THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 14, 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, Hornung, Snyder; City Clerk, Joan E. Ross. Absent: Emery.

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 February 7 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF JASF, INC. DBA DAWGHOUSE NOWHERE BAR & GRILL FOR A CLASS C LIQUOR LICENSE AT 2050 CORNHUSKER HIGHWAY;

MANAGER APPLICATION OF AMY S. SHAFFER FOR JASF, INC. DBA DAWGHOUSE NOWHERE BAR & GRILL AT 2050 CORNHUSKER HIGHWAY - Amy S. Shaffer, 1342 Pelican Bay Place, came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF HAWKINS RESTAURANT GROUP, LLC DBA GRATEFUL GREENS GOURMET CHOPPED SALADS FOR A CLASS IK LIQUOR LICENSE AT 1451 O STREET;

MANAGER APPLICATION OF JAMES W. LARSON FOR HAWKINS RESTAURANT GROUP, LLC DBA GRATEFUL GREENS GOURMET CHOPPED SALADS AT 1451 O STREET - James W. Larson, 5204 South Street, came forward to take oath and answer questions.

This matter was taken under advisement.

APPROVING AMENDMENT NO. 1 TO THE NORTHBANK JUNCTION CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN ROGER H. SCHWISOW, ELDONNA SCHWISOW, HARTLAND HOMES INC. AND THE CITY OF LINCOLN TO AMEND THE TERMS OF THE AGREEMENT WITH RESPECT TO DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND ALVO ROAD PRIOR TO THE PREPARATION AND SUBMITTAL OF A TRAFFIC STUDY;

CHANGE OF ZONE 10027 - APPLICATION OF HARTLAND HOMES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO K-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 54TH STREET AND ALVO ROAD - Lyle Loth, ESP Engineering, came forward on behalf of the property owner, Hartland Homes. Following the execution of a purchase agreement between Hartland Homes and McQueen Equipment, Mr. Loth reported that City staff requested an amendment to the annexation agreement allowing up to 13.5 acres of commercial zoning without a traffic study. He said in addition to the Change of Zone and Annexation Agreement, a final plat will be processed and filed with the Register of Deeds upon approval of the Change of Zone. In response to Council questions, Mr. Loth projected that the total commercial build-out in the area could be 40-50 acres. He said the proposed building on the one lot will be 9,500 sq. ft. and the remaining out lot would support another 20,000 sq. ft. of commercial business.

This matter was taken under advisement.

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE 2010 AND DECEMBER 2010 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - Rod M. Confer, City Attorney, came forward to explain this action is one that is taken every six months to accept ordinances that have been enacted during that period of time for inclusion in the official City Code.

This matter was taken under advisement.
COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JANUARY 31, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED DECEMBER 31, 2010 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-86239
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended December 31, 2010, $241,978.03 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 Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

PETITIONS & COMMUNICATIONS

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF JANUARY, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REFERRALS TO THE PLANNING DEPARTMENT:
Change of Zone No. 11003 - Requested by the Director of Planning amending Title 27 of the Lincoln Municipal Code relating to Zoning by adding a new section numbered 27.03.161 to provide a definition for "Commercial Wind Energy Conversion System/Turbine (CWECS)"; amending Section 27.07.040 to allow CWECS in the AG Agriculture District as a special permitted use and providing conditions of approval; amending Chapter 27.63 of the Lincoln Municipal Code by adding a new section numbered 27.63.425 to provide conditions for granting a special permit to allow a CWECS in the AG Agriculture District, and repealing Section 27.07.040 of the Lincoln Municipal Code as hitherto existing.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:
Waiver No. 10026 to Final Plat No. 02005 approved by the Planning Director on February 7, 2011 requested by Engineering Design Consultants, LLC to extend the time for two years to install landscape screen, private ornamental lighting, private sanitary sewer, permanent monuments, sidewalks, street name signs, street paving and street trees for I-80 Business Park Addition. The improvements shall be completed by February 7, 2013. Sidewalks must still be completed on any lot prior to occupancy as part of a building permit. Property is generally located at NW 27th Street and West O Street.

MISCELLANEOUS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF JASF, INC. DBA NOWHERE BAR & GRILL FOR A CLASS C LIQUOR LICENSE AT 2050 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86240
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 JASF, Inc. dba Nowhere Bar & Grill for a Class "C" liquor license at 2050 Cornhusker Highway, 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. There be no business or personal alcohol related offenses by the applicant within the first year after approval.
3. The premise must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

MANAGER APPLICATION OF AMY S. SHAFFER FOR JASF, INC. DBA DAWGHOUSE NOWHERE BAR & GRILL AT 2050 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

WHEREAS, JASF, Inc. dba Dawghouse Nowhere Bar & Grill located at 2050 Cornhusker Highway, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Amy S. Shaffer be named manager;
WHEREAS, Amy S. Shaffer 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 Amy S. Shaffer 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, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

APPLICATION OF HAWKINS RESTAURANT GROUP, LLC DBA GRATEFUL GREENS GOURMET CHOPPED SALADS FOR A CLASS "IK" LIQUOR LICENSE AT 1451 O 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:
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 Hawkins Restaurant Group, LLC dba Grateful Greens Gourmet Chopped Salads for a Class "IK" liquor license at 1451 O 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, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

MANAGER APPLICATION OF JAMES W. LARSON FOR HAWKINS RESTAURANT GROUP, LLC DBA GRATEFUL GREENS GOURMET CHOPPED SALADS AT 1451 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

WHEREAS, Hawkins Restaurant Group, LLC dba Grateful Greens Gourmet Chopped Salads located at 1451 O Street, Lincoln, Nebraska has been approved for a Retail Class "IK" liquor license, and now requests that James W. Larson be named manager;
WHEREAS, James W. Larson 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 James W. Larson 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, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.
ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

APPROVING AMENDMENT NO. 1 TO THE NORTHBANK JUNCTION CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN ROGER H. SCHWISOW, ELDONNA SCHWISOW, HARTLAND HOMES INC. AND THE CITY OF LINCOLN TO AMEND THE TERMS OF THE AGREEMENT WITH RESPECT TO DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND ALVO ROAD PRIOR TO THE PREPARATION AND SUBMITTAL OF A TRAFFIC STUDY.

CHANGE OF ZONE 10027 - APPLICATION OF HARTLAND HOMES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND ALVO ROAD - CLERK read an ordinance, introduced by Adam Hornung, 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 second time.

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE 2010 AND DECEMBER 2010 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Adam Hornung, adopting the supplements to the Lincoln Municipal Code, 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 JANUARY 16 - 31, 2011 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

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 February 1, 2011, 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:

<table>
<thead>
<tr>
<th>DENIED CLAIMS</th>
<th>ALLOWED/SETTLED CLAIMS</th>
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<tbody>
<tr>
<td>None</td>
<td>Althouse Ag Inc./DDA Farms Inc.  $ 7,462.66</td>
</tr>
<tr>
<td></td>
<td>Paul F. &amp; Jody M. Warfield  25,799.62</td>
</tr>
<tr>
<td></td>
<td>Shawn and Jodi McSill      1,978.80</td>
</tr>
<tr>
<td></td>
<td>Casey Wood                 2,307.72</td>
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<td></td>
<td>Juan Carlos Valdez Chacon  242.95</td>
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<td></td>
<td>Theresa Hensley            2,198.42</td>
</tr>
</tbody>
</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 Adam Hornung
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

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

CREATING A BUSINESS IMPROVEMENT DISTRICT FOR THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF CERTAIN PUBLIC FACILITIES AND IMPROVEMENTS WITHIN THE AREA OF SOUTH STREET FROM THE ALLEY WEST OF 9TH STREET EAST TO 19TH STREET AND PROVIDING FOR SPECIAL ASSESSMENTS TO BE IMPOSED WITHIN THE DISTRICT - CLERK read an ordinance, introduced by Jayne Snyder, creating a business improvement district under the authority of the Business Improvement District Act (Neb. Rev. Stat. § 19-4015 et seq.) to be known as the South Street Business Improvement District for the purpose of providing specified maintenance, repair and reconstruction of certain public facilities and improvements within the area of South Street from the alley west of 9th Street east to 19th Street, providing for special assessments to be imposed within the district based upon the benefits conferred, and providing maximum limits upon such assessments, the first time.
OPEN MICROPHONE

Jane Svoboda, address not given, came forward to share her belief that doctors and other professionals have been practicing genocide for several years. This matter was taken under advisement.

Richard Esquivel, 733 W. Cuming, came forward to share his opinion concerning LB 775, also known as Tax Increment Financing. He said with tax gaps coming today, tomorrow and in the future, he requested that our elected officials be more conscientious about how our money is spent or given away. Mr. Esquivel said he would like to see an end to LB 775. This matter was taken under advisement.

John Austin, 826 S. 14th St., came forward to express opinions which are of interest to him. He believes the Mayoral position is a two-person job. He said he is in favor of LB 116 which will allow Veterans’ Aid Funds to be used for a state veteran cemetery in Bellevue, Nebraska. He feels Lincoln needs a Veterans Hospital along with private ambulance service. Council Chair Spatz requested Mr. Austin’s statement declaring that the City Council does a pretty good job to go on record. This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to February 28, 2011. Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on February 28, 2011. Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

ADJOURNMENT 3:20 P.M.

CAMP Moved to adjourn the City Council meeting of February 14, 2011. Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Emery.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant