The Meeting was called to order at 3:00 p.m. Present: Council Chair Spatz; Council Members: Camp, Cook, Emery, Hornung, Snyder; Deputy City Clerk, Teresa J. Meier; Carroll Absent.

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.

THE MINUTES OF THE CITY COUNCIL MEETING HELD MONDAY, JANUARY 24, 2011 AT 3:00 P.M.

Reading of the Minutes

Having been appointed to read the minutes of the City Council proceedings of January 10 reported having done so, found same correct.

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

Public Hearing

Application of John Noha DBA JJ's Bar and Grill for a Class I Liquor License at 2310 North 1st Street - John Noha, 1675 Arapahoe, came forward to take the oath and to answer any questions.

This matter was taken under advisement.

Application of Nebraska BBQ Co. DBA Skeeter Barnes for the addition of a catering license to its Class I Liquor License at 5800 South 58th Street - Eric Gwinn, 5800 S. 58th Street, came forward to take the oath and to answer any questions.

This matter was taken under advisement.

Application of Kali Records, LLC DBA Smooth for a Class CK Liquor License at 1644 O Street; Manager Application of Brandy L. Kroese for Kali Records, LLC DBA Smooth at 1644 O Street - Shane Harrington, 9420 Larges Ct., came forward to take the oath and to answer questions. In answer to his criminal history he stated 1999 was the last time he had a violation. He was cited for selling alcohol at a friends private fund raising party. He stated the adult website, Melissa Midwest, he created with his ex-wife was found by the courts to be unacceptable as it is a violation of the public nudity ordinance. The website is no longer active as far as new pictures being shot, but does still generate revenue. The company is in the process of trying to sell the website. The plans for the club will be to have a young professional clientele beyond the age of 35. This establishment would be open Friday, Saturday, and Sundays with a cover charge.

Tom Casady, Chief of Police, came forward to share his concerns of Mr. Harrington's involvement in the pornography website of which some of the photographs depict people who are naked in public which violates the City code and a concern of his previous criminal history.

Rod Confer, City Attorney, came forward to answer that a liquor license can be denied for a number of reasons. Things to consider in this incident is whether the person is an unfit person to have a liquor license. The record indicates they are willing to comply with laws in the future. The City Council has the discretion to make the determination if Mr. Harrington is or is not fit to hold a liquor license and whether the applicant is or is not an unfit person not being able to comply with the law. There is not a particular requirement that a person have so many convictions or whether felony or misdemeanor convictions are required to be denied. There is a requirement that a person must have a clean record for server training that has to be full-filled and no criminal history involvement within the City or State in a years time prior to applying.

Brandy Kroese, 3711 Faulkner Dr., #302, was available for questions.

This matter was taken under advisement.

Approving an Amendment to Sublease Agreement Between the City of Lincoln and Experience Works for Job Training and Employment Services Under the Workforce Investment Act to Amend the Area Leased and Rental Amount of Office Space Located at 1010 N Street for a Term of December 1, 2010 Through June 1, 2011 - David Landis, Director of Urban Development, stated this is part of our work area. These are two existing partners at the One Stop location in the old Gold's Building. He rent a total of 13,718 sq. feet and use 5,766 sq. ft. The Nebraska Department of Labor, Experience Works, Vocation Rehab, Goodwill and Able, use 7,952 sq. ft. They pay the City $12.14 per square foot the same as what the City pays. They renew their leases depending on how they do business which is sometimes in one year or sometimes in two year cycles. These are two of the updates. From October to December One Stop had 6,622 individuals who used these services. The Department of Labor has nine indicators for the performance they want these kinds of locations to have of which Lincoln met all nine of the indicators. Last year 33,000 people used the One Stop facility in comparison to Omaha who had 22,000 use their One Stop facility. The success may be due to the use of a Workforce Investment Board providing a deep connection to the sector who advise them and help design programs. The amount of space leased out is for the interior allocation and also a portion of the commons space.

This matter was taken under advisement.
APPROVING A PIONEER CONSORTIUM JOINT ENTITY AGREEMENT AMONG THE CITIES OF LINCOLN,
GRAND ISLAND, HOLDREGE, AND ST. PAUL AND THEIR RESPECTIVE LIBRARY BOARDS, TO
CREATE A JOINT ENTITY FOR THE PURPOSE OF PLANNING AND USING AN OPEN SOURCE
INTEGRATED LIBRARY SYSTEM - Pat Leach, Director of Library, stated this joint consortium agreement was approved by the Library Board. This will create a joint entity so that this group of libraries can contract with software providers in order to move to a new integrated library system together. The State has provided grant funds for libraries working together to explore the software and then the implementation and migration. An open source integrated library is what a library keeps track of, check-in and check-out inventory. Open source refers to our access to the source code. This should be half the cost of what is being paid now, but initially there will be start up costs. Currently, $55,000 is being paid for maintenance. Other cities can join this consortium.

This matter was taken under advisement.

APPROVING SERVICE AGREEMENTS BETWEEN THE CITY OF LINCOLN AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA ON BEHALF OF THE COLLEGE OF NURSING AND THE CITY OF LINCOLN AND BRYAN LGH SCHOOL OF NURSING TO PROVIDE CLINICAL TRAINING FOR PUBLIC HEALTH STUDENTS AT EASTERDAY RECREATION CENTER FOR TERMS OF JANUARY 1, 2011 THROUGH DECEMBER 31, 2013 - Lynn Johnson, Director of Parks & Recreation, stated the City has an ongoing relationship with the nursing programs at BryanLGH and the University of Nebraska Medical Center. The nurses are brought in to work with the Therapeutic Recreation Program at Easterday. This is a two year commitment with no cost to the City.

This matter was taken under advisement.

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY OF LINCOLN AND GOVERNMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR OFFICE SPACE LOCATED AT 1010 N STREET FOR A TERM OF JANUARY 1, 2011 THROUGH DECEMBER 31, 2012 - Brian McPike, #101 0 Street, Ste. 201, Compensation Programs, Inc. (COMPRO), stated this is a health insurance brokerage company with five employees and three sublease employees for a total of eight in the office with five or six walk-in traffic per day. They have outgrown their current location so have purchased a house and are requesting the zoning be changed to a Residential Transition District. In order to save a couple trees in the backyard they are requesting a waiver of the setback on one side to be changed from 20 feet to 10 feet. The only feedback from the neighbors was that there be no lights in the parking lot.

This matter was taken under advisement.

APPOINTING SUE OLDFIELD TO THE HUMAN RIGHTS COMMISSION TO FILL AN UNEXPIRED THREE-YEAR TERM EXPIRING DECEMBER 31, 2012 - 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 appointment of Sue Oldfield to the Human Rights Commission to fill an unexpired three-year term expiring December 31, 2012 is hereby approved. The appointment of Sue Oldfield to the Human Rights Commission to fill an unexpired three-year term expiring December 31, 2012 is hereby approved. This matter was taken under advisement.

APPROVING THE CITY OF LINCOLN’S INVESTMENT ACTIVITY REPORT FOR THE FISCAL YEAR 2009-
2010 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

BE IT HEREBY RESOLVED by the CITY COUNCIL of the City of Lincoln, Nebraska:
That the Investment Activity report and attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

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

CLERK’S LETTER AND MAYOR’S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON JANUARY 3, 2011 - 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 JANUARY 10, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk.

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR DECEMBER 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 JANUARY 3, 2011 - 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 JANUARY 10, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE PERIOD OF: DECEMBER 1, 2010 THRU DECEMBER 31, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk.

PLACED ON FILE IN THE CITY CLERK OFFICE:
Administrative Amendment No. 11001 to Special Permit No. 1311, Sunrise Estates Community Unit Plan, approved by the Planning Director on January 4, 2011, requested by Gary Floyd, to enlarge building envelope “C” on Lot 3, Block 2, on property located at N. 88th St. and Avon Lane.

Administrative Amendment No. 11003 to Special Permit No. 1487, approved by the Planning Director on January 12, 2011, requested by F. John and Peggy Struwe, to rescind Special Permit No. 1487 to allow a Bed and Breakfast, on property located at 545 N. 25th St.

REFERRED TO PLANNING DEPARTMENT:
Special Permit 10037, requested by Emerald Care Co., for a domiciliary care facility for up to 48 beds on property located at S. 84th Street and Pioneers Boulevard.

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 14, 2011 AT 3:00 P.M. FOR THE APPLICATION OF HAWKINS RESTAURANT GROUP LLC DBA GRATEFUL GREEKS GOURMET SALADS FOR A CLASS I LIQUOR LICENSE WITH CATERING LOCATED AT 1451 O STREET, SUITE 200 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86213
BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 14, 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 Applications of Hawkins Restaurant Group, LLC dba Grateful Greens Gourmet Salads for a Class I liquor license with Catering located at 1451 O Street, Suite 200.

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

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

MISCELLANEOUS - NONE

LIQUOR RESOLUTIONS
APPLICATION OF JOHN NOHA DBA JJ’S BAR AND GRILL FOR A CLASS I LIQUOR LICENSE AT 2310 NORTH 1ST STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86214
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 John Noha dba JJ’s Bar and Grill for a Class “I” liquor license at 2310 North 1st 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.

2. Applicant must resolve current litigation issues concerning any alcoholic liquor to be served or sold on the premises prior to issuance of the liquor license.

3. There be no business or personal alcohol related offenses of a federal, state, or local law or regulation by the applicant within the first year after approval.

4. 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
Secended by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.
APPLICATION OF NEBRASKA BBQ CO. DBA SKEETER BARNES FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS I LIQUOR LICENSE AT 5800 SOUTH 58TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86215 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 BBQ Co. dba Skeeter Barnes for the issuance of a Catering Permit to the existing liquor license, located at 5800 South 58th 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 a copy of this resolution be transmitted by the City Clerk to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF KALI RECORDS, LLC DBA SMOOTH FOR A CLASS CK LIQUOR LICENSE AT 1644 O STREET - action occurred as follows:

CAMP Moved to approve. Seconded by Hornung.

CAMP Moved to amend this liquor resolution to add the stipulation that if this is approved by the Liquor Commission that it be with the caveat there be no legal violations in the next two years.

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

HORNUNG Moved to delay this liquor resolution for one week to 1/31/11.

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

CHAIRMAN SPATZ called for a final vote.

Motion to approve LOST by the following vote: AYES: None; NAYS: Camp, Cook, Emery, Hornung, Snyder, Spatz; ABSENT: Carroll.

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-86216 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, pertinent City ordinances, and the following:

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

The City Council recommends to the Nebraska Liquor Control Commission that the application of Kali Records, LLC dba Smooth for a Class "C" liquor license at 1644 O Street, Lincoln, Nebraska, be denied. The City Council has determined that the application should be denied for one or more of the following reasons:

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

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Hornung & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.
WHEREAS, Kali Records, LLC dba Smooth located at 1644 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Brandy L. Kroese be named manager; 

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

1. That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends to the Nebraska Liquor Control Commission that Brandy L. Kroese be denied as manager of this business for said licensee.

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

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

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

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

The City Clerk is hereby authorized to execute said Agreement on behalf of the City.

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

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

APPROVING AN AMENDMENT TO SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND EXPERIENCE WORKS FOR JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT TO AMEND THE AREA LEASED AND RENTAL AMOUNT OF OFFICE SPACE LOCATED AT 1010 N STREET FOR A TERM OF DECEMBER 1, 2010 THROUGH JUNE 30, 2011 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

 changes are as follows:

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

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

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

The City Clerk is hereby authorized to execute said Agreement on behalf of the City.

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

PUBLIC HEARING - RESOLUTIONS

APPROVING A PIONEER CONSORTIUM JOINT ENTITY AGREEMENT AMONG THE CITIES OF LINCOLN, GRAND ISLAND, HOLDREGE, AND ST. PAUL AND THEIR RESPECTIVE LIBRARY BOARDS, TO CREATE A JOINT ENTITY FOR THE PURPOSE OF PLANNING AND USING AN OPEN SOURCE INTEGRATED LIBRARY SYSTEM - 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 Pioneer Consortium Joint Entity Agreement among the Cities of Lincoln, Grand Island, Holdrege, and St. Paul and their respective library boards to create a joint entity for the purpose of planning and using an open source integrated library system, 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.
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

VACATION 10018 – VACATING THE NORTH 15 FEET OF L STREET FROM THE EAST RIGHT-OF-WAY LINE OF M STREET. (RELATED ITEMS: 11-11, 11R-28, 11R-29, 11R-30) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

APPROVING SERVICE AGREEMENTS BETWEEN THE CITY OF LINCOLN AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA ON BEHALF OF THE COLLEGE OF NURSING AND THE CITY OF LINCOLN AND BRYAN LGH SCHOOL OF NURSING TO PROVIDE CLINICAL TRAINING FOR PUBLIC HEALTH STUDENTS AT EASTERDAY RECREATION CENTER FOR TERMS OF JANUARY 1, 2011 THROUGH DECEMBER 13, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

APPROVING THE TELESIS/DAIRY HOUSE PROJECT REDEVELOPMENT AGREEMENT BETWEEN THE DRAINAGE BOARD OF LINCOLN, THE TELESIS/DAIRY HOUSE, LLC AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED ON A PORTION OF BLOCK 84, BOUNDED BY 7TH AND 8TH, L AND M STREETS. (RELATED ITEMS: 11-11, 11R-28, 11R-29, 11R-30) ACTION DATE: 2/7/11 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

APPROVING AN AMENDMENT TO THE FY 10/11 CIP TO AUTHORIZE AND APPROPRIATE $588,000.00 IN TIF FUNDS FOR THE TELESIS/DAIRY HOUSE REDEVELOPMENT PROJECT GENERALLY LOCATED BETWEEN 7TH AND 8TH, L AND M STREETS. (RELATED ITEMS: 11-11, 11R-28, 11R-29, 11R-30) ACTION DATE: 2/7/11

The City Clerk is directed to send a copy of this Resolution and one fully executed copy of the Agreements to Lynn Johnson, Director of the Parks and Recreation Department for transmittal to the parties.

Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.

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

VACATION 10017 – VACATING THE REMAINING PORTION OF THE EAST-WEST ALLEY FROM CENTENNIAL MALL TO N. 16TH STREET BETWEEN P AND Q STREETS - CLERK read an ordinance, introduced by Jonathan Cook, vacating the remaining portion (the East 100') of the alley from Centennial Mall to North 16th Street between P Street and Q Street not previously vacated by Ordinance No. 5777, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

VACATION 10018 – VACATING THE NORTH 15 FEET OF L STREET FROM THE EAST RIGHT-OF-WAY LINE OF S. 7TH STREET TO A POINT 215 FEET EAST OF SUCH RIGHT-OF-WAY LINE AND VACATING THE EAST 15 FEET OF S. 7TH STREET FROM A POINT 15 FEET SOUTH OF THE NORTH RIGHT-OF-WAY LINE OF L STREET TO A POINT 10 FEET NORTH OF THE SOUTH RIGHT-OF-WAY LINE OF M STREET. (RELATED ITEMS: 11-11, 11R-28, 11R-29, 11R-30) - CLERK read an ordinance, introduced by Jonathan Cook, vacating the north 15 feet of L Street from the east right-of-way line of S. 7th Street to a point 215 feet east of such right-of-way line and vacating the east 15 feet of S. 7th Street from a point 15 feet south of the north right-of-way line of L Street to a point 10 feet north of the south right-of-way of M Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

APPROVING AN AMENDMENT TO THE FY 10/11 CIP TO AUTHORIZE AND APPROPRIATE $588,000.00 IN TIF FUNDS FOR THE TELESIS/DAIRY HOUSE REDEVELOPMENT PROJECT GENERALLY LOCATED BETWEEN 7TH AND 8TH, L AND M STREETS. (RELATED ITEMS: 11-11, 11R-28, 11R-29, 11R-30) ACTION DATE: 2/7/11

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED $588,000.00 FOR THE CITY OF LINCOLN, TELESIS/DAIRY HOUSE REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN. (RELATED ITEMS: 11-11, 11R-28, 11R-29, 11R-30) ACTION DATE: 2/7/11


AMENDING CHAPTER 4.08 OF THE LINCOLN MUNICIPAL CODE TO REVISE, REORGANIZE AND CLARIFY JURISDICTION AND PROCEDURES OF THE CITIZEN POLICE ADVISORY BOARD - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 4.08 of the Lincoln Municipal Code relating to the Citizen Police Advisory Board to revise, reorganize and clarify jurisdiction and procedures, the first time.
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AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN CONTRACT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE CITY, FOR THE PURPOSE OF CONSTRUCTION OF IMPROVEMENTS TO THE CITY’S WASTEWATER COLLECTION AND TREATMENT SYSTEM, PROJECT NO. C317830 - CLERK read an ordinance, introduced by Jonathan Cook, authorizing the execution and delivery of a loan contract between the City and the Nebraska Department of Environmental Quality (Project No. C317830) and a related Promissory Note in a principal amount not to exceed $20,000,000; and related matters, the first time.

ORDINANCES - 3rd 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 providing for the issuance, sale and delivery of General Obligation Stormwater Bonds, Series 2011, of the City of Lincoln, Nebraska, in an aggregate principal amount not to exceed $8,200,000 (The “Bonds”) at the interest rates, to pay the costs of constructing improvements and extensions to the City’s Stormwater Drainage and Flood Management System; Prescribing certain terms of the Bonds; delegating, authorizing and directing the Finance Director to exercise his independent judgment and absolute discretion in determining certain other terms of the Bonds; providing for the payment of the principal of and interest on the Bonds; authorizing the levy of a tax on all of the taxable property within the City; authorizing and approving certain other related matters; and declaring an emergency, the third time.

SNYDER Moved to pass the ordinance as read.

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

The ordinance, being numbered #19487, is recorded in Ordinance Book #27, Page 1.

AMENDING SECTION 1 OF ORDINANCE NO. 18967 RELATING TO THE PAY SCHEDULE AND SCHEDULE OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE 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 and pay ranges for 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 third time.

SNYDER Moved to pass the ordinance as read.

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

The ordinance, being numbered #19488, is recorded in Ordinance Book #27, Page 2.

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND JAMIE SYLVESTER, SLICK GRAPHIX, FOR THE LEASE OF OFFICE SPACE BY AGING PARTNERS FOR ITS 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, accepting and approving a Lease Agreement between the City of Lincoln and Jamie Sylvester, Slick Graphix, for a term of March 1, 2011 through February 28, 2012, the third time.

SNYDER Moved to pass the ordinance as read.

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

The ordinance, being numbered #19489, is recorded in Ordinance Book #27, Page 3.

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 AGR AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW AGRICULTURAL 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 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the agreement titled S.W. 56th & W. Van Dorn Street Conditional Zoning Agreement which is attached hereto marked as Attachment “A” and made a part hereof by reference, between the City and Ruth M. Borchers Trust, upon the terms and conditions contained in said Agreement regarding the development of 130.76 acres of property generally located at S.W. 56th Street and W. Van Dorn Street and legally described as Lots 1 through 7, Stewart’s Subdivision, and Lot 20 1/2, in the Southwest Quarter of Section 31, Township 10 North, Range 6 East of the 6th P.M. of the State of Nebraska, is hereby approved and the Mayor is authorized to execute the S.W. 56th & W. Van Dorn Street Conditional Zoning 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 Owner.

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

Introduced by Jayne Snyder

Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.
CHANGE OF ZONE 10021 – APPLICATION OF THE RUTH M. BORCHERS TRUST FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR 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, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

SNYDER Moved to pass the ordinance as read.

Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.

The ordinance, being numbered #19490, is recorded in Ordinance Book #27, Page 234.

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 Jayne Snyder, 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 336 South 14th Street to the Foundation for Lincoln City Libraries for a ten year term from January 2, 2011 through December 31, 2020, the third time.

SNYDER Moved to pass the ordinance as read.

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

The ordinance, being numbered #19491, is recorded in Ordinance Book #27, Page 234.

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 – PRIOR to reading:

COOK Moved to amend Bill No. 11-6 on Page 6, delete lines 14 and 15 in their entirety:

(g) The provisions of this section relating to the administrative appeal process do not apply to an issuing agency that is a law enforcement agency.

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

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 third time.

SNYDER Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19492, is recorded in Ordinance Book #27, Page 234.

OPEN MICROPHONE – NONE

MISCELLANEOUS BUSINESS

PENDING –

CAMP Moved to extend the Pending List to January 31, 2011.

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

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on January 31, 2011.

Seconded by Cook & carried by the following vote; AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.
ADJOURNMENT 4:02 P.M.

CAMP Moved to adjourn the City Council meeting of January 24, 2011. Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.

Teresa J. Meier, Deputy City Clerk

Judy Roscoe, Senior Office Assistant