin Krout, Director of Planning, came forward stating this is the application of Council Member Cook and relates to special provisions in the zoning code relating to alcohol sales.

Teri Effle, 415 S. 25th St., came forward representing the Lincoln Council on Alcoholism and Drugs as a Prevention Coordinator, in support of the ordinance change.

Jon Carlson of the Stronger Safer Neighborhoods Program came forward to share that appropriate buffers are critical to create safety and stability in fragile neighborhoods bringing new commercial investment & new homeowners.

This matter was taken under advisement.

CHANGE OF ZONE 10013 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING CHAPTER 27.03, DEFINITIONS, TO ADD A NEW SECTION NUMBERED 27.03.162 TO PROVIDE A DEFINITION FOR DATA CENTER AND AMENDING SECTION 27.67.040 TO ESTABLISH PARKING REQUIREMENTS FOR DATA CENTERS - Marvin Krout, Director of Planning, came forward to clarify the zoning change as it relates to telecommunication occupations/storage and subsequent low traffic with minimal parking.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 1 - 15, 2010 - Rod M. Confer, City Attorney, came forward to provide additional information relating to the Dale Gardner claim requesting reimbursement for snow removal. Upon further clarification of the incident, Mr. Confer said the City was not liable and recommended denial of Mr. Gardner's claim.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY, LANCASTER COUNTY, THE LINCOLN LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND G&M WINDOW SERVICE, LLC FOR THE ANNUAL REQUIREMENTS FOR WINDOW CLEANING, PURSUANT TO BID NO. 10-041, FOR A FOUR-YEAR TERM; APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND PARKER AG SERVICES, LLC FOR LIQUID INJECTION OF BIOSOLIDS, PURSUANT TO BID NO. 10-056, FOR A TWO-YEAR TERM WITH THE OPTION FOR ONE ADDITIONAL TWO-YEAR TERM - Vince Mejer, Purchasing Agent, came forward to answer questions about the contracts. He clarified that $27,400 is the annual cost of the window washing contract for all City/County Building Commission buildings that require it. Mr. Mejer explained that the contract includes the transportation of biosolids to & from the farm ground.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE UNIVERSITY OF NEBRASKA FOR PRACTICUM OR SHADOWING OPPORTUNITIES FOR STUDENTS IN METHODS OF WORKING WITH INFANTS IN PROGRAMS AND COMMUNITIES, THE DIETETIC INTERNSHIP PROGRAM AND EARLY CHILDHOOD SPECIAL EDUCATION PROGRAMS, FOR A TWO YEAR TERM FROM JULY 1, 2010 THROUGH JUNE 30, 2012 - Judy Halstead, Lincoln/Lancaster County Health Department, came forward to clarify that this is a consolidation of three agreements in the college of education in which no City dollars are involved.

This matter was taken under advisement.

SPECIAL PERMIT 07044A - APPLICATION OF FIRST PRESBYTERIAN CHURCH TO ALLOW PARKING IN THE FRONT YARD OF A PARKING LOT IN A RESIDENTIAL DISTRICT GENERALLY LOCATED AT SOUTH 18TH STREET AND F STREET - Terri Sherman, 5210 Deer Ridge Drive, Eagle, NE, came forward representing the applicant with a request for economical use of their property for additional parishioner parking.

Marvin Krout, Director of Planning, came forward to answer Council questions. He said churches are recognized as important anchors in older neighborhoods so flexibility can be exercised.

This matter was taken under advisement.
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SPECIAL PERMIT 10023 - APPLICATION OF 3 AMIGOS PROPERTIES, LLC TO ALLOW A PARKING LOT IN A RESIDENTIAL DISTRICT WITH ADJUSTMENTS TO ALLOW PARKING IN THE FRONT YARD ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 52ND STREET AND N STREET - Jerry Nelson, 5617 Thompson Creek Blvd., came forward representing the applicant for approval of the special permit. He said available parking for employees and customers has been an issue for the past 10 years the applicant has owned this site. Upon removal of an apartment building and a house on the corner of 52nd & N, Mr. Nelson said more parking could be provided to relieve pressure. He said neighbors expressed it would be an improvement to the neighborhood.

This matter was taken under advisement.

APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT (LITTLE SAIGON REDEVELOPMENT PROJECT) BETWEEN THE CITY AND HUNG T. NGUYEN AND THUY NGUYEN FOR THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 2640 W STREET AS COMMERCIAL/RETAIL SPACE - David Landis, Director of Urban Development, came forward to state that the Nguyen family is ready to go back in the restaurant business and create five retail bays with the help of the North 27th TIF District. He presented details of the $900,000 project involving $670,000 of new construction and the remainder used to refurbish the existing structure's façade.

Ernie Castillo, Urban Development, was on hand for questioning. Mekong Nguyen came forward representing the Nguyen family for Little Saigon Market to express the family's desire to expand their 17-year-old business, to create five open bays, and thereby providing a great addition to the community as well as job opportunities. Thuy Nguyen, Little Saigon Market owner, was on hand for questioning. Linh Nguyen, Little Saigon Market, was on hand for questioning. Council Members commended the Nguyen family for the pursuit of their business update and expansion in its close proximity to the Elaine Hammer Bridge.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

Appointing Andrew Budell to the Board of Zoning Appeals for a term expiring February 1, 2013 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Andrew Budell to the Board of Zoning Appeals for a term expiring February 1, 2013, is hereby approved.

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

REAPPOINTING KARLA LESTER, DR. LISA PETERSON AND HEIDI STARK TO THE LINCOLN-LANCAS TER COUNTY BOARD OF HEALTH FOR THREE-YEAR TERMS EXPIRING APRIL 15, 2013 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Karla Lester, Dr. Lisa Peterson and Heidi Stark to the Lincoln-Lancaster County Board of Health for three-year terms expiring April 15, 2013, is hereby approved.

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

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JUNE 7, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:
Administrative Amendment No. 10030 to Special Permit No. 2861 St. Elizabeth’s Hospital - Nebraska Surgery Center approved by the Planning Director on June 8, 2010 requested by Nebraska Surgery Center to amend the site plan to show an
approximate 1,900 square foot addition to the Nebraska Surgery Center and to revise the Land Use/Parking Table accordingly on property generally located at S. 70th Street and S. Wedgewood Drive.

Administrative Amendment No. 10031 to Special Permit No. 277I Pine LakeCommunity Unit Plan approved by the Planning Director on June 11, 2010 requested by Michael Poskochil to adjust the front yard setback to 30 feet and the side yard setback to 10 feet for the side yard adjacent to the south lot line on property generally located near 6725 Eastshore Drive.

LIQUOR RESOLUTIONS
APPLICATION OF FAMOUS DAVE’S RIBS-U INC. DBA FAMOUS DAVE’S FOR A SPECIAL DESIGNATED LIQUOR LICENSE FOR AN AREA MEASURING APPROXIMATELY 240 FEET BY 260 FEET IN THE PARKING LOT TO THE EAST OF FAMOUS DAVE’S AT 2750 PINE LAKE ROAD ON JULY 24, 2010 FROM 4:00 P.M. TO 10:30 P.M. - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-85896
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 Famous Dave’s Ribs-U Inc. dba Famous Dave’s for a Special Designated Licensee to cover an area measuring approximately 240 feet by 260 feet in the parking lot to the east of Famous Dave’s at 2750 Pine Lake Road, Lincoln, Nebraska, on the 24th day of July, 2010, between the hours of 4:00 p.m. and 10:30 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:
1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.
5. Adequate parking is to be provided for customer parking.

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

APPLICATION OF VINCENZO’S INC. DBA VINCENZO’S RISTORANTE TO DELETE THE COURTYARD AREA FROM THE LICENSED PREMISES AT 808 P STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-85897
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 including Neb. Rev. Stat. § 53-132, the pertinent City ordinances, and Resolution No. A-66729, the City Council recommends that the application of Vincenzo’s Inc. dba “Vincenzo’s Ristorante" to delete the courtyard area from their presently licensed premises located at 808 P Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.
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 Adam Hornung
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSTAIN: Camp.

APPLICATION OF VINCENZO’S INC. DBA VINCENZO’S RISTORANTE TO EXPAND ITS PRESENTLY LICENSED PREMISES BY THE ADDITION OF A SIDEWALK CAFÉ MEASURING APPROXIMATELY 32 FEET BY 9 FEET TO THE SOUTH AT 808 P STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-85898
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 Vincenzo’s Inc. dba Vincenzo’s Ristorante to expand its licensed premises by the addition of a sidewalk café area measuring approximately 32 feet by 9 feet to the south of the presently licensed premises located at 808 P Street, Lincoln, Nebraska, be approved with the condition that the applicant must obtain a sidewalk café permit and the premise must comply in every respect with all City and State regulations.
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 Adam Hornung
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSTAIN: Camp.

APPLICATION OF TOP SPIN LLC DBA TAVERN ON THE SQUARE FOR A CLASS CK LIQUOR LICENSE AT 816 P STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-85899
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 Top Spin LLC dba Tavern on the Square for a Class "CK" liquor license at 816 P Street, Lincoln, Nebraska and legally described as Lot 9, Block 33, Lincoln Original Plat, for the license period ending October 31, 2010, be approved with the condition that:
1. There be no business or personal alcohol related offenses by the applicant within the first year after approval.
2. 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.
3. 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 Adam Hornung
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSTAIN: Camp.

MANAGER APPLICATION OF MATTHEW T. TAYLOR FOR TOP SPIN LLC DBA TAVERN ON THE SQUARE AT 816 P STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-85900
WHEREAS, Top Spin LLC dba Tavern on the Square located at 816 P Street, Lincoln, Nebraska and legally described as Lot 9, Block 33, Lincoln Original Plat, has been approved for a Retail Class "CK" liquor license, and now requests that Matthew T. Taylor be named manager:
WHEREAS, Matthew T. Taylor 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 Matthew T. Taylor 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 Adam Hornung
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSTAIN: Camp.

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

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $22,500,000 PRINCIPAL AMOUNT OF THE CITY OF LINCOLN GENERAL OBLIGATION BOND ANTICIPATION NOTES AND $27,500,000 OF THE CITY OF LINCOLN GENERAL OBLIGATION TAX ANTICIPATION NOTES - CLERK read an ordinance, introduced by Eugene Carroll, authorizing and providing for the issuance, sale and delivery of (A) General Obligation Bond anticipation notes, Series 2010 in an aggregate principal amount not to exceed $22,500,000 (the "Bond Anticipation Notes") and (B) Tax Anticipation Notes, Series 2010, of the City of Lincoln, Nebraska, in an aggregate principal amount not to exceed $27,500,000 (the "Tax Anticipation Notes"), for the purpose of paying the costs of land acquisition and improvements thereon in connection with constructing, equipping and furnishing a new sports/entertainment arena in the West Haymarket area of the City; prescribing certain terms of the notes; delegating and directing the Finance Director to exercise his independent judgment and absolute discretion in determining certain other terms of the notes; providing for the payment of the principal of and interest on (1) the Bond Anticipation Notes from the proceeds of bonds to be issued by or made available to the City notes and
AUTHORIZING THE ISSUANCE OF SERIES A AND SERIES B TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED $2.494 MILLION FOR THE CITY OF LINCOLN, HAYMARKET HOTEL AND TOOL HOUSE REDEVELOPMENT PROJECT - CLERK read an ordinance, introduced by Doug Emery, authorizing and providing for the issuance of the Nebraska Tax Allocation Bond, Series 2010, in a principal amount not to exceed $2,493,461 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the City's Haymarket Hotel & Tool House Redevelopment project area, including acquiring any real estate and/or interest in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bond; pledging certain tax revenue and other revenue to the payment of the bond; providing for the recordation of the bond; and limiting the amount of the bond to such tax revenues; creating and establishing funds and accounts; delegating authorizing and directing the Finance Director to exercise his independent discretion and judgment in determining and adopting the terms and provisions of the bond not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

APPROVING AN AMENDMENT TO THE FY 09/10 CIP TO AUTHORIZE AND APPROPRIATE $2.494 MILLION IN TIF FUNDS FOR THE HAYMARKET HOTEL AND TOOL HOUSE REDEVELOPMENT PROJECT - CLERK read an ordinance, introduced by Doug Emery, approving the Haymarket Hotel and Tool House Redevelopment Agreement between B&J Partnership, Ltd. and the City relating to the Redevelopment of property generally located between 8th and 9th, Q and R Streets.

APPROVING THE HAYMARKET HOTEL AND TOOL HOUSE REDEVELOPMENT AGREEMENT BETWEEN B&J PARTNERSHIP, LTD. AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 8TH AND 9TH, Q AND R STREETS.

CHANGE OF ZONE 10011 – AMENDING CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIGNS BY AMENDING SECTION 27.69.020 TO DELETE THE DEFINITION OF PEDESTRIAN MARQUEE SIGN; AMENDING SECTION 27.69.030 TO AMEND THE GENERAL PROVISIONS TO PROVIDE THAT FOR CENTER SIGNS PERMITTED ON A "PER FRONTAGE" BASIS, FRONTAGE SHALL MEAN THE FRONTAGE OF THE CENTER ADJACENT TO AN ARTERIAL OR COLLECTOR STREET; AND TO DELETE THE GENERAL PROVISION REGARDING PEDESTRIAN MARQUEE SIGNS; AMENDING SECTION 27.69.220 TO ADD AN EXCEPTION TO THE REQUIREMENT THAT A COMPLEX OR SUBDIVISION FREESTANDING SIGN ABUTTING A RESIDENTIAL ZONED LOT MAY NOT BE ILLUMINATED UNLESS LOCATED AT LEAST 100 FEET FROM AN ABUTTING RESIDENTIAL ZONED LOT IF THE ABUTTING RESIDENTIAL ZONED LOT IS USED FOR ANOTHER MULTI-FAMILY USE OR A SPECIAL PERMITTED USE; AND AMENDING SECTION 27.69.340 TO ELIMINATE RESTRICTIONS REGARDING HEIGHT AND ILLUMINATION OF FREESTANDING SIGNS USED FOR OFFICE AND RETAIL USES - CLERK read an ordinance, introduced by Doug Emery, amending Chapter 27.69 of the Lincoln Municipal Code relating to Signs by amending Section 27.69.020 to delete the definition of Pedestrian Marquee Sign; amending Section 27.69.030 to amend the general provision to provide that for center signs permitted on a “per frontage” basis, frontage shall mean the frontage of the center adjacent to an arterial or collector street; and to delete the general provision regarding pedestrian marquee signs; amending Section 27.69.220 to add an exception to the requirement that a complex or subdivision freestanding sign abutting a residential zoned lot may not be illuminated unless located at least 100 feet from an abutting residential zoned lot if the abutting residential zoned lot is used for another multi-family use or a special permitted use; amending Section 27.69.340 to eliminate restrictions regarding height and illumination of freestanding signs used for office and retail uses; and repealing Sections 27.69.030, 27.69.040, 27.69.220, and 27.69.340 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 10012 – AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS BY AMENDING SECTION 27.63.680 AND 27.63.685 REGARDING THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON AND OFF THE PREMISES, RESPECTIVELY, TO ADD A REQUIREMENT THAT THE LICENSED PREMISES MUST BE LOCATED NO CLOSER THAN 100 FEET FROM THE PROPERTY LINE OF A PREMISES WHICH IS OCCUPIED IN WHOLE OR PART BY A FIRST-FLOOR RESIDENTIAL USE AND TO CLARIFY THAT THE REQUIRED 100-FOOT SEPARATION FROM A DAY CARE FACILITY, PARK, CHURCH, OR STATE MENTAL HEALTH INSTITUTION IS MEASURED FROM THE LICENSED PREMISES TO THE PROPERTY LINE OF THE PREMISES USED FOR THE DAY CARE FACILITY, PARK, CHURCH, OR STATE MENTAL HEALTH INSTITUTION; CLERK read an ordinance, introduced by Doug Emery, amending Chapter 27.63 of the Lincoln Municipal Code relating to Special Permits by amending Section 27.63.680 and Section 27.63.685 regarding the sale of alcoholic beverages for consumption on and off the premises, respectively, to add a
requirement that the licensed premises must be located no closer than 100 feet
from the property line of a premises which is occupied in whole or part by a
first-floor residential use and to clarify that the required 100-foot separation
from a day care facility, park, church, or state mental institution is measured
from the licensed premises to the property line of the premises used for the day
care facility, park, church, or state mental health institution; and repealing
Sections 27.63.680 and 27.63.685 of the Lincoln Municipal Code as hitherto
existing, the second time.

CHANGE OF ZONE 10013 – AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING
CHAPTER 27.03, DEFINITIONS, TO ADD A NEW SECTION NUMBERED 27.03.162 TO PROVIDE A
DEFINITION FOR DATA CENTER AND AMENDING SECTION 27.67.040 TO ESTABLISH PARKING
REQUIREMENTS FOR DATA CENTERS - CLERK read an ordinance, introduced by Doug
Emery, amending Title 27 of the Lincoln Municipal Code by amending Chapter
27.03, Definitions, to add a new Section numbered 27.03.162 to provide a
definition for data center; amending Section 27.67.040 to establish parking
requirements for data centers; and repealing Section 27.67.040 of the Lincoln
Municipal Code as hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING
DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 1 - 15, 2010. (6/7/10 -
CLAIM OF DALE GARDNER P.H. CON’T. 2 WKS. TO 6/21/10) - CLERK read the following
resolution, introduced by Adam Hornung, who moved its adoption:

A-85901

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 May
17, 2010, of various new and pending tort claims filed against the City of
Lincoln with the Office of the City Attorney or the Office of the City Clerk, as
well as claims which have been disposed of, are hereby received as required by
Neb. Rev. Stat. § 23-805 (Reissue 1997). The dispositions of claims by the
Office of the City Attorney, as shown by the attached report, are hereby
approved:

DENIED CLAIMS
Dale A. Gardner $ 200.00

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

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY, LANCASTER COUNTY, THE LINCOLN
LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND G&M WINDOW SERVICE, LLC FOR THE
ANNUAL REQUIREMENTS FOR WINDOW CLEANING, PURSUANT TO BID NO. 10-041, FOR A
FOUR-YEAR TERM - CLERK read the following resolution, introduced by Doug Emery,
who moved its adoption:

A-85902

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Contract Agreement between the City, Lancaster County,
the Lincoln Lancaster County Public Building Commission and G&M Window Service,
LLC for the annual requirements for window cleaning, pursuant to Bid No. 10-041,
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 two original copies of said
Agreement to the Purchasing Agent for delivery to G&M Window Service.

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND PARKER AG SERVICES, LLC
FOR LIQUID INJECTION OF BIOSOLIDS, PURSUANT TO BID NO. 10-056, FOR A TWO-YEAR
TERM WITH THE OPTION FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following
resolution, introduced by Doug Emery, who moved its adoption:

A-85903

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Contract Agreement between the City and Parker Ag
Services, LLC for Liquid Injection of Biosolids, pursuant to Bid No. 10-056,
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 two original copies of said Agreement to the Purchasing Agent for delivery to Parker Ag Services, LLC.

Introduced by Doug Emery

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

APPROVING AN AGREEMENT BETWEEN THE CITY ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE UNIVERSITY OF NEBRASKA FOR PRACTICUM OR SHADOWING EXPERIENCES FOR STUDENTS IN METHODS OF WORKING WITH INFANTS IN PROGRAMS AND COMMUNITIES, THE DIETETIC INTERNSHIP PROGRAM AND EARLY CHILDHOOD SPECIAL EDUCATION PROGRAMS, FOR A TWO YEAR TERM FROM JULY 1, 2010 THROUGH JUNE 30, 2012 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85924

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

That the Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and the University of Nebraska-Lincoln for practicum or shadowing experiences for students in methods of Working with Infants in Programs and Communities, the Dietetic Internship Program and Early Childhood Special Education Programs for a two year term from July 1, 2010 through June 30, 2012, upon the terms and conditions as set forth in said Agreement, 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 Agreement on behalf of the City.

The City Clerk is directed to send a copy of this Resolution and one fully executed Agreement to Bruce Dart, Lincoln-Lancaster County Health Department Director for transmittal to the University of Nebraska-Lincoln.

Introduced by Doug Emery

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

SPECIAL PERMIT 07044A - APPLICATION OF FIRST PRESBYTERIAN CHURCH TO ALLOW PARKING IN THE FRONT YARD OF A PARKING LOT IN A RESIDENTIAL DISTRICT GENERALLY LOCATED AT SOUTH 18TH STREET AND F STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85905

WHEREAS, First Presbyterian Church was previously granted a special permit designated as Special Permit No. 07044 to allow a parking lot in a residential district; and

WHEREAS, First Presbyterian Church has submitted an application designated as Special Permit No. 07044A to amend Special Permit No. 07044 to adjust the location of parking and drive aisles to allow parking and drive aisles in the required front yard along South 18th Street and the required side yards on property generally located at South 18th Street and F Street, legally described as:

Lot 18, Block 4, Sawyer’s Addition, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this parking lot will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of First Presbyterian Church, hereinafter referred to as “Permittee”, to adjust the location of parking and drive aisles to allow parking and drive aisles in the required front yard along South 18th Street and the side yards on property generally located at South 18th Street and F Street, legally described as:

Lot 18, Block 4, Sawyer’s Addition, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this parking lot will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of First Presbyterian Church, hereinafter referred to as “Permittee”, to adjust the location of parking and drive aisles to allow parking and drive aisles in the required front yard along South 18th Street and the side yards on property legally described above be and the same is hereby granted under the provisions of Section 27.63.170 of the Lincoln Municipal Code upon condition that construction of said parking lot be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a parking lot in the required front yard setback and side yard setback.

2. Before receiving building permits the Permittee must a. Submit a revised site plan including five copies showing the following revisions to the Planning department for review and approval:
   i. Show correct setbacks for the parking lot.
   ii. Clearly show property lines and their dimensions.
   iii. Show the fence on the correct lot.
   iv. Show that vehicles will not over hang setback lines or property lines.
   b. The parking lot must meet all design standards.
   c. Submit a grading and drainage plan.
d. Screening shall meet all landscape design standards. In addition to the required design standards, show a 100% screen from 0 to 3 feet high along South 18th Street and F Street (except in the sight triangle, where the screen will not exceed 30 inches in height).

e. Plant one North Red Oak on F Street and one Kentucky Coffee tree on South 18th Street or provide cash in the amount of $440 to the City for the planting of the street trees.

3. Before commencing use of the parking lot, all development and construction must be completed in substantial conformance with the approved plans.

4. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee.

5. The physical location of all setbacks and yards, buildings, parking and other elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

6. The terms, conditions, and requirements of this resolution shall run with the Land and be binding on the Permittee, its successors, and assigns.

7. The Permittee shall sign and return the City’s letter of acceptance to the City Clerk within 60 days following approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

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

SPECIAL PERMIT 10023 - APPLICATION OF 3 AMIGOS PROPERTIES, LLC TO ALLOW A PARKING LOT IN A RESIDENTIAL DISTRICT WITH ADJUSTMENTS TO ALLOW PARKING IN THE FRONT YARD ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 52ND STREET AND N STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

WHEREAS, 3 Amigos Properties, LLC has submitted an application designated as Special Permit No. 10023 to allow a parking lot in a residential district, together with adjustments to the required location of parking, to allow parking in the front yard along both South 52nd Street and N Street on property generally located northwest of the intersection of South 52nd and N Streets, legally described as:

The south 74.82 feet of the east 99.53 feet of the remaining portion of Lot 3, Lemings Subdivision, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this parking lot will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of 3 Amigos Properties, LLC, hereinafter referred to as “Permittee”, to allow a parking lot in a residential district together with adjustments to the required location of parking to allow parking in the front yard along South 52nd Street (but not N Street) on property legally described above be and the same is hereby granted under the provisions of Section 27.63.170 of the Lincoln Municipal Code upon condition that construction of said parking lot be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a parking lot in the R-2 Residential District with an adjustment to the required location of parking to allow parking in the front yard along South 52nd Street to within six feet of the lot line.

2. Before receiving building permits the Permittee must submit a revised site plan including five copies showing the following revisions to the Planning Department for review and approval:

   a. Revise the dimensions for the parking lot consistent with the R-2 zoning area dimensions.
   b. Revise the landscape plan to show a six foot tall wooden privacy fence along the west lot line to the satisfaction of the Planning Department.
   c. Show a 100% parking lot landscape screen to three feet in height along South 52nd Street.
d. Screening shall be as shown on the landscape plan, except as amended by b. and c. above.

e. Revise the plan to show a 25 foot front yard setback for parking along N Street.

f. Revise the parking lot to comply with Design Standards to the satisfaction of Public Works.

3. Before commencing use of the parking lot, all development and construction must be completed in substantial conformance with the approved plans.

4. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee.

5. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

6. The terms, conditions, and requirements of this resolution shall run with the land and be binding on the Permittee, its successors, and assigns.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 60 days following approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

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

APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT (LITTLE SAIGON REDEVELOPMENT PROJECT) BETWEEN THE CITY AND HUNG T. NGUYEN AND THUY NGUYEN FOR THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 2640 W STREET AS COMMERCIAL/RETAIL SPACE - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the agreement entitled City of Lincoln Redevelopment Agreement (Little Saigon Redevelopment Project) which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Hung T. Nguyen and Thuy Nguyen, outlining certain conditions and understandings relating to the redevelopment of property generally located at 2640 W Street by the construction of approximately 8,400 square feet of space for a restaurant and five bays of retail area and related public improvements and streetscape, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the parties.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Redevelopment Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the redevelopers.

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

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

AMENDING TITLE 3 OF THE LINCOLN MUNICIPAL CODE RELATING TO REVENUE AND FINANCE BY ADDING A NEW CHAPTER 3.28 TO PROVIDE FOR THE LEVY OF A HOTEL OCCUPATION TAX; TO ESTABLISH DEFINITIONS; TO PROVIDE FOR ADMINISTRATION, COLLECTIONS, RETURNS, DELINQUENCIES AND RECOVERY OF UNPAID AMOUNTS RELATED TO THE TAX; TO DETERMINE HOW TAX REVENUE WILL BE USED; AND TO PROVIDE A SUNSET PROVISION FOR THE TAX - CLERK read an ordinance, introduced by Adam Hornung, amending Title 3 of the Lincoln Municipal Code relating to Revenue and Finance by adding a new Chapter 3.28 to provide for the levy of a hotel occupation tax; to establish definitions; to provide for administration, collections, returns, delinquencies and recovery of unpaid amounts related to the tax; to determine how tax revenue will be used; and to provide a sunset provision for the tax, the first time.

AMENDING TITLE 3 OF THE LINCOLN MUNICIPAL CODE RELATING TO REVENUE AND FINANCE BY ADDING A NEW CHAPTER 3.26 TO PROVIDE FOR THE LEVY OF A CAR RENTAL OCCUPATION TAX; TO ESTABLISH DEFINITIONS; TO PROVIDE FOR ADMINISTRATION, COLLECTIONS, RETURNS, DELINQUENCIES AND RECOVERY OF UNPAID AMOUNTS RELATED TO THE TAX; TO DETERMINE HOW TAX REVENUE WILL BE USED; AND TO PROVIDE A SUNSET PROVISION FOR
THE TAX - CLERK read an ordinance, introduced by Adam Hornung, amending Title 3 of the Lincoln Municipal Code relating to Revenue and Finance by adding a new Chapter 3.26 to provide for the levy of a car rental occupation tax; to establish definitions; to provide for administration, collections, returns, delinquencies and recovery of unpaid amounts related to the tax; to determine how tax revenue will be used; and to provide a sunset provision for the tax, the first time.

AMENDING TITLE 3 OF THE LINCOLN MUNICIPAL CODE RELATING TO REVENUE AND FINANCE BY ADDING A NEW CHAPTER 3.30 TO PROVIDE FOR THE LEVY OF A RESTAURANT OCCUPATION TAX; TO ESTABLISH DEFINITIONS; TO PROVIDE FOR ADMINISTRATION, COLLECTIONS, RETURNS, DELINQUENCIES AND RECOVERY OF UNPAID AMOUNTS RELATED TO THE TAX; TO DETERMINE HOW TAX REVENUE WILL BE USED; AND TO PROVIDE A SUNSET PROVISION FOR THE TAX - CLERK read an ordinance, introduced by Adam Hornung, amending Title 3 of the Lincoln Municipal Code relating to Revenue and Finance by adding a new Chapter 3.30 to provide for the levy of a restaurant occupation tax; to establish definitions; to provide for administration, collections, returns, delinquencies and recovery of unpaid amounts related to the tax; to determine how tax revenue will be used; and to provide a sunset provision for the tax, the first time.

AMENDING CHAPTER 3.24 OF THE LINCOLN MUNICIPAL CODE RELATING TO OCCUPATION TAXES BY AMENDING SECTION 3.24.080, TELECOMMUNICATION OCCUPATION TAX, TO DEFINE IN MORE DETAIL THAT THE TELECOMMUNICATION OCCUPATION TAX APPLIES TO ALL TELECOMMUNICATION SERVICES, INCLUDING THE PROVISION OF EQUIPMENT, AND TO MAKE THE OCCUPATION TAX APPLICABLE TO ALL BUSINESSES SELLING TELECOMMUNICATION EQUIPMENT; AMENDING SECTION 3.24.090 TO PROVIDE WHEN THE TELECOMMUNICATION OCCUPATION TAX FROM ALL BUSINESSES ARE DUE AND TO AUTHORIZE THE QUARTERLY COMPOUNDING OF INTEREST FOR LATE PAYMENTS; AMENDING SECTION 3.24.100 TO REQUIRE MONTHLY STATEMENTS BE SUBMITTED BY ALL BUSINESSES PAYING THE OCCUPATION TAX AND TO PROVIDE FOR AUDITS AND ACCESS TO RECORDS; AND AMENDING SECTION 3.24.160 TO ELIMINATE THE REQUIREMENT THAT THE CITY TREASURER DIRECT THE CITY ATTORNEY TO BRING SUIT FOR UNPAID TAXES - CLERK read an ordinance, introduced by Adam Hornung, amending Chapter 3.24 of the Lincoln Municipal Code relating to Occupation Taxes by amending Section 3.24.080, Telecommunication Occupation Tax, to define in more detail that the telecommunication occupation tax applies to all telecommunication services, including the provision of equipment, and to make the occupation tax applicable to all businesses selling telecommunication equipment; amending Section 3.24.090 to provide when the telecommunication occupation tax from all businesses are due and to authorize the quarterly compounding of interest for late payments; amending Section 3.24.100 to require monthly statements be submitted by all businesses paying the occupation tax and to provide for audits and access to records; amending Section 3.24.160 to eliminate the requirement that the City Treasurer direct the City Attorney to bring suit for unpaid taxes; and repealing Sections 3.24.080, 3.24.090, 3.24.100, and 3.24.160 of the Lincoln Municipal Code as hitherto existing, the first time.

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

AUTHORIZING THE CITY OF LINCOLN TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY FOR THE ACQUISITION OF STREET LIGHTING EQUIPMENT AND AMBULANCES AND RELATED MATTERS - PRIOR to reading:

COOK Moved MTA #1 to amend Bill No. 10-57 by accepting Bill No. 10-57S which is the Substitute Ordinance.

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

CAMP Moved MTA #2 to amend Bill No. 10-57S to delete $308,000 from the Bond which would represent the cost of two new ambulances.

Seconded by Hornung & LOST by the following vote: AYES: Camp; NAYS: Carroll, Cook, Emery, Hornung, Snyder, Spatz.

CLERK Read a substitute ordinance, introduced by Jonathan Cook, authorizing and approving a Lease-Purchase Transaction with Union Bank and Trust Company, the proceeds of which will be used to pay the costs of (A) Acquiring and installing street lights and related improvements and (B) Acquiring two new ambulances and replacement defibrillators; approving the issuance, sale and delivery of not to
exceed $4,000,000 principal amount of Certificates of Participation in such
lease; fixing in part and providing for the fixing in part of certain provisions
of the Lease; and related matters, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook,
Emery, Hornung, Snyder, Spatz; NAYS: Camp.
The ordinance, being numbered #19396, is recorded in Ordinance Book #26, Page

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND EXPERIENCE WORKS AT THE ONE STOP
CENTER AT 1010 N STREET FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER
THE WORKFORCE INVESTMENT ACT FOR A ONE-YEAR TERM FROM APRIL 1, 2010 THROUGH
MARCH 31, 2011 - CLERK read an ordinance, introduced by Jonathan Cook, accepting
and approving a Sublease Agreement between the City of Lincoln and Experience
Works for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska
for a term of April 1, 2010 through March 31, 2011 whereby the City of Lincoln
is subleasing 400 sq. ft. of space to Experience Works at the One Stop Career
Center for providing third time.

COOK 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 #19397, is recorded in Ordinance Book #26, Page

AMENDING SECTION 5.04.130 OF THE LINCOLN MUNICIPAL CODE TO AMEND THE PROVISIONS
RESTRICTING RETAIL LIQUOR SALES ON SUNDAY TO ALLOW RETAIL SALES OF ALL LIQUOR
BOTH ON AND OFF SALE BETWEEN THE HOURS OF 6:00 A.M. AND 12:00 NOON ON SUNDAY,
JULY 4, 2010 - PRIOR to reading:

CAMP Moved to withdraw Bill No. 10-64.

Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, having been WITHDRAWN, was assigned the File #38-4602 & was placed on
file in the Office of the City Clerk.

VACATION 10001 - VACATING NORTH 21ST STREET FROM THE NORTH LINE OF VINE STREET TO THE
SOUTH LINE OF PREVIOUSLY VACATED NORTH 21ST STREET - CLERK read an ordinance,
introduced by Jonathan Cook, vacating a portion of North 21st Street from the
north line of Vine Street to the south line of previously vacated North 21st
Street, and retaining title thereto in the City of Lincoln, Lancaster County,
Nebraska, the third time.

COOK 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 #19398, is recorded in Ordinance Book #26, Page

VACATION 10005 - VACATING A PORTION OF THE NORTH 14TH STREET RIGHT-OF-WAY GENERALLY
LOCATED AT THE SOUTHEAST CORNER OF NORTH 14TH STREET AND SALT CREEK ROADWAY -
CLERK read an ordinance, introduced by Jonathan Cook, vacating a portion of
North 14th Street generally located at the southeast corner of North 14th Street
and Salt Creek Roadway, and retaining title thereto in the City of Lincoln, Lancaster County,
Nebraska, the third time.

COOK 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 #19399, is recorded in Ordinance Book #26, Page

VACATION 09007 - VACATING VARIOUS RIGHTS-OF-WAY IN ANTELOPE VALLEY LOCATED GENERALLY
IN THE AREA OF NORTH 14TH AND COURT STREETS; NORTH 16TH AND Y STREETS; AND NORTH
12TH AND CHARLESTON STREETS - CLERK read an ordinance, introduced by Jonathan
Cook, vacating various rights-of-way in the Antelope Valley Redevelopment Area
generally in the area of North 14th Street and Court Street, North 16th Street
and Y Street, and North 12th Street and Charleston Street, and retaining title
thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

COOK 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 #19400, is recorded in Ordinance Book #26, Page

STREET NAME CHANGE 10001 - NAMING AND RE-NAMING PORTIONS OF REALIGNED SOUTH 1ST
STREET, WEST DENTON ROAD, AND AMARANTH LANE AS WEST DENTON ROAD, SCHMIDT DRIVE,
SCHMIDT PLACE, SCHMIDT COURT, WEST AMARANTH LANE AND SOUTH 1ST STREET - CLERK
read an ordinance, introduced by Jonathan Cook, naming the new alignments for
South 1st Street and West Denton Road and changing the name of the old portions of South 1st Street and West Denton Road as recommended by the Street Name Committee, the third time.

COOK 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 #19401, is recorded in Ordinance Book #26, Page

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to June 28, 2010. Seconded by Cook & 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 June 28, 2010. Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT 4:59 P.M.

CAMP Moved to adjourn the City Council meeting of June 21, 2010. Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant