AGENDA
MONDAY, NOVEMBER 14, 2011, 3:00 P.M.

1) ELECTION OF CHAIR
2) ANNOUNCE: The Open Meetings Law is posted by the Southwest Door of the Chamber.
3) READING OF OPENING STATEMENT BY CHAIR PERSON
   CITY CLERK READS ITEMS 4, 5 AND 6 INTO THE RECORD
4) DOWNTOWN BUSINESS IMPROVEMENT DISTRICT generally bounded by H, 6th, R, and 17th Streets.
5) CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY generally bounded by Centennial Mall, M, 9th and Q Streets.
6) DOWNTOWN MAINTENANCE DISTRICT generally extending from 7th Street on the west to 17th Street on the east and from R Street on the north, to M Street on the south and shall in addition thereto include the properties abutting on the west side of 7th Street from Q Street to M Street, the properties abutting on the north side of R Street from 7th Street to 10th Street and the properties abutting the south side of M Street from 8th Street to 17th Street. In addition, the district shall include properties abutting both sides of 13th Street from M Street to Lincoln Mall and all of Cornhusker Square.
7) REMARKS BY/QUESTIONS OF URBAN DEVELOPMENT DEPARTMENT STAFF
8) PUBLIC TESTIMONY
9) VOTING SESSION
10) ADJOURNMENT (Sine Die or must set another date and time)

THE MINUTES OF THE BOARD OF EQUALIZATION HELD
MONDAY, NOVEMBER 14, 2011 AT 3:00 P.M.

The Board of Equalization met at 3:00 p.m. in the City Council Chambers of the County-City Building in Lincoln, Nebraska as required by law.

Members Present: Jon Camp, Eugene Carroll, Jonathan Cook, Carl Eskridge, DiAnna Schimek.

Council Chair Carroll announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

CLERK Our first order of business is to select a chair.
COOK I nominate Eugene Carroll.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.

CARROLL Took the Chair and proceeded with the reading of the procedures to be followed for public hearing on matters presented to the Board, with a brief explanation of the procedures.

PUBLIC HEARING

DOWNTOWN BUSINESS IMPROVEMENT DISTRICT GENERALLY BOUNDED BY H, 6TH, R, AND 17TH STREETS;
CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY GENERALLY BOUNDED BY CENTENNIAL MALL, M, 9TH AND Q STREETS;
DOWNTOWN MAINTENANCE DISTRICT GENERALLY EXTENDING FROM 7TH STREET ON THE WEST TO 17TH STREET ON THE EAST AND FROM R STREET ON THE NORTH, TO M STREET ON THE SOUTH AND SHALL IN ADDITION THERETO INCLUDE THE PROPERTIES ABUTTING ON THE WEST SIDE OF 7TH STREET FROM Q STREET TO M STREET, THE PROPERTIES ABUTTING ON THE NORTH SIDE OF R STREET FROM 7TH STREET TO 10TH STREET AND THE PROPERTIES ABUTTING THE SOUTH
SIDE OF M STREET FROM 8TH STREET TO 17TH STREET. IN ADDITION, THE DISTRICT SHALL INCLUDE PROPERTIES ABUTTING BOTH SIDES OF 13TH STREET FROM M STREET TO LINCOLN MALL AND ALL OF CORNHUSKER SQUARE - Ron Cane, Urban Development Department, came forward as the staff person who prepared the proposed assessment. He said the costs being assessed are for the time period of September 1, 2010 through August 31, 2011 and that he would answer any questions.

VOTING SESSION

DOWNTOWN BUSINESS IMPROVEMENT DISTRICT GENERALLY BOUNDED BY H, 6TH, R, AND 17TH STREETS.

ESKRIDGE Moved approval.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.

CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY GENERALLY BOUNDED BY CENTENNIAL MALL, M, 9TH AND Q STREETS.

ESKRIDGE Moved approval.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.

DOWNTOWN MAINTENANCE DISTRICT GENERALLY EXTENDING FROM 7TH STREET ON THE WEST TO 17TH STREET ON THE EAST AND FROM R STREET ON THE NORTH, TO M STREET ON THE SOUTH AND SHALL IN ADDITION THERETO INCLUDE THE PROPERTIES ABUTTING ON THE WEST SIDE OF 7TH STREET FROM Q STREET TO M STREET; THE PROPERTIES ABUTTING ON THE NORTH SIDE OF R STREET FROM 7TH STREET TO 10TH STREET AND THE PROPERTIES ABUTTING THE SOUTH SIDE OF M STREET FROM 8TH STREET TO 17TH STREET. IN ADDITION, THE DISTRICT SHALL INCLUDE PROPERTIES ABUTTING BOTH SIDES OF 13TH STREET FROM M STREET TO LINCOLN MALL AND ALL OF CORNHUSKER SQUARE.

ESKRIDGE Moved approval.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.

ADJOURNMENT

3:06 P.M.

COOK Moved to adjourn Sine Die the Board of Equalization meeting.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.

THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, NOVEMBER 14, 2011 AT 3:00 P.M.

The Meeting was called to order at 3:06 p.m. Present: Council Chair Carroll; Council Members: Camp, Cook, Eskridge, Schimek; City Clerk, Joan E. Rose; Absent: Emery, Hornung.

READING OF THE MINUTES

SCHIMEK Having been appointed to read the minutes of the City Council proceedings of November 7, 2011 reported having done so, found same correct.
Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.

PUBLIC HEARING

APPROVING THE REAPPOINTMENT OF DICK ESSEKS TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A SIX-YEAR TERM EXPIRING ON AUGUST 24, 2017;
APPROVING THE APPOINTMENT OF CHRIS HOVE AND GREG BUTCHER TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR TERMS TO EXPIRE ON AUGUST 24, 2017; AND,
APPROVING THE APPOINTMENT OF KEN WEBER TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A TERM TO EXPIRE ON SEPTEMBER 24, 2013 - Council Member Camp
stated that since the Planning Commission is a critical entity for the City of Lincoln, he requested that the nominees come forward for introduction and share how they view the Comprehensive Plan.

Greg Butcher, 7539 Starr St., came forward to answer questions. He said he believes the Plan is a little less than rigid, allowing for flexibility and is a guiding force.

Chris Hove, President & CEO of Nebraska Bank of Commerce, came forward to answer questions. In his opinion, he said the Comprehensive Plan is something to look at and study each day but not to be regarded as black and white.

Ken Weber, 3330 Saltillo Road, came forward to accept the opportunity to serve on the Planning Commission. Mr. Weber said he would serve with an open mind and use the Comp. Plan as a guideline and adapting changes as necessary.

Dick Esseks came forward stating that he was first appointed in June 2005. In his view, Mr. Esseks said the current Comprehensive Plan was the result of many months of careful thought, discussion and editing and provides a basis for many decisions to be made.

Council Members along with Council Chair Carroll expressed appreciation for the work and commitment of those who serve on the Planning Commission. This matter was taken under advisement.

APPLICATION OF WICKED SMOKE, INC. DBA WICKED SMOKE FOR A CLASS D LIQUOR LICENSE AT
1603 WEST O STREET;
MANAGER APPLICATION OF MELISSA J. AUSTIN FOR WICKED SMOKE, INC. DBA WICKED SMOKE AT
1603 WEST O STREET - Derek Zimmerman, Wells Fargo Center, 1248 O St. #600, came forward representing the applicant to take oath and answer questions. In response to Council concerns, Mr. Zimmerman said Ms. Austin's past misdemeanors were not related to alcohol and occurred 8 to 9 years ago in a life situation that is no longer a factor today.

Jim Peschong, Chief of Police, came forward to answer questions. In response to Ms. Austin's criminal history, Chief Peschong said, in youth, an individual may wind up making a few mistakes but the time period of six to eight years may be proof that the applicant has gotten on the right path.

This matter was taken under advisement.

APPLICATION OF BLUE BLOOD BREWING COMPANY DBA BLUE BLOOD BREWING FOR A CLASS L LIQUOR LICENSE (CRAFT BREWERY) AT 500 W. SOUTH STREET, SUITE 8;
MANAGER APPLICATION OF BRIAN C. POWNIKSI FOR BLUE BLOOD BREWING COMPANY DBA BLUE BLOOD BREWING AT 500 W. SOUTH STREET, SUITE 8 - Brian Podwinski, 500 W. South St., came forward to take oath and answer questions. He said after being a home brewer for several years he decided to take the next step in becoming a business.

This matter was taken under advisement.

APPLICATION OF GRATA LLC DBA GRATA FOR A CLASS CK LIQUOR LICENSE AT 6891 A STREET, SUITE 108;
MANAGER APPLICATION OF JUSTIN A. HEIDER FOR GRATA LLC DBA GRATA AT 6891 A STREET, SUITE 108 - Harry Waton, owner, 3812 Worthington Ave., came forward to take oath and answer questions. He said his existing business is located at 27 5/8 & Yankee Hill and the new business at Clock Tower will be themed the same, only low keyed. In response to Council concerns about the south Grata location, Mr. Watson said his staff is very well trained, he provided his explanation to a past liquor violation and stated that he was not aware of violations in the last year occurring outside his business.

Justin Heider, manager of Grata, came forward to take oath and answer questions. Council Chair Carroll expressed concern about Clock Tower’s close proximity to residential homes and asked if Mr. Watson would object to a stipulation which would place a one-year probation on the liquor/manager license relating to personal or business violations.

Mr. Watson said he would not object.

This matter was taken under advisement.

APPLICATION OF C & RV, LLC DBA MISTY’S FOR A CLASS CK LIQUOR LICENSE AT 3930 VILLAGE DRIVE;
MANAGER APPLICATION OF CHAD W. CARLSON FOR C & RV, LLC DBA MISTY’S AT 3930 VILLAGE DRIVE - Chad Carlson, manager, came forward to take oath and answer questions.

This matter was taken under advisement.

APPROVING A CONTRACT FOR SERVICES BETWEEN THE CITY OF LINCOLN AND CADA, FROSCHEISER, CADA AND HOFFMAN FOR COLLECTION LITIGATION SERVICE WITH REGARD TO DEBT COLLECTION FOR LINCOLN FIRE AND RESCUE WITH A CONTINGENT FEE FOR A FOUR YEAR TERM AND REPORTING A CONFLICT IN THAT ED HOFFMAN, A PARTNER IN SAID LAW FIRM, IS MARRIED TO CITY OF LINCOLN EMPLOYEE PAM HOFFMAN, A SENIOR OFFICE ASSISTANT IN
THE RISK MANAGEMENT DIVISION - Rod M. Confer, City Attorney, came forward to explain the contract with a law firm to provide specialized & efficient collection work for the City. He said that because of the conflict and the contract is subject to competitive bidding, it requires Council approval. This matter was taken under advisement.

COMP. PLAN CONFORMANCE 11010 - ADOPTING AND APPROVING THE "YOLANDE AVENUE REDEVELOPMENT PLAN" FOR APPROXIMATELY 96.6 ACRES COMPRISED PREDOMINANTLY OF COMMERCIAL AND INDUSTRIAL LAND USES GENERALLY LOCATED BETWEEN CORNHUSKER HIGHWAY AND SALT CREEK FROM APPROXIMATELY NORTH 14TH STREET TO APPROXIMATELY NORTH 24TH STREET - David Landis, Urban Development Director, said a corporation established as a significant employer wanted help with a street that was not on a Public Works project list. In an attempt to accommodate the business interests in this area, his department looked at making use of the tax increment financing tool.

Wynn Hjermstad, Urban Development, came forward to present a memo to Council addressing legal requirements in the Community Development Law. This matter was taken under advisement.

RE-ADOPTING THE WATER SYSTEM IMPACT FEE SCHEDULE, WATER DISTRIBUTION IMPACT FEE SCHEDULE, WASTEWATER IMPACT FEE SCHEDULE, ARTERIAL STREET IMPACT FEE SCHEDULE, AND NEIGHBORHOOD PARK AND TRAIL IMPACT FEE SCHEDULE WITHOUT ANY ADJUSTMENT FOR INFLATION FOR 2012 - Kyle Fisher, Chamber of Commerce, 1135 M St., came forward in support of freezing the impact fee schedule. He said the home-building construction industry isn’t able to support any increases at this time. Miki Esposito, Interim Director of Public Works & Utilities, came forward to answer questions. She reported that Fran Mejer & Michaela Dugan of Public Works were on hand for questioning.

Lois Haupt, 4212 Knox St., came forward representing the Lincoln Neighborhood Alliance in opposition to the resolution as it will deny the City another source of desperately needed revenue for street repair and new construction. Bob Reeves, 1326 Dudley, came forward in opposition to the continued impact fee freeze. He said infrastructure maintenance is getting further & further behind. Russell Miller, 341 S. 52nd St., came forward to state that a 2002 Duncan Report found that it costs $9,000 per house to provide sewer, water, streets to lead into new housing development. He said he is opposed to the impact fee inflation adjustment freeze. He said commercial developers are not paying their fair share of impact fees. If impact fees were raised, everybody’s taxes would be lowered.

Mike Dennis, 1845 S. 48th St., Pres. of the Real Estate Owners & Managers Association (REOMA), came forward in support of freezing impact fees suggested doing away with them altogether. Rather than single out a particular fee, Mr. Dennis suggested that everyone pay their own fair share of property tax, sales tax, wheel tax, Building & Safety fees and utility fees.

This matter was taken under advisement.

APPROVING A PRELIMINARY ENGINEERING AND NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND ALFRED BENESCH & COMPANY SETTING OUT THE VARIOUS DUTIES AND FEES FOR THE FEDERAL AID SAFETY PROJECT AT CODDINGTON AVENUE AND WEST VAN DOSEN STREET - Craig Aldridge, Public Works & Utilities Department, came forward to answer any questions. He said there are two open houses planned to give the public ample opportunity to provide input on potential solutions for the safety project at this intersection. Options include a roundabout design, a traditional signalized intersection and a third being a no-build alternative. This matter was taken under advisement.

APPROVING A SERVICE AGREEMENT FOR GOLF PROFESSIONALS BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN PARKS AND RECREATION DEPARTMENT AND TIMOTHY ROWLAND FOR THE OPERATION OF PIONEERS GOLF COURSE FOR A THREE AND ONE-HALF YEAR PERIOD WITH THE OPTION TO RENEW FOR ONE ADDITIONAL THREE-YEAR TERM; APPROVING A SERVICE AGREEMENT FOR GOLF PROFESSIONALS BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN PARKS AND RECREATION DEPARTMENT AND TIMOTHY ROWLAND FOR THE OPERATION OF HOLMES GOLF COURSE FOR A ONE AND ONE-HALF YEAR PERIOD - Steve Hiller, Parks & Recreation Department, came forward to answer questions. This matter was taken under advisement.
APPROVING A SERVICE AGREEMENT FOR GOLF PROFESSIONALS BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN PARKS AND RECREATION DEPARTMENT AND DENIS M. VONTZ FOR THE OPERATION OF HIGHLANDS GOLF COURSE AND MAHONEY GOLF COURSE FOR A THREE AND ONE-HALF YEAR PERIOD WITH THE OPTION TO RENEW FOR ONE ADDITIONAL THREE-YEAR TERM - Steve Hiller, Parks & Recreation Department, came forward to explain that with four golf courses, there were four different golf professionals. To consolidate operations, the department is asking two golf professionals to operate two golf clubhouses.

Tim Rowland, Golf Professional, came forward for introduction and questioning.

Lynn Johnson, Director of Parks & Recreation, came forward to answer questions about the service agreement for Holmes Golf Course. He said the time structure must coincide with the tax exempt bond financing. To avoid disruption in golf business, a master plan version leaves the old clubhouse in place while the new one is constructed just to the east.

This matter was taken under advisement.

TOOK BREAK 3:58 P.M. RECONVENED 4:06 P.M.

COUNCIL ACTION

APPOINTING MICHAEL DEKALB TO THE STARTRAN ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING OCTOBER 20, 2012 - CLERK read the following resolution, originally introduced by Doug Emery.

COOK Moved its adoption:

A-86578 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Michael DeKalb to the StarTran Advisory Board to fill an unexpired term expiring October 20, 2012 is hereby approved.

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

REAPPOINTING STEPHEN SPEICHER TO THE STARTRAN ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING OCTOBER 20, 2014 - CLERK read the following resolution, originally introduced by Doug Emery.

COOK Moved its adoption:

A-86580 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Stephen Speicher to the StarTran Advisory Board to fill an unexpired term expiring October 20, 2014 is hereby approved.

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

APPROVING THE REAPPOINTMENT OF DICK ESSEKS TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A SIX-YEAR TERM EXPIRING ON AUGUST 24, 2017 - CLERK read the following resolution, originally introduced by Doug Emery.

COOK Moved its adoption:

A-86581 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Dick Esseks to the Lincoln-Lancaster County Planning Commission for a term expiring August 24, 2017 is hereby approved.

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

APPROVING THE APPOINTMENT OF CHRIS HOVE AND GREG BUTCHER TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR TERMS TO EXPIRE ON AUGUST 24, 2017; AND, APPROVING THE APPOINTMENT OF KEN WEBER TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A TERM TO EXPIRE ON SEPTEMBER 24, 2013 - CLERK read the following resolution, originally introduced by Doug Emery.

COOK Moved its adoption:
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointments of Chris Hove and Ken Weber to the Lincoln-
Lancaster County Planning Commission for terms expiring August 24, 2017 and
September 24, 2013, respectively, are hereby approved.

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

RESOLUTION SETTING THE HEARING DATE OF MONDAY, DECEMBER 5, 2011, AT 3:00 P.M. ON THE
ASSESSMENT OF BUILDING DEMOLITION LOCATED ON PROPERTY AT 2011 SOUTH 19TH STREET,
LEGALLY DESCRIBED AS HARWOODS ADDITION, BLOCK 3, LOT 2, LINCOLN, LANCASTER
COUNTY, NEBRASKA - CLERK read the following resolution, introduced by Carl
Eskridge, who moved its adoption:

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That a public hearing date of Monday, December 5, 2011, at 3:00 p.m. or
as soon thereafter as possible is hereby set on the assessment of building
demolition costs incurred by the City of Lincoln, Nebraska, located on property
at 2011 S. 19th Street, Lincoln, Nebraska, legally described as Harwoods
Addition, Block 3, Lot 2, Lincoln, Lancaster County, Nebraska.

Introduced by Carl Eskridge
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll,
Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY
COUNCIL ON OCTOBER 31, 2011 - CLERK PRESENTED SAID REPORT WHICH WAS PLACED ON
FILE IN THE OFFICE OF THE CITY CLERK. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, DECEMBER 5, 2011 AT 3:00 P.M. FOR THE APPLICATION
OF TLR, INC. DBA PIONEERS GOLF COURSE TO UPGRADE FROM A CLASS A TO A CLASS C
LIQUOR LICENSE LOCATED AT 3403 W. VAN DORN - CLERK read the following
resolution, introduced by Carl Eskridge, who moved its adoption:

BE IT RESOLVED by the City Council, of the City of Lincoln, that a
hearing date is hereby set for Monday, December 5, 2011, at 3:00 p.m. or as soon
thereafter as possible in the City Council Chambers, County-City Building, 555
S. 10th St., Lincoln, NE for the application of TLR, Inc. dba Pioneers Golf
Course to upgrade from a Class A to a Class C liquor license located at 3403 W.
Van Dorn.

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

Introduced by Carl Eskridge
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll,
Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.

SETTING THE HEARING DATE OF MONDAY, DECEMBER 5, 2011 AT 3:00 P.M. FOR THE APPLICATION
OF TLR, INC. DBA HOLMES GOLF COURSE TO UPGRADE FROM A CLASS A TO A CLASS C
LIQUOR LICENSE LOCATED AT 3701 SOUTH 70TH STREET - CLERK read the following
resolution, introduced by Carl Eskridge, who moved its adoption:

BE IT RESOLVED by the City Council, of the City of Lincoln, that a
hearing date is hereby set for Monday, December 5, 2011, at 3:00 p.m. or as soon
thereafter as possible in the City Council Chambers, County-City Building, 555
S. 10th St., Lincoln, NE for the application of TLR, Inc. dba Holmes Golf Course
to upgrade from a Class A to a Class C liquor license located at 3701 South 70th
Street.

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

Introduced by Carl Eskridge
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll,
Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.

SETTING THE HEARING DATE OF MONDAY, DECEMBER 5, 2011 AT 3:00 P.M. FOR THE APPLICATION
OF DENIS M. VONTZ DBA MAHONEY GOLF COURSE FOR A CLASS I LIQUOR LICENSE LOCATED
AT 7900 ADAMS STREET - CLERK read the following resolution, introduced by Carl
Eskridge, who moved its adoption:

BE IT RESOLVED by the City Council, of the City of Lincoln, that a
hearing date is hereby set for Monday, December 5, 2011, at 3:00 p.m. or as soon
thereafter as possible in the City Council Chambers, County-City Building, 555
S. 10th St., Lincoln, NE for the application of Denis M. Vontz dba Mahoney Golf Course for a Class I liquor license located at 7900 Adams Street. If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Carl Eskridge
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:
Administrative Amendment No. 11057 to Special Permit No. 11010 approved by the Planning Director on November 2, 2011 requested by ESP, Inc. to rescind the special permit for a limited landfill on property generally located at NW 48th St. and Highway 34.
Administrative Amendment No. 11058 to Special Permit No. 1481 and Special Permit No. 1481A approved by the Planning Director on November 2, 2011 requested by ESP, Inc. to rescind the special permits for a heritage center on property generally located at NW 48th St. and Highway 34.

MISCELLANEOUS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF WICKED SMOKE, INC. DBA WICKED SMOKE FOR A CLASS D LIQUOR LICENSE AT 1603 WEST O STREET

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 Wicked Smoke, Inc. dba Wicked Smoke for a Class "D" liquor license at 1603 West O Street, Lincoln, Nebraska, for the license period ending April 30, 2012, be approved with the condition that:
1. The applicant obtains a valid special permit, including the parking requirements.
2. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
3. The premises must comply in every respect with all city and state regulations.
4. There be no business or personal alcohol related offenses by the applicant within the first year after approval.

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

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

MANAGER APPLICATION OF MELISSA J. AUSTIN FOR WICKED SMOKE, INC. DBA WICKED SMOKE AT 1603 WEST O STREET

WHEREAS, Wicked Smoke, Inc. dba Wicked Smoke located at 1603 West O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Melissa J. Austin be named manager;
WHEREAS, Melissa J. Austin 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 Melissa J. Austin be approved as manager of this business for said licensees. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp
Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.
APPLICATION OF BLUE BLOOD BREWING COMPANY DBA BLUE BLOOD BREWING FOR A CLASS L LIQUOR LICENSE (CRAFT BREWERY) AT 500 W. SOUTH STREET, SUITE 8 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86588 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 Blue Blood Brewing Company dba Blue Blood Brewing for a Class "L" liquor license at 500 W. South Street, Suite 8, Lincoln, Nebraska, for the license period ending April 30, 2012, 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 premises 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 Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.

MANAGER APPLICATION OF BRIAN C. PODWINSKI FOR BLUE BLOOD BREWING COMPANY DBA BLUE BLOOD BREWING AT 500 W. SOUTH STREET, SUITE 8 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86590 WHEREAS, Blue Blood Brewing Company dba Blue Blood Brewing located at 500 W. South Street, Suite 8, Lincoln, Nebraska has been approved for a Retail Class "L" liquor license, and now requests that Brian C. Podwinski be named manager;
WHEREAS, Brian C. Podwinski 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 Brian C. Podwinski 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 Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.

APPLICATION OF GRATAT LLC DBA GRATAT FOR A CLASS CK LIQUOR LICENSE AT 6891 A STREET, SUITE 108 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval subject to the following stipulation: That there be a one year period during which no infractions occur under the laws of the Nebraska Liquor Control Act, either personal or business related, with regard to both Gratat locations: CK-96512, located at 6891 A Street, Suite 108 and C-75602, located at 2755 Jamie Lane, Suite 1516.

A-86591 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 Gratat LLC dba Gratat for a Class "CK" liquor license at 6891 A Street, Suite 108, Lincoln, Nebraska, for the license period ending October 31, 2012, be approved with the condition that the premises 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 Schimek & carried by the following vote: AYES: Camp, Carroll, Eskridge, Schimek; NAYS: Cook; ABSENT: Emery, Hornung.

MANAGER APPLICATION OF JUSTIN A. HEIDER FOR GRATAT LLC DBA GRATAT AT 6891 A STREET, SUITE 108 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval subject to the following stipulation: That there be a one year period during which no infractions occur under the laws of the Nebraska Liquor Control Act, either personal or business related, with regard to both Gratat locations: CK-96512, located at 6891 A Street, Suite 108 and C-75602, located at 2755 Jamie Lane, Suite 1516.
WHEREAS, Grata LLC dba Grata located at 6891 A Street, Suite 108, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Justin A. Heider be named manager;

WHEREAS, Justin A. Heider 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 Justin A. Heider 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 Schimek & carried by the following vote: AYES: Camp, Carroll, Eskridge, Schimek; NAYS: Cook; ABSENT: Emery, Hornung.

APPLICATION OF C & RV, LLC DBA MISTY’S FOR A CLASS CK LIQUOR LICENSE AT 3930 VILLAGE DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

WHEREAS, C & RV LLC dba Misty’s located at 3930 Village Drive, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Chad W. Carlson be named manager;

WHEREAS, Chad W. Carlson 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 Chad W. Carlson 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 Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.

MANAGER APPLICATION OF CHAD W. CARLSON FOR C & RV, LLC DBA MISTY’S AT 3930 VILLAGE DRIVE - 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 C & RV LLC dba Misty’s for a Class "CK" liquor license at 3930 Village Drive, Lincoln, Nebraska, for the license period ending October 31, 2012, be approved with the condition that the premises 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 Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.

ORDINANCE - 2nd READING & RELATED RESOLUTIONS (as required) - NONE

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 OCTOBER 16 - 31, 2011 - CLERK read the following resolution, originally introduced by Doug Emery.

ESKRIDGE 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 November 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.
DENIED CLAIMS

None

ALLOWED/SETTLED CLAIMS

Joel D. Heusinger $1,997.95
Amber Murphy a/k/a Amber Echeverria $41.54
Kidwell Electric 1,280.99
Andrew Harris 1,846.64
Jennifer Vaughn 1,410.47

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

APPROVING A CONTRACT FOR SERVICES BETWEEN THE CITY OF LINCOLN AND CADA, FROSCHIEISER, CADA AND HOFFMAN FOR COLLECTION LITIGATION SERVICE WITH REGARD TO DEBT COLLECTION FOR LINCOLN FIRE AND RESCUE WITH A CONTINGENT FEE FOR A FOUR YEAR TERM AND REPORTING A CONFLICT IN THAT ED HOFFMAN, A PARTNER IN SAID LAW FIRM, IS MARRIED TO CITY OF LINCOLN EMPLOYEE PAM HOFFMAN, A SENIOR OFFICE ASSISTANT IN THE RISK MANAGEMENT DIVISION - CLERK read the following resolution, originally introduced by Doug Emery.

ESKRIDGE Moved its adoption:
A-86596

WHEREAS, pursuant to Lincoln Municipal Code §2.54.040 a contract with any member of the immediate family of an employee who has a significant financial interest in any contract for the provision of goods or services to the City requires City Council approval; and
WHEREAS, the City of Lincoln desires to enter into a contingent fee Contract for Services with the law firm of Cada, Froscheiser, Cada and Hoffman for debt collection litigation services for Lincoln Fire and Rescue and for Risk Management for a four year term; and
WHEREAS, Edward F. Hoffman, a partner in said law firm, is married to City of Lincoln employee Pam Hoffman, a Senior Office Assistant in the Risk Management Division of the City of Lincoln Personnel Department.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the Services Agreement between the City of Lincoln and Cada, Froscheiser, Cada and Hoffman which is attached hereto as Attachment "A" for debt collection litigation services for Lincoln Fire and Rescue and Risk Management with a contingent fee for a four year term is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

COMP. PLAN CONFORMANCE 11010 - ADOPTING AND APPROVING THE "YOLANDE AVENUE REDEVELOPMENT PLAN" FOR APPROXIMATELY 96.6 ACRES COMPRISED PREDOMINANTLY OF COMMERCIAL AND INDUSTRIAL LAND USES GENERALLY LOCATED BETWEEN CORNHUSKER HIGHWAY AND SALT CREEK FROM APPROXIMATELY NORTH 14TH STREET TO APPROXIMATELY NORTH 24TH STREET - CLERK read the following resolution, originally introduced by Doug Emery.

ESKRIDGE Moved its adoption:
A-86597

WHEREAS, the City Council on June 27, 2011, adopted Resolution No. A-86390 finding an area generally bounded by North 14th Street on the west, North 24th Street on the east, Cornhusker Highway on the north and Salt Creek on the south, to be blighted and substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and
WHEREAS, the Director of the Urban Development Department has filed with the City Clerk a Redevelopment Plan entitled "Yolande Avenue Redevelopment Plan" which is attached hereto, marked as Attachment "A", and made a part hereof by reference, and has reviewed said plan and has found that it meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 2007); and
WHEREAS, on October 7, 2011, a notice of public hearing was mailed postage prepaid to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place and purpose of the public hearing to be held on October 19, 2011 before the Lincoln City - Lancaster County Planning Commission regarding the proposed Yolande Avenue Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and
WHEREAS, on October 28, 2011 a notice of public hearing was mailed postage prepaid to the foregoing registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on November 14, 2011, regarding the proposed Yolande Avenue Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on October 28, 2011 and November 4, 2011 a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place and purpose of the public hearing to be held on November 14, 2011 regarding the proposed Yolande Avenue Redevelopment Plan for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "B"; and

WHEREAS, said proposed Yolande Avenue Redevelopment Plan has been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and said Planning Commission on October 19, 2011 found the Plan Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on November 14, 2011 in the City Council chambers of the County-City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing on the proposed Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed modifications to the Redevelopment Plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed Redevelopment Plan.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the Yolande Avenue Redevelopment Plan is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will promote the general health, safety and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That the Yolande Avenue Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.

3. That the substandard and blighted conditions in the Yolande Avenue Redevelopment Plan Area are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing.

4. That elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

5. That the Yolande Avenue Redevelopment Plan would not be economically feasible without the use of tax-increment financing.

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

1. That the document entitled “Yolande Avenue Redevelopment Plan” attached hereto as Attachment “A”, establishing the Yolande Avenue Redevelopment Plan, is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan.

3. That the Redevelopment Plan Area for the Yolande Avenue Redevelopment Plan as described and depicted in the Plan is the Redevelopment Plan Area comprising the property to be included in the area subject to the tax increment provision authorized in the Nebraska Community Development Law.

4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents for the authorization to provide necessary funds including Community
Improvement Financing in accordance with the Community Development Law to finance necessary and appropriate public acquisitions, improvements and other activities set forth in said Yolande Avenue Redevelopment Plan.

Introduced by Doug Emery

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

RE-ADOPTING THE WATER SYSTEM IMPACT FEE SCHEDULE, WASTEWATER IMPACT FEE SCHEDULE, ARTERIAL STREET IMPACT FEE SCHEDULE, AND NEIGHBORHOOD PARK AND TRAIL IMPACT FEE SCHEDULE WITHOUT ANY ADJUSTMENT FOR INFLATION FOR 2012 - CLERK read the following resolution, originally introduced by Doug Emery.

ESKRIDGE Moved its adoption: A-86598
WHEREAS, Lincoln Municipal Code Section 27.82.050 provides for the City Council to establish the amount of each required impact fee through the adoption of impact fee schedules; and
WHEREAS, the City Council has considered the Lincoln Impact Fee Study prepared by Duncan & Associates dated October, 2002; and
WHEREAS, pursuant to subsection (k) of Lincoln Municipal Code 27.82.110, beginning on January 1, 2005 and on January 1 of each following year unless and until the impact fee schedules are otherwise revised or replaced by the City Council, each amount set forth in each schedule shall be adjusted to reflect the effects of inflation on those costs as set forth in the Impact Fee Study; and
WHEREAS, on November 17, 2008, the City Council adopted Resolution No. A-85142 adopting the Water System Impact Fee Schedule, Wastewater Impact Fee Schedule, Water Distribution Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule beginning January 1, 2007, for calendar year 2009 without any adjustment for inflation; and
WHEREAS, pursuant to Resolution No. A-85142 beginning on January 1, 2010 and on January 1 of each following year, unless and until the impact fee schedules are otherwise revised or replaced by the City Council, each amount set forth in each schedule shall be adjusted to reflect the effects of inflation on those costs as set forth in the Impact Fee Study; and
WHEREAS, on January 4, 2010 the City Council adopted Resolution No. A-85643 adopting the Water System Impact Fee Schedule, Wastewater Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule beginning January 1, 2007 for calendar year 2010 without any adjustment for inflation; and
WHEREAS, on January 10, 2011 the City Council adopted Resolution No. A-86207 adopting the Water System Impact Fee Schedule, Wastewater Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule beginning January 1, 2007 for calendar year 2011 without any adjustment for inflation; and
WHEREAS, the City Council has determined that the Water System Impact Fee Schedule, Water Distribution Impact Fee Schedule, Wastewater Impact Fee Schedule, Water Distribution Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule beginning January 1, 2007 should be re-adopted for calendar year 2012 without any adjustment for inflation.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
BE IT FURTHER RESOLVED that on January 1, 2013 and on January 1 of each following year, unless and until said re-adopted impact fee schedules beginning January 1, 2007 are otherwise revised or replaced, each amount set forth in each schedule shall be adjusted to reflect the effects of inflation on those costs as set forth in the Impact Fee Study.

Introduced by Doug Emery

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Eskridge, Schimek; NAYS: Cook; ABSENT: Emery, Hornung.
APPROVING A PRELIMINARY ENGINEERING AND NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND ALFRED BENESCH & COMPANY SETTING OUT THE VARIOUS DUTIES AND FEES FOR THE FEDERAL AID SAFETY PROJECT AT CODDINGTON AVENUE AND WEST VAN DORN STREET - CLERK read the following resolution, originally introduced by Doug Emery.

ESKRIDGE Moved its adoption:
A-86599

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

THAT the attached Preliminary Engineering and National Environmental Policy Act (NEPA) Services Agreement between the City of Lincoln and Alfred Benesch & Company for safety improvements at the intersection of Coddington Avenue and West Van Dorn Street and for the use of Federal Highway Administration Safety Funds, Project No. HSIP-5205(1), in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to Craig Aldridge, Engineering Services Division of the Department of Public Works & Utilities, for transmittal and execution by the Nebraska Department of Roads.

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

APPROVING A SERVICE AGREEMENT FOR GOLF PROFESSIONALS BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN PARKS AND RECREATION DEPARTMENT AND TIMOTHY ROWLAND FOR THE OPERATION OF PIONEERS GOLF COURSE FOR A THREE AND ONE-HALF YEAR PERIOD WITH THE OPTION TO RENEW FOR ONE ADDITIONAL THREE-YEAR TERM - CLERK read the following resolution, originally introduced by Doug Emery.

ESKRIDGE Moved its adoption:
A-86600

WHEREAS, the City of Lincoln owns and holds Pioneers Golf Course and operates a municipal golf course and clubhouse therein for the benefit of the citizens of the City of Lincoln; and

WHEREAS, Timothy L. Rowland, as manager, is a Class "A" PGA Golf Professional and Manager for Pioneers Golf Course; and

WHEREAS, the City desires the services of Timothy L. Rowland to operate the restaurant concessions and serve as golf professional and Manager for Pioneers Golf Course and he is qualified to perform these services.

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

1. The Service Agreement attached hereto between the City of Lincoln and Timothy L. Rowland for the management of Pioneers Golf Course for a three and one-half year period with the option to renew for one additional three-year term is hereby accepted and approved upon the terms and conditions as set out in the Agreement and the Mayor is authorized to execute said Agreement on behalf of the City.

2. The City Clerk is directed to return one fully executed copy of the Agreement to the Parks & Recreation Department for transmittal to Timothy L. Rowland.

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

APPROVING A SERVICE AGREEMENT FOR GOLF PROFESSIONALS BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN PARKS AND RECREATION DEPARTMENT AND TIMOTHY ROWLAND FOR THE OPERATION OF HOLMES GOLF COURSE FOR A ONE AND ONE-HALF YEAR PERIOD - CLERK read the following resolution, originally introduced by Doug Emery.

ESKRIDGE Moved its adoption:
A-86601

WHEREAS, the City of Lincoln owns and holds Holmes Golf Course and operates a municipal golf course and clubhouse therein for the benefit of the citizens of the City of Lincoln; and

WHEREAS, Timothy L. Rowland, as manager, is a Class "A" PGA Golf Professional and Manager for Pioneers Golf Course; and

WHEREAS, the City desires the services of Timothy L. Rowland to operate the restaurant concessions and serve as golf professional and Manager for Holmes Golf Course and he is qualified to perform these services.

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

1. The Service Agreement attached hereto between the City of Lincoln and Timothy L. Rowland for the management of Holmes Golf Course for a one and one-half year period is hereby accepted and approved upon the terms and conditions as set out in the Agreement and the Mayor is authorized to execute said Agreement on behalf of the City.
2. The City Clerk is directed to return one fully executed copy of the Agreement to the Parks & Recreation Department for transmittal to Timothy L. Rowland.

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

APPROVING A SERVICE AGREEMENT FOR GOLF PROFESSIONALS BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN PARKS AND RECREATION DEPARTMENT AND DENIS M. VONTZ FOR THE OPERATION OF HIGHLANDS GOLF COURSE AND MAHONEY GOLF COURSE FOR A THREE AND ONE-HALF YEAR PERIOD WITH THE OPTION TO RENEW FOR ONE ADDITIONAL THREE-YEAR TERM - CLERK read the following resolution, originally introduced by Doug Emery.

   ESKRIDGE Moved its adoption:
   A-86602

   WHEREAS, the City of Lincoln owns and holds Highlands Golf Course and Mahoney Golf Course and operates municipal golf courses and clubhouses therein for the benefit of the citizens of the City of Lincoln; and
   WHEREAS, Denis M. Vontz, as manager, is a Class “A” PGA Golf Professional and Manager for Highlands Golf Course; and
   WHEREAS, the City desires the services of Denis M. Vontz to operate the restaurant concessions and serve as golf professional and Manager for Highlands Golf Course and Mahoney Golf Course and he is qualified to perform these services.

   NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:
   1. The Service Agreement attached hereto between the City of Lincoln and Denis M. Vontz for the management of Highlands Golf Course and Mahoney Golf Course for a three and one-half year period with the option to renew for one additional three-year term is hereby accepted and approved upon the terms and conditions as set out in the Agreement and the Mayor is authorized to execute said Agreement on behalf of the City.
   2. The City Clerk is directed to return one fully executed copy of the Agreement to the Parks & Recreation Department for transmittal to Denis M. Vontz.

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

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

CHANGE OF ZONE 11036 - APPLICATION OF ROBERT AND SALLY SCHMIEDING FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 40TH STREET AND FREDERICK CIRCLE - CLERK read an ordinance, introduced by Carl Eskridge, 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 first time.

CHANGE OF ZONE 11037 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 86TH STREET AND LEXINGTON AVENUE - CLERK read an ordinance, introduced by Carl Eskridge, 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 first time.

VACATION NO. 11009 - VACATING BANCROFT AVENUE FROM SOUTH 49TH STREET TO SOUTH 51ST STREET AND SOUTH 51ST STREET FROM CALVERT STREET TO BANCROFT AVENUE - CLERK read an ordinance, introduced by Carl Eskridge, vacating Bancroft Avenue from South 49th Street to South 51st Street and South 51st Street from Calvert Street to Bancroft Avenue, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

AMENDING TITLE 24 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW CHAPTER 24.10 TO ADOPT THE 2009 EDITION OF THE UNIFORM PLUMBING CODE, WITH AMENDMENTS, ADDITIONS AND DELETIONS THERETO, REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF ANY PLUMBING SYSTEM IN THE CITY OF LINCOLN; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AND REPEALING CHAPTER 24.12 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Title 24 of the Lincoln Municipal Code by adding a new Chapter 24.10 to adopt the 2009
edition of the Uniform Plumbing Code, with amendments, additions and deletions thereto, regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of any plumbing system in the City of Lincoln; providing for the issuance of permits and collection of fees therefor; and repealing Chapter 24.12 of the Lincoln Municipal Code as hitherto existing, the first time.


AMENDING CHAPTER 25.04 OF THE LINCOLN MUNICIPAL CODE, THE LINCOLN MECHANICAL CODE TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL MECHANICAL CODE (IMC), WITH AMENDMENTS, ADDITIONS AND DELETIONS THERETO - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 25.04 of the Lincoln Municipal Code, the Lincoln Mechanical Code to adopt the 2009 edition of the International Mechanical Code (IMC), with amendments, additions and deletions thereto, the first time.

APPROVING AN ENERGY GRANT INTERLOCAL AGREEMENT BETWEEN THE CITY OF OMAHA AND THE CITY OF LINCOLN TO ACCOMPLISH RESIDENTIAL AND COMMERCIAL UPGRADES IN LINCOLN UNDER THE REENERGIZE PROGRAM, FUNDED BY THE U.S. DEPARTMENT OF ENERGY “BETTER BUILDINGS PROGRAM” - CLERK read an ordinance, introduced by Carl Eskridge, approving an Energy Grant Interlocal Agreement between the City of Omaha and the City of Lincoln to accomplish residential and commercial upgrades in Lincoln under the ReEnergize Program, funded by the U.S. Department of Energy “Better Buildings Program”, the first time.

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

AMENDING CHAPTER 2.62 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, BY AMENDING SECTION 2.62.120 RELATING TO TRUSTEE TO TRUSTEE TRANSFERS TO PROVIDE, IN THE CASE OF AN ELIGIBLE ROLLOVER DISTRIBUTION, FOR SEPARATE ACCOUNTING FOR TAXABLE AND NON-TAXABLE AMOUNTS AND AMENDING SECTION 2.62.230 RELATING TO QUALIFIED RETIREMENT PLAN TO PROVIDE THAT A MEMBER SHALL BE 100% VESTED UPON ATTAINMENT OF REQUIREMENTS FOR AN AGE AND SERVICE RETIREMENT AND TO PROVIDE THAT A DECEASED MEMBER’S MILITARY SERVICE BE COUNTED FOR VESTING PURPOSES - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 2.62 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan A by amending Section 2.62.120, Trustee to Trustee Transfers, to provide, in the case of an eligible rollover distribution, for separate accounting for taxable and non-taxable amounts; amending Section 2.62.230, Qualified Retirement Plan, to provide that a member shall be 100% vested upon attainment of requirements for an age and service retirement and to provide that a deceased member’s military service be counted for vesting purposes; and repealing Sections 2.62.120 and 2.62.230 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.
Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.

The ordinance, being numbered #19647, is recorded in Ordinance Book #27, Page .

AMENDING CHAPTER 2.65 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, BY AMENDING SECTION 2.65.120 RELATING TO TRUSTEE TO TRUSTEE TRANSFERS TO PROVIDE, IN THE CASE OF AN ELIGIBLE ROLLOVER DISTRIBUTION, FOR SEPARATE ACCOUNTING FOR TAXABLE AND NON-TAXABLE AMOUNTS AND AMENDING SECTION 2.65.220 RELATING TO QUALIFIED RETIREMENT PLAN TO PROVIDE THAT A MEMBER SHALL BE 100% VESTED UPON ATTAINMENT OF REQUIREMENTS FOR AN AGE AND SERVICE RETIREMENT AND TO PROVIDE THAT A DECEASED MEMBER’S MILITARY SERVICE BE COUNTED FOR VESTING PURPOSES - CLERK read an ordinance, introduced by Jonathan
Cook, amending Chapter 2.65 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan A by amending Section 2.65.120, Trustee to Trustee Transfers, to provide, in the case of an eligible rollover distribution, for separate accounting for taxable and non-taxable amounts; amending Section 2.65.220, Qualified Retirement Plan, to provide that a member shall be 100% vested upon attainment of requirements for an age and service retirement and to provide that a deceased member’s military service be counted for vesting purposes; and repealing Sections 2.65.120 and 2.65.220 of the Lincoln Municipal Code as hitherto existing, the third time.

Cook Moved to pass the ordinance as read. Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.

The ordinance, being numbered #19648, is recorded in Ordinance Book #27, Page .

AMENDING CHAPTER 2.66 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, BY AMENDING SECTION 2.66.095 RELATING TO TRUSTEE TO TRUSTEE TRANSFERS TO PROVIDE, IN THE CASE OF AN ELIGIBLE ROLLOVER DISTRIBUTION, FOR SEPARATE ACCOUNTING FOR TAXABLE AND NON-TAXABLE AMOUNTS AND AMENDING SECTION 2.66.200 RELATING TO QUALIFIED RETIREMENT PLAN TO PROVIDE THAT A MEMBER SHALL BE 100% VESTED UPON ATTAINMENT OF REQUIREMENTS FOR AN AGE AND SERVICE RETIREMENT AND TO PROVIDE THAT A DECEASED MEMBER’S MILITARY SERVICE BE COUNTED FOR VESTING PURPOSES - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 2.66 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan A by amending Section 2.66.095, Trustee to Trustee Transfers, to provide, in the case of an eligible rollover distribution, for separate accounting for taxable and non-taxable amounts; amending Section 2.66.200, Qualified Retirement Plan, to provide that a member shall be 100% vested upon attainment of requirements for an age and service retirement and to provide that a deceased member’s military service be counted for vesting purposes; and repealing Sections 2.66.095 and 2.66.200 of the Lincoln Municipal Code as hitherto existing, the third time.

Cook Moved to pass the ordinance as read. Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.

The ordinance, being numbered #19649, is recorded in Ordinance Book #27, Page .

REPEALING CHAPTER 8.12 OF THE LINCOLN MUNICIPAL CODE RELATING TO SMALL FAMILY CHILD CARE HOME - CLERK read an ordinance, introduced by Jonathan Cook, repealing Chapter 8.12 of the Lincoln Municipal Code relating to Small Family Child Care Homes, the third time.

Cook Moved to pass the ordinance as read. Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.

The ordinance, being numbered #19650, is recorded in Ordinance Book #27, Page .

APPROVING A SUBLEASE AGREEMENT AMENDMENT #1 TO RENEW AN EXISTING SUBLEASE BETWEEN THE CITY ON BEHALF OF THE LINCOLN POLICE DEPARTMENT & THE STATE OF NEBRASKA ON BEHALF OF THE NEBRASKA STATE PATROL FOR A FIVE YEAR TERM - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Sublease Agreement Amendment #1 between the City of Lincoln d/b/a Lincoln Police Department and the State of Nebraska Department of Administrative Services on behalf of Nebraska State Patrol for the renewal of the sublease of space for a term of November 1, 2011 through October 31, 2016, for use by the Nebraska State Patrol, the third time.

Cook Moved to pass the ordinance as read. Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.

The ordinance, being numbered #19651, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE 11035 - APPLICATION OF R.I.P., INC. FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 24TH STREET AND DOGDE STREET (RELATED ITEMS: 05-188, 11-157, 11R-246) (ACTION DATE: 10/17/11) - PRIOR to reading:

Camp Moved to delay Action on Bill No. 11-157 along w/Bill Nos. 11R-246 and 05-188 one week to November 21, 2011.

Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Schimek; NAYS: None; ABSENT: Emery, Hornung.
CLERK Read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

SPECIAL PERMIT 11023 – APPEAL OF LANDON’S NEIGHBORHOOD ASSOCIATION AND REGALTON NEIGHBORHOOD ASSOCIATION FROM THE PLANNING COMMISSION’S CONDITIONAL APPROVAL OF ITS APPLICATION FOR AUTHORITY TO DEVELOP THE MAGIC HILLS COMMUNITY UNIT PLAN CONSISTING OF 96 DWELLING UNITS IN FOUR BUILDINGS AND A CLUBHOUSE, ON PROPERTY GENERALLY LOCATED AT NORTH 24TH STREET AND DODGE STREET. (RELATED ITEMS: 05-188, 11-157, 11R-246) (ACTION DATE: 10/17/11) – PRIOR to reading:

CAMP Moved to delay Action on Bill No. 11R-246 along w/Bill Nos. 11-157 and 05-188 one week to November 21, 2011.

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

CHANGE OF ZONE 3413 – APPLICATION OF LANDON’S NEIGHBORHOOD ASSOC. FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO R-2 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT N. 24TH AND SUPERIOR STREETS. (12/19/05 - PLACED ON PENDING INDEFINITELY) (REQUEST TO REMOVE FROM PENDING TO HAVE P.H. ON 10/10/11 ALONG WITH BILL NOS. 11-157 & 11R-246) (10/3/11 - TO HAVE P.H. ON 10/10/11, W/ACTION ON 10/17/11) (RELATED ITEMS: 11-157, 11R-246, 05-188) (ACTION DATE: 10/17/11) – PRIOR to reading:

CAMP Moved to delay Action on Bill No. 05-188 along w/Bill Nos. 11-157 and 11R-246 one week to November 21, 2011.

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

CLERK Read an ordinance, originally introduced by Dan Marvin on December 19, 2005, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to November 21, 2011.

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

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on November 21, 2011.

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

ADJOURNMENT 4:20 P.M.

CAMP Moved to adjourn the City Council meeting of November 14, 2011.

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

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant