REGULAR MEETING
December 6, 2010

THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 6, 2010 AT 3:00 P.M.

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

Vice Council Chair Carroll 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

COOK Having been appointed to read the minutes of the City Council proceedings of November 22 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF GET LUCKIE, LLC DBA LUCKIE’S LOUNGE & GRILL FOR A CLASS C LIQUOR LICENSE AT 1101 WEST BOND STREET;
MANAGER APPLICATION OF JESSE D. OSBORNE FOR GET LUCKIE, LLC DBA LUCKIE’S LOUNGE & GRILL AT 1101 WEST BOND STREET - Jesse Dean Osborne, 856 W. Leon Dr., came forward to take oath and answer questions.

This matter was taken under advisement.

AUTHORIZING THE EXECUTION AND DELIVERY OF (1) A LEASE AGREEMENT, (2) A TRUST INDENTURE, (3) A DEED OF TRUST, SECURITY AGREEMENT AND ASSIGNMENT OF RENTS AND LEASES AND (4) A TAX COMPLIANCE AGREEMENT IN CONNECTION WITH THE ISSUANCE OF NOT TO EXCEED $1,000,000.00 PRINCIPAL AMOUNT OF THE CITY’S RECOVERY ZONE FACILITY INDUSTRIAL DEVELOPMENT REVENUE BONDS (TURBINE FLATS PROJECT) SERIES 2010 - Clerk stated there was a request by the developer to withdraw this item with the intent to use a different funding mechanism.

This matter was taken under advisement.

AN ORDINANCE AMENDING CHAPTERS 3.26, 3.28, AND 3.30 OF THE LINCOLN MUNICIPAL CODE RELATING TO CAR RENTAL, HOTEL, AND RESTAURANT OCCUPATION TAXES, RESPECTIVELY, BY AMENDING SECTIONS 3.26.030, 3.28.030 AND 3.30.030 TO CLARIFY THE IMPOSITION OF SUCH TAXES SHALL BEGIN ON JANUARY 1, 2011; AMENDING SECTIONS 3.26.070, 3.28.070, AND 3.30.070 TO CLARIFY THE PENALTY AND INTEREST ASSESSED FOR NON-PAYMENT OR DELINQUENT PAYMENT OF SUCH TAXES; AMENDING SECTION 3.30.020 TO AMEND THE DEFINITIONS OF “DRINKING PLACE” AND “RESTAURANT” TO REMOVE THE CONDITION THAT THE TAX IS IMPOSED ONLY ON ESTABLISHMENTS OPEN TO THE PUBLIC; AMENDING SECTION 3.30.040 TO DELETE THE PROVISION THAT A PERSON SUBJECT TO THE RESTAURANT OCCUPATION TAX MAY, UPON WRITTEN APPLICATION TO AND WITH THE WRITTEN CONSENT OF THE CITY FINANCE DIRECTOR, MAKE REPORTS AND REMITTANCES ON A MONTHLY BASIS - Steve Huggenberger, Asst. City Attorney, came forward to clarify four changes to the three categories of the Lincoln Municipal Code relating to occupation taxes: 1) make the implementation dates consistent, beginning on January 1, 2011; 2) make certain in all the ordinances that enforcement could require interest, penalties or both for delinquent payments at the Finance Director’s discretion; 3) remove requirement for public establishments only; and 4) remove the requirement that a request for a tax reporting change be submitted in writing.

Rex Schultze, Attorney, 233 S. 13th, Suite 1400, came forward on behalf of the Lincoln Public Schools with a proposed amendment to remove the intent to tax public/private food service at the elementary/secondary levels. In response to Council questions, Mr. Schultze said he did not have time to allow the Law Department review the amendment language.

Richard Raquivel, 733 W. Cuming, came forward to state that any place that serves food should be taxed on an equal basis.

Mr. Huggenberger came forward in rebuttal. He said the occupation tax does not affect the regular sales of meals to public schools but rather to the guest sale only. In response to concerns, Mr. Huggenberger said he would return with better information to the Council.

This matter was taken under advisement.
APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND ABM JANITORIAL NORTH CENTRAL REGION FOR THE ANNUAL REQUIREMENTS FOR CLEANING SERVICES FOR LINCOLN LIBRARIES, PURSUANT TO BID NO. 10-154, FOR A FOUR-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND MERRELL BROS., INC. FOR THE TRANSPORTING OF BIOSOLIDS, PURSUANT TO BID NO. 10-212, FOR A THREE-YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL ONE-YEAR TERM - Vince Mejer, Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF THE URBAN DEVELOPMENT DEPARTMENT FOR THE USE OF PUBLIC SPACE FOR THE BLOCK 38 MIXED-USE FACILITY GENERALLY LOCATED ON THE NORTH HALF OF BLOCK 38, BETWEEN 13TH AND 14TH STREETS AND P AND Q STREETS - David Landis, Urban Development Director, came forward to present this opportunity to grant the authority to be in the right-of-way. Engineers have reported that construction would be more costly if piers were built inside the property line.

Richard Esquivel, 733 W. Cuming, came forward to question if this project was a private development supported by TIF dollars.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING KEITH FICHENSCHER AND DAN PETERSON TO THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL FOR TERMS EXPIRING NOVEMBER 1, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86140

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

That the reappointment of Keith Fichenscher and Dan Peterson to the Veterans Memorial Garden Advisory Council for terms expiring on November 1, 2013 is hereby approved.

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

APPOINTING C.M. “BEECH” DALE TO THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL FOR A TERM EXPIRING NOVEMBER 1, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86141

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

That the appointment of C.M. "Beech" Dale to the Veterans Memorial Garden Advisory Council for a term expiring on November 1, 2013 is hereby approved.

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

APPOINTING ANDREW J. CAMPBELL TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A TERM EXPIRING AUGUST 17, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86142

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

That the appointment of Andrew J. Campbell to the Community Forestry Advisory Board for a term expiring on August 17, 2013 is hereby approved.

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

APPOINTING MOLLY BRUMMOND, JUSTIN CARLSON, KEELAN CHAPMAN AND ANDREW BARRY TO THE PARKS AND RECREATION ADVISORY BOARD FOR TERMS EXPIRING APRIL 27, 2011, APRIL 27, 2012, JUNE 1, 2011, AND JUNE 1, 2011, RESPECTIVELY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86143

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

That the appointment of Molly Brummond, Justin Carlson, Keelan Chapman and Andrew Barry to the Parks and Recreation Advisory Board for terms expiring on April 27, 2011, April 27, 2012, June 1, 2011 and June 1, 2011, respectively, is hereby approved.

Introduced by Jonathan Cook
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung; NAYS: None; ABSENT: Snyder, Spatz.
REAPPOINTING JOSE QUINTERO, ARTHEL (GENE) CRUMP, AND HAZELL RODRIGUEZ TO THE LINCOLN COMMISSION ON HUMAN RIGHTS FOR THREE-YEAR TERMS EXPIRING DECEMBER 31, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86144

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Jose Quintero, Arthel (Gene) Crump and Hazell Rodriguez to the Lincoln Commission on Human Rights for three-year terms expiring on December 31, 2013 is hereby approved.

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

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF SEPTEMBER, 2010 FROM BLACK HILLS/NEBRASKA GAS UTILITY CO., LLC - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR 3RD QUARTER 2010: ACN COMMUNICATION SERVICES, AIRESPRING, INC., AUGUST 2010: CHARTER FIBERLINK-NEBRASKA, LLC; SEPTEMBER 2010: AT&T COMM. OF MIDWEST, BUDGET PREPAY, #8, INC., GRANITE TELECOMM., INNETWORKS GROUP, LEVEL 3 COMM., QWEST COMMUNICATIONS COMPANY, TWC DIGITAL PHONE, VONAGE AMERICA - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR AUGUST 2010: ACN COMMUNICATIONS, ALLTEL COMM OF NE, AT&T COMM. OF MIDWEST, BROADBAND DYNAMICS, BROADWING, BUSINESS TELECOM, CELLOO PARTNERSHIP, CINCINNATI BELL ANY DISTANCE, COMTEL TELECOM ASSETS, CRICKET COMMUNICATIONS, CTT LONG DISTANCE, DCT TELECOM GROUP, GLOBAL CROSSING TELECOMMUNICATIONS, GLOBALSTAR USA, GRANITE, IBM GLOBAL, INTELICALL OPERATOR, KDDI AMERICA, LEVEL 3, MCLEODUSA, NEBRASKA TECHNOLOGY, NETWORK BILLING SYSTEMS, NEW CINGULAR WIRELESS, NEW EDGE NETWORK, NORLIGHT, OMaha CELLULAR, ONSTAR LLC, PRIMUS, PUBLIC COMM. SERVICES, QWEST COMMUNICATIONS, SIOUX CITY MSA, TCO OMaha, TELECOMP, TRACFONE WIRELESS, TRANS NATIONAL, TWC DIGITAL PHONE, UCN, USCC OF GREATER IONA, USCC OF NEBRASKA/KANSAS, VERIZON WIRELESS, VIRGIN MOBILE USA, VOICEMARK, WORKING ASSETS FUNDING SERVICE, WMC LICENSE, XX COMMUNICATIONS; SEPTEMBER 2010: 360NETWORKS, #80 RESPONSE, AIRESPRING, AMERIVISION, ASSOCIATION ADMINISTRATORS, AT'S MOBILE TELEPHONE, BT AMERICAS, CAUSE BASED, D&D COMMUNICATIONS, DCT TELECOM GROUP, DIGIZIP.COM, ENHANCED COMM. GROUP, ENHANCED COMM. NETWORK, FIRST COMMUNICATIONS, GLOBALCOM, GRASSHOPPER GROUP, IBPA, INNETWORKS GROUP, I-WIRELESS, LIGHTYEAR NETWORK, MCI, Megapath, NEC TELECOM, NEXTEL BOOST, NEXTEL WEST, NORLIGHT, NORSTAN, NORVA COMMUNICATIONS, NOVA LIMITED PARTNERSHIP, NOVEGA VENTURE PARTNERS, NPRC, OPEX, ORBIT, PGW TELECOMMUNICATIONS, SBC LONG DISTANCE, SHAFFER COMMUNICATIONS, SPRINT COMMUNICATION COMPANY, SPRINT SPECTRUM, TELECOM MANAGEMENT, T-MOBILE CENTRAL, TOTAL HOLDINGS, T-WE COMM, TSQ GLOBAL, UNITR PRIVATE, VIABO WIRELESS, WHOLESALE CARRIER SERVICES, WINDSTREAM NEBRASKA, YESTEL USA, ZONE TELECOM - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON NOVEMBER 15, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON NOVEMBER 22, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

REFERRALS TO THE PLANNING DEPARTMENT:
Change of Zone No. 10021 - Requested by Compensation Programs, Inc. from R-2 Residential District to R-T Residential Transition District on property generally located at N. Cotner Boulevard and Y Street.
Special Permit No. 10013 - Requested by Commercial Construction, Inc. for soil excavation on property generally located at the northwest corner of the intersection of N. 70th Street, Interstate 80 and Arbor Road.
Special Permit No. 10014 - Requested by Commercial Construction, Inc. for soil excavation on property generally located at the southeast corner of the intersection of N. 120th Street and Alvo Road.
REGULAR MEETING
DECEMBER 6, 2010
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Use Permit No. 10001 - Requested by Compensation Programs, Inc. for approximately 3,100 square feet of office use with waiver request to allow a parking lot to be located 10 feet instead of the required 20 feet from the adjacent residential district to the east on property generally located at N. Cotner Boulevard and Y Street.

SETTING THE HEARING DATE OF MONDAY, JANUARY 3, 2011 AT 3:00 P.M. FOR THE APPLICATION OF QUIN-C, INC. DBA BIG RED 66 #1 FOR A CLASS D LIQUOR LICENSE LOCATED AT 8350 NORTHWOODS DRIVE - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86145
BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 3, 2011, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Quin-C, Inc. dba Big Red 66 #1 for a Class D liquor license located at 8350 Northwoods Drive.

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

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

SETTING THE HEARING DATE OF MONDAY, JANUARY 3, 2011 AT 3:00 P.M. FOR THE APPLICATION OF QUIN-C, INC. DBA BIG RED 66 #2 FOR A CLASS D LIQUOR LICENSE LOCATED AT 5700 N. 33RD STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86146
BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 3, 2011, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Quin-C, Inc. dba Big Red 66 #2 for a Class D liquor license located at 5700 N. 33rd Street.

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

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

INFORMAL PETITION TO CREATE A RE-PAVING DISTRICT ON PROPERTY LOCATED ALONG N. 63RD STREET FROM JUST SOUTH OF GLADSTONE TO FREMONT STREET SUBMITTED BY RHONDA AND KEVIN STANG - CLERK presented said petition which was referred to the Public Works Department on December 1, 2010.

MISCELLANEOUS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF GET LUCKIE, LLC DBA LUCKIE’S LOUNGE & GRILL FOR A CLASS C LIQUOR LICENSE AT 1101 WEST BOND STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86147
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 Get Luckie, LLC dba Luckie’s Lounge & Grill for a Class "C" liquor license at 1101 West Bond Street, Lincoln, Nebraska, for the license period ending October 31, 2011, 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 Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung; NAYS: None; ABSENT: Snyder, Spatz.
MANAGER APPLICATION OF JESSE D. OSBORNE FOR GET LUCKIE, LLC DBA LUCKIE’S LOUNGE & GRILL AT 1101 WEST BOND STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

WHEREAS, Get Luckie, LLC dba Luckie’s Lounge & Grill located at 1101 West Bond Street, Lincoln, Nebraska has been approved for a Retail Class “C” liquor license, and now requests that Jesse D. Osborne be named manager.

WHEREAS, Jesse D. Osborne 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 Jesse D. Osborne 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.

Introducted by Jon Camp

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

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

AUTHORIZING THE EXECUTION AND DELIVERY OF (1) A LEASE AGREEMENT, (2) A TRUST INDENTURE, (3) A DEED OF TRUST, SECURITY AGREEMENT AND ASSIGNMENT OF RENTS AND LEASES AND (4) A TAX COMPLIANCE AGREEMENT IN CONNECTION WITH THE ISSUANCE OF NOT TO EXCEED $1,000,000.00 PRINCIPAL AMOUNT OF THE CITY’S RECOVERY ZONE FACILITY INDUSTRIAL DEVELOPMENT REVENUE BONDS (TURBIN FLATS PROJECT) SERIES 2010 - PRIOR to reading:

CAMP Moved to withdraw Bill No. 10-149.

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

CLERK read an ordinance, introduced by Jonathan Cook, authorizing and approving the issuance of a not to exceed $1,000,000 principal amount Industrial Development Recovery Zone Facility Revenue Bond, Series 2010 (Ventre A Terre, LLC Project); approving and authorizing the execution and delivery of a lease agreement, a deed of trust and construction security agreement and a tax compliance agreement and closing documentation; delegating, authorizing and directing the Mayor, Finance Director and Clerk to exercise their own independent discretion and judgment in determining and finalizing the terms, provisions, form and contents of each of such documents; providing for the publication of this ordinance and the time when this ordinance shall take effect; and related matters, the second time.

The ordinance, having been WITHDRAWN, was assigned the File #38-4606 & was placed on file in the Office of the City Clerk.

AN ORDINANCE AMENDING CHAPTERS 3.26, 3.28, AND 3.30 OF THE LINCOLN MUNICIPAL CODE RELATING TO CAR RENTAL, HOTEL, AND RESTAURANT OCCUPATION TAXES, RESPECTIVELY, BY AMENDING SECTIONS 3.26.030, 3.28.030 AND 3.30.030 TO CLARIFY THE IMPOSITION OF SUCH TAXES SHALL BEGIN ON JANUARY 1, 2011; AMENDING SECTIONS 3.26.070, 3.28.070, AND 3.30.070 TO CLARIFY THE PENALTY AND INTEREST ASSESSED FOR NON-PAYMENT OR DELINQUENT PAYMENT OF SUCH TAXES; AMENDING SECTION 3.30.020 TO AMEND THE DEFINITIONS OF “DRINKING PLACE” AND “RESTAURANT” TO REMOVE THE CONDITION THAT THE TAX IS IMPOSED ONLY ON ESTABLISHMENTS OPEN TO THE PUBLIC; AMENDING SECTION 3.30.040 TO DELETE THE PROVISION THAT A PERSON SUBJECT TO THE RESTAURANT OCCUPATION TAX MAY, UPON WRITTEN APPLICATION TO AND WITH THE WRITTEN CONSENT OF THE CITY FINANCE DIRECTOR, MAKE REPORTS AND REMITTANCES ON A MONTHLY BASIS - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapters 3.26, 3.28, and 3.30 of the Lincoln Municipal Code relating to Car Rental, Hotel, and Restaurant Occupation Taxes, respectively, by amending Sections 3.26.030, 3.28.030 and 3.30.030 to clarify the imposition of such taxes shall begin on January 1, 2011; amending Sections 3.26.070, 3.28.070, and 3.30.070 to clarify the penalty and interest assessed for non-payment or delinquent payment of such taxes; amending Section 3.30.020 to amend the definitions of “drinking place” and “restaurant” to remove the condition that the tax is imposed only on establishments open to the public; amending Section 3.30.040 to delete the provision that a person subject to the restaurant occupation tax may, upon written application to and with the written consent of the City Finance Director, make reports and remittances on a monthly basis; and repealing Sections 3.26.030, 3.26.070, 3.28.030, 3.28.070, 3.30.020, 3.30.030, 3.30.040, and 3.30.070 of the Lincoln Municipal Code as hither to 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 NOVEMBER 1 - 15, 2010 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86149

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

That the claims listed in the attached report, marked as Exhibit "A", dated November 16, 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. § 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

<table>
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<tr>
<th>Name</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Elizabeth Cooper</td>
<td>$55.00</td>
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<td>Brian Novacek</td>
<td>$5.00</td>
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<tr>
<td>Both T. Jany</td>
<td>NAS*</td>
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<td>Clorissa Lee</td>
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<td>DeeAnn Lee</td>
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* No Amount Specified

ALLOWED/SETTLED CLAIMS

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
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<tr>
<td>Donna &amp; Bart Benjamin</td>
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<tr>
<td>Tim and Sheri Shipley</td>
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<td>Kristie Iverson</td>
<td>2,679.59</td>
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<tr>
<td>Ali Al-Waely</td>
<td>1,134.77</td>
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<tr>
<td>Robert Scheyer</td>
<td>247.92</td>
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</table>

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND ABM JANITORIAL NORTH CENTRAL REGION FOR THE ANNUAL REQUIREMENTS FOR CLEANING SERVICES FOR LINCOLN LIBRARIES, PURSUANT TO BID NO. 10-154, FOR A FOUR-YEAR TERM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86150

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

That the attached Contract Document between the City of Lincoln and ABM Janitorial North Central Region for the Annual Cleaning Services for Lincoln Libraries, pursuant to Bid No. 10-154, for a four-year term, upon the terms as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND MERRELL BROS., INC. FOR THE TRANSPORTING OF BIOSOLIDS, PURSUANT TO BID NO. 10-212, FOR A THREE-YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL ONE-YEAR TERM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86151

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

That the attached Contract Document between the City of Lincoln and Merrell Bros., Inc. for the Transporting of Biosolids, pursuant to Bid No. 10-212, for a three-year term with the option to renew for one additional one-year term, upon the terms as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

APPLICATION OF THE URBAN DEVELOPMENT DEPARTMENT FOR THE USE OF PUBLIC SPACE FOR THE BLOCK 38 MIXED-USE FACILITY GENERALLY LOCATED ON THE NORTH HALF OF BLOCK 38, BETWEEN 13TH AND 14TH STREETS AND P AND Q STREETS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86152

WHEREAS, the City of Lincoln Urban Development Department in partnership with Block 38, LLC has submitted an application for a permit to use the public right-of-way along the west, north and east sides of the proposed multi-use project located in the north half of the block bounded by 13th Street, 14th Street, ‘P’ Street and ‘Q’ Street for the placement of pier caps; and

WHEREAS, applicants have submitted a letter of application and site plan which are attached hereto, marked as Exhibit “A” and Exhibit “B” respectively, and made a part of this resolution by reference, to use the public right-of-way as described; and

WHEREAS, said applicants have complied with all provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

Introduced by Jonathan Cook
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung; NAYS: None; ABSENT: Snyder, Spatz.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application aforesaid of Lincoln Urban Development Department and Block 38, LLC to use the public right-of-way along North 13th Street, ‘Q’ Street and North 14th Street for the purpose of constructing the pier caps for the multi-use project, be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions, to wit:

1. That the permission granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code, with the exception of those provisions relating to the posting of a continuing bond in the amount of $5,000.00, the filing of insurance, and the payment of the annual fee for the use of the public right-of-way. These provisions are exempted with the current provision that the City of Lincoln will retain ownership of the property.

2. That said use shall be in full accordance with the aforesaid application and site plan filed therewith, and all applicable City ordinances and regulations.

3. The Applicant Block 38, LLC, its heirs, successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

4. All work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.

5. The use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the above-named applicants, their successors and assigns.

Introduced by Jonathan Cook
Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung; NAYS: Camp; ABSENT: Snyder, Spatz.

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

VACATION 10011 - VACATING CALVERT STREET FROM THE WEST LINE OF SOUTH 6TH STREET RIGHT-OF-WAY TO THE EAST LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY RIGHT-OF-WAY, GENERALLY LOCATED WEST ON THE INTERSECTION OF SOUTH 6TH STREET AND CALVERT STREET. (RELATED ITEMS: 10-148, 10R-205) (ACTION DATE: 1/3/2011) - CLERK read an ordinance, introduced by Doug Emery, vacating Calvert Street between South 6th Street and the railroad property to the west, generally located west of the intersection of South 6th Street and Calvert Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

MISC. NO. 10006 - APPLICATION OF MORNINGSTAR INVESTMENTS, LLC, TO RELEASE A PORTION OF AN EXISTING PUBLIC ACCESS EASEMENT AND CONVERTING THE REMAINING PORTION TO A COMMON ACCESS EASEMENT, ON PROPERTY GENERICALLY LOCATED WEST OF SOUTH 6TH STREET AND CALVERT STREET. (RELATED ITEMS: 10-148, 10R-205) (ACTION DATE: 1/3/2011)

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND EXPERIAN FOR THE LEASE OF APPROXIMATELY 30,000 SQUARE FEET OF OFFICE SPACE IN THE BUILDING LOCATED AT 949 WEST BOND STREET TO EXPERIAN FOR AN INITIAL TERM OF FIVE YEARS WITH OPTION TO RENEW FOR TWO ADDITIONAL FIVE YEAR TERMS. (REQUEST 2ND, 3RD READINGS ON 12/13/10) - CLERK read an ordinance, introduced by Doug Emery, accepting approving the Lease Agreement between the City of Lincoln and Experian Marketing Solutions for the lease of approximately 30,000 square feet of office space in the building located at 949 West Bond Street to Experian for an initial term of five years with the option to renew for two additional five year terms, the first time.

AMENDING THE OPERATING AGREEMENT BETWEEN THE CITY AND WOODS PARK TENNIS CORPORATION PRESTAINING TO OPERATION OF THE WOODS PARK TENNIS CENTER AT 401 S. 33RD STREET TO MODIFY PROVISIONS REGARDING THE USE OF FUNDS IN THE TENNIS CAPITOL IMPROVEMENT FUND, TO CLARIFY OPERATOR AND ITS STAFF ARE NOT EMPLOYEES OF THE CITY AND ARE NOT ENTITLED TO EMPLOYEE BENEFITS, AND TO PROVIDE THAT ANY FAILURE TO ENFORCE ANY PROVISION OF THIS AGREEMENT IS NOT A WAIVER OF SUCH PARTY’S SUBSEQUENT RIGHT TO ENFORCE EVERY PROVISION OF THE AGREEMENT - CLERK read an ordinance, introduced by Doug Emery, accepting and approving an Amendment to Operating Agreement between the City of Lincoln, Nebraska and Woods Park Tennis Corporation for changes to terms for operation of the Woods Tennis Center at 401 S. 33rd Street, Lincoln, Lancaster County, Nebraska, on behalf of the Parks & Recreation Department, the first time.
APPROVING THE TRANSFER OF THE OPERATING AGREEMENT FOR THE WOODS PARK TENNIS CENTER FROM WOODS PARK CORPORATION TO THE FRIENDS OF WOODS TENNIS, INC. - CLERK read an ordinance, introduced by Doug Emery, accepting and approving an Assignment and Acceptance of Woods Park Tennis Corporation to Friends of Woods Tennis, Inc. To consent to the assignment of the Operating Agreement and the subsequent Amendment to Operating Agreement from Woods Park Tennis Corporation to Friends of Woods Tennis, Inc., the first time.

AMENDING TITLE 2 OF THE LINCOLN MUNICIPAL CODE BY AMENDING CHAPTER 2.62, POLICE AND FIRE PENSION PLAN ‘A’; CHAPTER 2.65, POLICE AND FIRE PENSION PLAN ‘B’; AND CHAPTER 2.66, POLICE AND FIRE PENSION PLAN ‘C’ TO PROVIDE THAT CERTAIN ACTIVE MEMBERS MAY ELECT TO RECEIVE A 13TH CHECK OR PURCHASE A COST OF LIVING ADJUSTMENT TO APPLY TO THE MEMBER’S FUTURE PENSION BENEFIT PAYMENTS - CLERK read an ordinance, introduced by Doug Emery, amending Title 2 of the Lincoln Municipal Code by amending Chapter 2.62, Police and Fire Pension Plan ‘A’; Chapter 2.65, Police and Fire Pension Plan ‘B’; and Chapter 2.66, Police and Fire Pension Plan ‘C’ to provide that certain active members may elect to receive a 13th check or purchase a cost of living adjustment to apply to the member’s future pension benefit payments; and repealing Sections 2.62.045, 2.62.140, 2.65.045, 2.65.140, 2.66.045, and 2.66.107 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required) - NONE

RESOLUTIONS - ACTION ONLY

ADOPTING THE LINCOLN ELECTRIC SYSTEM RATE SCHEDULE, SERVICE REGULATIONS, AND COST ANALYSIS SUMMARY PROVIDING FOR A SYSTEM AVERAGE INCREASE OF 2.5 PERCENT, TO BE EFFECTIVE JANUARY 1, 2011 (ACTION DATE: 12/6/10) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption.

CAMP So moved.
Seconded by Emery & resulted in the following vote: AYES: Carroll, Cook, Emery; NAYS: Camp, Hornung; ABSENT: Snyder, Spatz.
Due to NO MAJORITY, the resolution automatically carried over to December 13, 2010.

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2011, TO BECOME EFFECTIVE JANUARY 1, 2011 (ACTION DATE: 12/6/10) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption.

CAMP So moved.
Seconded by Emery & resulted in the following vote: AYES: Carroll, Cook, Emery, NAYS: Camp, Hornung; ABSENT: Snyder, Spatz.
Due to NO MAJORITY, the resolution automatically carried over to December 13, 2010.

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -
CAMP Moved to extend the Pending List to December 13, 2010.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung; NAYS: None; ABSENT: Snyder, Spatz.

UPCOMING RESOLUTIONS
CAMP Moved to approve the resolutions to have Public Hearing on December 13, 2010.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung; NAYS: None; ABSENT: Snyder, Spatz.
ADJOURNMENT 3:32 P.M.

CAMP Moved to adjourn the City Council meeting of December 6, 2010. Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, NAYS: None; ABSENT: Snyder, Spatz.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant