THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JANUARY 3, 2011 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

HORNUNG Having been appointed to read the minutes of the City Council proceedings of December 13th reported having done so, found same correct.

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

MAYOR’S MEDALLION PRESENTATION

Mayor Chris Beutler presented the Mayor’s Medallion to three LES Line Technicians, Brent Foxhoven, Jamie Kraft and Mike Mullendore, as local heroes. On Wednesday, December 15th, these three men were working in the area of 35th and Baldwin Street when they saw black smoke coming from an apartment building in the area. They grabbed a fire extinguisher, called 911, called LES to cut the power to the building then ran to the building and started knocking on doors to alert the residents. When a tenant opened her door they saw a fire in the fireplace and used the fire extinguisher to put out that fire, but the fire had grown too large. They woke up another tenant in an upstairs apartment at which time the fire had spread all the way up to the attic above the apartment. The apartment across from the fire source the crew was met by a man with two children in his arms refusing to leave because he still had a baby inside his apartment. Mike threw his sweatshirt over the heads of the children to protect them from the smoke then helped the man and children out of the building. Mike went back into the building with Jamie standing at the entrance talking to Mike to be able to keep track of him. Through the heavy smoke Mike eventually rescued the baby found on the bed wrapping the baby in a blanket and escaping to the outdoors.

Mike Mullendore thanked the Mayor and City Council for taking time out in their busy schedule to recognize them. This has been a humbling experience. He commented that this is the stuff the Fire Department does on a daily basis without recognition.

PUBLIC HEARING

APPLICATION OF QUIN-C INC. DBA BIG RED 66 #1 FOR A CLASS D LIQUOR LICENSE AT 8350 NORTHWOODS DRIVE;
MANAGER APPLICATION OF RANDY J. PRICE FOR QUIN-C INC. DBA BIG RED 66 #1 AT 8350 NORTHWOODS DRIVE;
APPLICATION OF QUIN-C INC. DBA BIG RED 66 #2 FOR A CLASS D LIQUOR LICENSE AT 5700 NORTH 33RD STREET;
MANAGER APPLICATION OF RANDY J. PRICE FOR QUIN-C INC. DBA BIG RED 66 #2 AT 5700 NORTH 33RD STREET - Randy J. Price, 3050 Sardius Court, took the oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2970 FOR A CLASS D LIQUOR LICENSE AT 2500 N.W. 12TH STREET;
MANAGER APPLICATION OF TINA MARIE KRINGS FOR CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2970 AT 2500 N.W. 12TH STREET;
APPLICATION OF CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2970 AT 4135 SOUTH 48TH STREET;
MANAGER APPLICATION OF TINA MARIE KRINGS FOR CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2970 AT 4135 SOUTH 48TH STREET;
APPLICATION OF CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2977 AT 4715 WEST ADAMS STREET;
MANAGER APPLICATION OF TINA MARIE KRINGS FOR CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2977 AT 4715 WEST ADAMS STREET;
APPLICATION OF CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2978 FOR A CLASS D LIQUOR LICENSE AT 4411 NORTH 27TH STREET;
MANAGER APPLICATION OF TINA MARIE KRINGS FOR CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2978 AT 4411 NORTH 27TH STREET;
APPLICATION OF CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2979 FOR A CLASS D LIQUOR LICENSE AT 4002 ADAMS STREET;
MANAGER APPLICATION OF TINA MARIE KRINGS FOR CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2979 AT 4002 ADAMS STREET;
APPLICATION OF CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2980 FOR A CLASS D LIQUOR LICENSE AT 906 WEST A STREET;
MANAGER APPLICATION OF TINA MARIE KRINGS FOR CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2980 AT 906 WEST A STREET;
APPLICATION OF CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2982 FOR A CLASS D LIQUOR LICENSE AT 3291 HOLDREGE STREET;
MANAGER APPLICATION OF TINA MARIE KRINGS FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2982 AT 2921 HOLDREGE STREET; APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2983 FOR A CLASS D LIQUOR LICENSE AT 4401 N 70TH STREET; MANAGER APPLICATION OF TINA MARIE KRINGS FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2983 AT 4401 N 70TH STREET - Sharon Scusa, 1835 Valley View Dr., Crete, NE, Area Supervisor for Casey's, took the oath and came forward to answer questions. Tina Marie Krings is the District Manager for the State of Nebraska and all the liquor licenses for Casey's. This is just a change of ownership. This matter was taken under advisement.

CHANGE OF ZONE 10022 – AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTIONS 27.52.010, 27.52.020, 27.53.010, AND 27.53.020 TO ADOPT THE FEBRUARY 18, 2011 FLOOD INSURANCE RATE MAP (FIRM) AND THE FLOOD INSURANCE STUDY (FIS) AS REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. (RELATED ITEMS: 10-157, 10-158);

MISC. 10010 – AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO LAND SUBDIVISION BY AMENDING SECTIONS 26.24.010 AND 26.25.010 TO ADOPT THE FEBRUARY 18, 2011 FLOOD INSURANCE RATE MAP (FIRM) AS REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. (RELATED ITEMS: 10-157, 10-158) - Ben Higgins, Public Works & Utilities, stated this is adopting date changes in the ordinances for the new flood plain maps effective February 18, 2011 which is required by the Federal government. These maps reflect previous City adopted flood prone areas. As part of the Watershed Master Plan 175 properties have been surveyed that are out of the floodplain that looked like they might be in the floodplain which were done by elevation. These have been sent to FEMA and letters from FEMA will be forwarded onto the property owners. It was noted that Glenn Johnson of NRD was also available for questions.

Danny Walker, 427 “E” Street, came forward to state he questioned various statements made by City of Lincoln staff members within an article published in the Lincoln Journal Star on December 23, 2010 reference flood plains to be debatable as far as being factual. (Comments are on file in the City Clerk’s Office)

This matter was taken under advisement.

APPROVING THE FIBER AND CONDUIT SHARING AGREEMENT BETWEEN THE CITY OF LINCOLN, THE UNIVERSITY OF NEBRASKA BOARD OF REGENTS AND UNITE PRIVATE NETWORKS, LLC, RELATING TO THE INSTALLATION, OPERATION AND MAINTENANCE OF A PRIVATE NETWORK WITHIN CERTAIN STREETS AND PUBLIC RIGHTS OF WAY WITHIN JOINTLY OWNED FACILITIES OF THE PARTIES - Tim Pratt, Public Works & Utilities Dept., came forward stating that about one year ago they established a need for fiber connectivity downtown. They canvassed different areas in which they might find partners for this project such as the University of Nebraska Lincoln and United Private Networks. This agreement will cost about $250,000 split three ways between UNL, United Private Networks and the City of Lincoln to put in fiber and conduit facilities from 10th Street to 19th or Antelope Valley. A significant fiber inventory which will be part of the Antelope Valley roadway giving a lot more connectivity and redundancy for Information Services and 911 Communications networks. It will provide intelligent transportation systems infrastructure needed by be able to get the new parking garage and the University Place parking garage. The maintenance of the conduit is fairly minimal as it is below ground. United Private Networks is charged with maintaining of that and any costs are split three ways between the partners. There is no direct connection of this fiber with the Innovation Park, but there is a fiber connection with the Antelope Valley and Innovation Park which at one time a connection was planned to the Devaney Center. This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK’S LETTER AND MAYOR’S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON DECEMBER 6, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK’S LETTER AND MAYOR’S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON DECEMBER 13, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING interest earnings on short-term investments of Idle Funds during the month ended October 31, 2010 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-86165
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended October 31, 2011, $163,741.91 was earned from the investments 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 Jayne Snyder
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
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LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR NOVEMBER 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

LINCOLN WATER SYSTEM FISCAL YEAR 2009-10 AUDIT REPORT - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-72)

LINCOLN WASTEWATER SYSTEM FISCAL YEAR 2009-10 AUDIT REPORT - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-72)

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

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE PERIOD ENDING SEPTEMBER 30, 2010 FROM TIME WARNER CABLE - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-72)

REPORT FROM CITY TREASURER OF 9-1-1 TELECOMMUNICATIONS SURCHARGE TAX FOR THE MONTH OF SEPTEMBER 2010: CHARTER FIBERLINK-NEBRASKA; OCTOBER 2010: NEBRASKA TECHNOLOGY & TELECOMMUNICATIONS, VODKA AMERICA, INETWORKS - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF TELECOMMUNICATION TAX FOR THE MONTHS OF SEPTEMBER, DECEMBER, 2009 AND MARCH, SEPTEMBER, OCTOBER, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS NOVEMBER 30, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

PETITIONS & COMMUNICATIONS

PLACED ON FILE IN THE CITY CLERK OFFICE:

Administrative Amendment No. 10059 to Special Permit No. 1991, Pinecrest Community Unit Plan, approved by the Planning Director on December 7, 2010, requested by Olsson Associates, to add a note to allow covered unenclosed decks to be 10 feet from the rear lot line for Lots 9-68, Block 3, on property generally located at N. 14th St. and Morton St.

Administrative Amendment No. 10066 to Special Permit No. 04044A, North Creek Villas Community Unit Plan, approved by the Planning Director on December 13, 2010, requested by Dave Carper, to add a note to allow Lots 10-13, Block 6, to be developed as either single family detached, single family attached or townhouse, on property generally located at N. 19th St. and Fletcher Ave.

Administrative Amendment No. 10065 to Pre-Existing Use Permit No. 3, Gateway, approved by the Planning Director on December 15, 2010, requested by WEA Gateway, LLC, to add a note to allow the former Circuit City to be used as long as the mall expansion as approved by Administrative Amendment No. 05137 is not constructed, on property at N. 66th and O St.

Administrative Amendment No. 10054 to Change of Zone No. 10027, requested by ESP, Inc., for Hartland Homes from AG Agricultural District to H-4 General Commercial District, on property at N. 56th Street and Alvo Road.

Special Permit 10035, requested by Hoppe Hall, Inc., for a health care facility, on property at S. 48th Street and Old Cheney Road.

Special Permit 10036, requested by R Auto Parts, to operate an enclosed vehicle disassembly operation, on property located at N. 44th Street and Cornhusker Highway.

REFERRED TO PLANNING DEPARTMENT:

Change of Zone 10027 requested by ESP, Inc. for Hartland Homes from AG Agricultural District to H-4 General Commercial District, on property at N. 56th Street and Alvo Road.

Special Permit 10035, requested by Hoppe Hall, Inc., for a health care facility, on property at S. 48th Street and Old Cheney Road.

Special Permit 10036, requested by R Auto Parts, to operate an enclosed vehicle disassembly operation, on property located at N. 44th Street and Cornhusker Highway.

SETTING THE HEARING DATE OF MONDAY, JANUARY 24, 2011 AT 3:00 P.M. FOR APPLICATION OF JOHN NOHA DBA JJ’S BAR & GRILL FOR A CLASS I LIQUOR LICENSE LOCATED AT 2310 N. 1ST STREET, SUITE 7-9 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-86188

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing is hereby set for Mon., January 24, 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 Application of John Noha dba JJ’s Bar & Grill for a Class I liquor license located at 2310 N. 1st Street, Suite 7-9.
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If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

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

SETTING THE HEARING DATE OF MONDAY, JANUARY 10, 2011 AT 3:00 P.M. FOR APPLICATION OF WILL- MACK, LLC DBA HOUR LOUNGE FOR A CLASS C LIQUOR LICENSE LOCATED AT 101 N. 14TH STREET, #6 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-86149 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., January 24, 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 Application of Will-Mack, LLC dba Hour Lounge for a Class C liquor license located at 101 N. 14th Street, #6. If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

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

MISCELLANEOUS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF QUIN-C INC. DBA BIG RED 66 #1 FOR A CLASS D LIQUOR LICENSE AT 8350 NORTHWOODS DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86166 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 Quin-C Inc. dba Big Red 66 #1 for a Class "D" liquor license at 8350 Northwoods Drive, Lincoln, Nebraska, for the license period ending April 30, 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 Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

MANAGER APPLICATION OF RANDY J. PRICE FOR QUIN-C INC. DBA BIG RED 66 #1 AT 8350 NORTHWOODS DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86167 WHEREAS, Quin-C Inc. dba Big Red 66 #1 located at 8350 Northwoods Drive, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Randy J. Price be named manager;

WHEREAS, Randy J. Price 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 Randy J. Price be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

APPLICATION OF QUIN-C INC. DBA BIG RED 66 #2 FOR A CLASS D LIQUOR LICENSE AT 5700 NORTH 33RD STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86168 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 Quin-C Inc. dba Big Red 66 #2 for a Class "D" liquor license at 5700 North 33rd Street, Lincoln, Nebraska, for the license period ending April 30, 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.
WHEREAS, Quin-C Inc. dba Big Red #2 located at 5700 North 33rd Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Randy J. Price be named manager; WHEREAS, Randy J. Price 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 Randy J. Price be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

APPLYING OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2970 AT 2500 N.W. 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

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 Randy J. Price be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

MANAGER APPLICATION OF RANDY J. PRICE FOR QUIN-C INC. DBA BIG RED #2 located at 5700 North 33rd Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Randy J. Price be named manager; WHEREAS, Randy J. Price 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 Randy J. Price be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2970 AT 2500 N.W. 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

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 Tina Marie Krings 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.

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

APPLYING OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2970 AT 2500 N.W. 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

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 Tina Marie Krings be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2970 AT 2500 N.W. 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

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 Tina Marie Krings 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.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
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 Tina Marie Krings be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2977 FOR A CLASS D LIQUOR LICENSE AT 4715 WEST ADAMS STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86174

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 Casey’s Retail Company dba Caseys’s General Store #2977 for a Class “D” liquor license at 4715 West Adams Street, Lincoln, Nebraska, for the license period ending April 30, 2011, be approved with the condition that 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 Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

MANAGER APPLICATION OF TINA MARIE KRINGS FOR CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2977 AT 4715 WEST ADAMS STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

WHEREAS, Casey’s Retail Company dba Caseys’s General Store #2977 located at 4715 West Adams Street, Lincoln, Nebraska has been approved for a Retail Class “D” liquor license, and now requests that Tina Marie Krings be named manager;

WHEREAS, Tina Marie Krings 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 Tina Marie Krings be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2978 FOR A CLASS D LIQUOR LICENSE AT 4411 NORTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86175

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 Casey’s Retail Company dba Caseys’s General Store #2978 for a Class “D” liquor license at 4411 North 27th Street, Lincoln, Nebraska, for the license period ending April 30, 2011, be approved with the condition that 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 Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

MANAGER APPLICATION OF TINA MARIE KRINGS FOR CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2978 AT 4411 NORTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

WHEREAS, Casey’s Retail Company dba Caseys’s General Store #2978 located at 4411 North 27th Street, Lincoln, Nebraska has been approved for a Retail Class “D” liquor license, and now requests that Tina Marie Krings be named manager;

WHEREAS, Tina Marie Krings 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 Tina Marie Krings be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
WHEREAS, Casey’s Retail Company dba Casey’s General Store #2979 located at 4135 South 48th Street, Lincoln, Nebraska, for the license period ending April 30, 2011, be approved with the condition that 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 Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPLICATION OF CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2980 FOR A CLASS D LIQUOR LICENSE AT 4002 ADAMS STREET - 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:
WHEREAS, Casey’s Retail Company dba Casey’s General Store #2980 located at 4002 Adams Street, Lincoln, Nebraska, for the license period ending April 30, 2011, be approved with the condition that 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 Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPLICATION OF CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2981 FOR A CLASS D LIQUOR LICENSE AT 4125 SOUTH 48TH STREET - 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:
WHEREAS, Tina Marie Krings 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 Tina Marie Krings be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

APPLICATION OF CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2979 FOR A CLASS D LIQUOR LICENSE AT 4135 SOUTH 48TH STREET - 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:
WHEREAS, Tina Marie Krings 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 Tina Marie Krings be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
MANAGER APPLICATION OF TINA MARIE KRINGS FOR CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2981 AT 606 WEST A STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86183

WHEREAS, Casey’s Retail Company dba Casey’s General Store #2981 located at 606 West A Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Tina Marie Krings be named manager; WHEREAS, Tina Marie Krings 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 Tina Marie Krings be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2982 FOR A CLASS D LIQUOR LICENSE AT 3291 HOLDREGE STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86184

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 Casey’s Retail Company dba Casey’s General Store #2982 for a Class "D" liquor license at 3291 Holdrege Street, Lincoln, Nebraska, for the license period ending April 30, 2011, be approved with the condition that 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 Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

MANAGER APPLICATION OF TINA MARIE KRINGS FOR CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2982 AT 3291 HOLDREGE STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86185

WHEREAS, Casey’s Retail Company dba Casey’s General Store #2982 located at 3291 Holdrege Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Tina Marie Krings be named manager; WHEREAS, Tina Marie Krings 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 Tina Marie Krings be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2983 FOR A CLASS D LIQUOR LICENSE AT 4401 N 70TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86186

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 Casey’s Retail Company dba Casey’s General Store #2983 for a Class "D" liquor license at 4401 North 70th Street, Lincoln, Nebraska, for the license period ending April 30, 2011, be approved with the condition that 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 Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

MANAGER APPLICATION OF TINA MARIE KRINGS FOR CASEY’S RETAIL COMPANY DBA CASEY’S GENERAL STORE #2983 AT 4401 N 70TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86187

WHEREAS, Casey’s Retail Company dba Casey’s General Store #2983 located at 4401 North 70th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Tina Marie Krings be named manager; WHEREAS, Tina Marie Krings 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 Tina Marie Krings be approved as manager of this business for said license, for the purpose of carrying on the said business for said license, for the purpose of carrying on the sale and delivery of alcoholic beverages for consumption off the premises. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

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

CHANGE OF ZONE 10022 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTIONS 27.52.010, 27.52.020, 27.53.010, AND 27.53.020 TO ADOPT THE FEBRUARY 18, 2011 FLOOD INSURANCE RATE MAP (FIRM) AND THE FLOOD INSURANCE STUDY (FIS) AS REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. (RELATED ITEMS: 10-157, 10-158) - CLERK read an ordinance, introduced by Adam Hornung, amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Sections 27.52.010, 27.52.020, 27.53.010, and 27.53.020 to adopt the February 18, 2011 Flood Insurance Rate Map (FIRM) and the Flood Insurance Study (FIS) as required by the Federal Emergency Management Agency; and repealing Sections 27.52.010, 27.52.020, 27.53.010, and 27.53.020 of the Lincoln Municipal Code as hitherto existing, the second time.


PUBLIC HEARING - RESOLUTIONS

APPROVING THE RENEWAL OF AGREEMENTS BETWEEN LANCASTER COUNTY AND THE CITY OF LINCOLN AND AOI CORPORATION, OFFICE INTERIORS & DESIGN, INC., SPACES, INC., SHEPPARDS BUSINESS INTERIORS, AND ALL MAKES OFFICE EQUIPMENT COMPANY FOR ANNUAL OFFICE SEATING REQUIREMENTS - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86190 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached renewal of agreements between Lancaster County and the City of Lincoln and AOI Corporation, Office Interiors & Design, Inc., Spaces, Inc., Sheppards Business Interiors, and All Makes Office Equipment Company for annual office seating requirements, pursuant to Bid No. 08-180, for a term of October 14, 2010 through October 13, 2011, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

APPROVING THE FIBER AND CONDUIT SHARING AGREEMENT BETWEEN THE CITY OF LINCOLN, THE UNIVERSITY OF NEBRASKA BOARD OF REGENTS AND UNITE PRIVATE NETWORKS, LLC, RELATING TO THE INSTALLATION, OPERATION AND MAINTENANCE OF A PRIVATE NETWORK WITHIN CERTAIN STREETS AND PUBLIC RIGHTS OF WAY WITHIN JOINTLY OWNED FACILITIES OF THE PARTIES- CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86191 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Fiber and Conduit Sharing Agreement between the City of Lincoln, the University of Nebraska Board of Regents and Unite Private Networks, LLC, relating to the installation, operation and maintenance of a private network within certain streets and public rights of way within jointly owned facilities of the parties, for a 20 year term, upon the terms as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Adam Hornung
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)

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED $8,200,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION STORM WATER BONDS OF THE CITY OF LINCOLN, NEBRASKA - CLERK read an ordinance, introduced by Jayne Snyder, authorizing and approving certain other related matters; and declaring and providing for the issuance, sale and delivery of General Obligation Storm Water Bonds; providing for the payment of the principal of and interest on the Bonds; and repealing Sections 27.52.010, 27.52.020, 27.53.010, and 27.53.020 of the Lincoln Municipal Code as hitherto existing, the second time.

Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
AMENDING SECTION 1 OF ORDINANCE NO. 18967 RELATING TO THE PAY SCHEDULE AND SCHEDULE OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO A PAY RANGE PREFIXED BY THE LETTER “A” BY CREATING THE CLASSIFICATION OF FORESTRY SUPERVISOR - 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 creating the job classification of “Forestry Supervisor”, the first time.

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND JAMIE SYLVESTER, SLICK GRAPHIX, FOR THE LEASE OF OFFICE SPACE BY AGING PARTNERS PERSONAL & FAMILY SERVICES PROGRAM LOCATED AT 370 N. 5TH STREET, DAVID CITY, NEBRASKA FOR A TERM OF MARCH 1, 2011 THROUGH FEBRUARY 28, 2012 - CLERK read an ordinance, introduced by Jayne Snyder, approving a Lease Agreement between the City of Lincoln and Jamie Sylvester, Slick Graphix, for the lease of office space by the Aging Partners for its Aging Partners Personal & Family Services program located at 370 North 5th Street, David City, NE 68632, for a term of March 1, 2011 through February 28, 2012, the first time.

APPROVING THE S.W. 56TH AND W. VAN DORN STREET CONDITIONAL ZONING AGREEMENT BETWEEN THE RUTH M. BORCHERS TRUST AND THE CITY OF LINCOLN REGARDING A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AG AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW ACREAGE DEVELOPMENT SUBJECT TO A BUILD THROUGH PLAN FOR FUTURE URBANIZATION ON PROPERTY GENERALLY LOCATED AT S.W. 56TH STREET AND W. VAN DORN STREET. (RELATED ITEMS: 11R-10, 11-4) ACTION DATE: 1/24/11

CHANGE OF ZONE 10021 - APPLICATION OF THE RUTH M. BORCHERS TRUST FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AG AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF S.W. 56TH STREET AND W. VAN DORN STREET. (RELATED ITEMS: 11R-10, 11-4) ACTION DATE: 1/24/11 - CLERK read an ordinance, introduced by Jayne Snyder, changing the boundaries of the districts established and shown thereon, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN D/B/A LINCOLN CITY LIBRARIES AND THE FOUNDATION FOR LINCOLN CITY LIBRARIES FOR THE LEASE OF OFFICE SPACE BY THE FOUNDATION AT BENNETT MARTIN LIBRARY FOR A TERM COMMENCING ON JANUARY 1, 2011 AND TERMINATING ON DECEMBER 31, 2020 - CLERK read an ordinance, introduced by Doug Emery, accepting and approving the Lease Agreement between the City of Lincoln, Nebraska on behalf of Lincoln City Libraries and the Foundation for Lincoln City Libraries for the lease of approximately 153 square feet of office space in the Bennett Martin Library located at 136 South 14th Street to the Foundation for Lincoln City Libraries for a ten year term from January 1, 2011 through December 31, 2020, the first time.

AMENDING CHAPTER 10.06 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF VEHICLES AND TRAFFIC REGULATIONS TO REPEAL SECTION 10.06.090 ESTABLISHING THE VIOLATIONS BUREAU, AND AMENDING SECTIONS 10.06.100, 10.06.110, 10.06.120, AND 10.06.140 TO TRANSFER THE RESPONSIBILITY OF THE VIOLATIONS BUREAU TO THE PARKING SERVICE DIVISION OF THE URBAN DEVELOPMENT DEPARTMENT AND TO PROVIDE FOR AN ADMINISTRATIVE HEARING PROCESS AND AN APPEAL - CLERK read an ordinance, introduced by Jayne Snyder, amending Chapter 10.06 of the Lincoln Municipal Code relating to the Administration and Enforcement of Vehicles and Traffic regulations to repeal Section 10.06.090 establishing the Violations Bureau, and amending Sections 10.06.100, 10.06.110, 10.06.120, and 10.06.140 to transfer the responsibility of the Violations Bureau including the collection and associated accounting of parking tickets to the Parking Service Division of the Urban Development Department and to provide for an administrative hearing process and an appeal, and repealing Sections 10.06.100, 10.06.110, 10.06.120, and 10.06.140 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD 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 ORIGINALLY 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 third time.

EMERBY - 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 was passed as read.

MISC. NO. 10026 - APPLICATION OF MORNINGSTAR INVESTMENTS, LLC, TO RELEASE A PORTION OF THE ATTACHED RELEASE OF PUBLIC ACCESS EASEMENT RELEASING THE REMAINING PORTION TO A COMMON ACCESS EASEMENT, ON PROPERTY GENERALLY LOCATED WEST OF SOUTH 6TH STREET AND CALVERT STREET. (RELATED ITEMS: 10-148, 10R-205) (ACTION DATE: 1/3/2011) - CLERK read a following resolution, introduced by Doug Emery, which adopted the following: That the attached Release of Public Access Easement and Retention of Common Access Easement releasing the public access easement over and across the
north 58.5 feet of Lot 1, Block 1, Pioneer Business Park Addition and retaining
the east 70' of said public access easement as a common access easement for the
benefit of Lot 1, Block 1, Pioneer Business Park Addition, Lincoln, Lancaster
County, Nebraska and Lot 1, Block 2, Progress South Addition, Lincoln,
Lancaster County, Nebraska, and for the benefit of the BNSF Railway Company and
its successors and assigns, is hereby approved and the Mayor is authorized to
execute said Release on behalf of the City of Lincoln.

The City Clerk is directed to file the Release against Lot 1, Block 1, Pioneer Business Park Addition, and Lot 1, Block 2, Progress South Addition, with the Register of Deeds, filing fees to be paid in advance by the owner of Lot 1, Block 1, Pioneer Business Park Addition.

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

AMENDING THE OPERATING AGREEMENT BETWEEN THE CITY AND WOODS PARK TENNIS CORPORATION PERTAINING 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 third time.

EMERY Moved to pass the ordinance as read.
Secended by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

he ordinance, being numbered #19483, is recorded in Ordinance Book #26, Page

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 third time.

EMERY Moved to pass the ordinance as read.
Secended by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered #19484, is recorded in Ordinance Book #26, Page

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to January 10, 2011
Secended by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on January 10, 2011.
Secended by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT 3:27 P.M.

CAMP Moved to adjourn the City Council meeting of January 3, 2011.
Secended by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant