

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, JUNE 14, 2010 AT 3:00 P.M.**

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

**READING OF THE MINUTES**

COOK Having been appointed to read the minutes of the City Council proceedings of June 7, reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF JOHN MCMANUS DBA HEIDELBERG'S NORTH FOR A SPECIAL DESIGNATED LIQUOR LICENSE COVERING AN AREA MEASURING APPROXIMATELY 150 FEET BY 300 FEET IN THE PARKING LOT AT 4620 BAIR AVENUE ON THE 25TH DAY OF JUNE, 2010 FROM 8:00 P.M. TO 1:00 A.M. - John McManus, 6771 Wildrye Rd., took oath and came forward to answer questions. He explained this would be an outside parking lot party with bands. He has obtained signatures of property owners adjacent to the parking lot. It would start approximately 8:00 in the evening. The barricades will be put out in the morning.

This matter was taken under advisement.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND EXPERIENCE WORKS AT THE ONE STOP CENTER AT 1010 N STREET FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A ONE-YEAR TERM FROM APRIL 1, 2010 THROUGH MARCH 31, 2011 - Dan Cain, Urban Development of the One Stop Career Center, came forward stating this is a renewal sublease by Experience Works an organization that provides employment training services for older workers.

This matter was taken under advisement.

AMENDING SECTION 5.04.130 OF THE LINCOLN MUNICIPAL CODE TO AMEND THE PROVISIONS RESTRICTING RETAIL LIQUOR SALES ON SUNDAY TO ALLOW RETAIL SALES OF ALL LIQUOR BOTH ON AND OFF SALE BETWEEN THE HOURS OF 6:00 A.M. AND 12:00 NOON ON SUNDAY, JULY 4, 2010 - Jonathan Cook, Council Member, stated that July 4, 2004 fell on a Sunday and the code was amended at that time to allow the sale of alcohol between 6:00 a.m. and noon. That one said pursuant to a special designated license issued pursuant to the Nebraska Liquor Control Act. In 2004 was that if you wanted to sell in that period you had to come in and apply for a permit or you couldn't sell before noon? He questioned why that code is no longer on record.

Rick Peo, Assistant City Attorney, stated he was not familiar with that ordinance at that time and didn't know what the intent was so he couldn't address the question. The amendment would allow for on and off sales throughout the day.

This matter was taken under advisement.

VACATION 10001 - VACATING NORTH 21ST STREET FROM THE NORTH LINE OF VINE STREET TO THE SOUTH LINE OF PREVIOUSLY VACATED NORTH 21ST STREET;  
VACATION 10005 - VACATING A PORTION OF THE NORTH 14TH STREET RIGHT-OF-WAY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF NORTH 14TH STREET AND SALT CREEK ROADWAY;  
VACATION 09007 - VACATING VARIOUS RIGHTS-OF-WAY IN ANTELOPE VALLEY LOCATED GENERALLY IN THE AREA OF NORTH 14TH AND COURT STREETS; NORTH 16TH AND Y STREETS; AND NORTH 12TH AND CHARLESTON STREETS - Marvin Krout, Director of Planning, stated this is a request by JAVA to vacate several segments of streets that have been cut off by new road construction in the Antelope Valley area and are no longer needed for public road purposes. JAVA is preparing a new subdivision plat for all the land that is adjoining this right-of-way and the right-of-way that is proposed to be vacated to place it all in a logical pattern of ownership so all the tracts in this area will have property access and frontage on streets and won't be leaving any land that is landlocked and doesn't have any frontage. It will also provide for the proper dedication of utility easements in an area where streets have been vacated, plus any other initial areas where it will be needed in the future. The value of the vacated right-of-way will be considered as part of the final transactions in this area. Tom Bruggeman of Olsson Associates was available for questions.

This matter was taken under advisement.

STREET NAME CHANGE 10001 - NAMING AND RE-NAMING PORTIONS OF REALIGNED SOUTH 1<sup>ST</sup> STREET, WEST DENTON ROAD, AND AMARANTH LANE AS WEST DENTON ROAD, SCHMIDT DRIVE, SCHMIDT PLACE, SCHMIDT COURT, WEST AMARANTH LANE AND SOUTH 1ST STREET - Marvin Krout, Director of Planning, stated Staff initiated the naming and re-naming of streets to avoid confusion in the area between Folsom and U.S. 77 in the southwest part of the city. West Denton Road has been relocated from its previous position and connects to Warlick Blvd. and the future Homestead Expressway interchange not constructed yet. First Street has been relocated to connect to West Denton Road. There are portions of existing 1<sup>st</sup> Street and West

Denton Road that doesn't have to be renamed because there are multiple owners in this area causing an issue of access to property in particularly a nursery owned by a person named Schmidt where potential customers are having trouble finding access to his existing business. The commercial development is to the north with residential development to the south and potentially to the west.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 16 - 31, 2010 - Abbas Al Oaraghuli, 3512 Portia St., #106, came forward to explain his claim and to ask for payment of \$280 to fix a hole in the wall caused by the Fire Department.

Rick Peo, Asst. City Attorney, explained the Fire Department was called to a suspected fire. They did not find any fire or flames, but observed the wall was very hot so proceeded to make a hole in the wall to determine if there was a fire behind the drywall. There was no fire. The determination was that the heat was caused from the ventilator fan on the stove that was running continuously to eliminate cigarette smoke in the apartment. The heat from the fan was the cause for concern.

This matter was taken under advisement.

APPROVING A MULTI-YEAR CONTRACT BETWEEN MORNING PRIDE MANUFACTURING DBA HONEYWELL FIRST RESPONDER PRODUCTS AND THE CITY OF LINCOLN FOR ANNUAL REQUIREMENTS FOR FIRE TURN-OUT GEAR (BID NO. 10-072) FOR A TWO-YEAR TERM WITH OPTION FOR ONE ADDITIONAL TWO-YEAR TERM - Bob Walla, Asst. Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

APPROVING AND ACCEPTING A GRANT AWARD NOTIFICATION FROM THE NEBRASKA DEPARTMENT OF EDUCATION TO THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT IN THE AMOUNT OF \$21,250.00 FOR THE CHILD CARE CONNECTION FOR PARENTS OF CHILDREN WITH SPECIAL NEEDS FOR A PERIOD OF MAY 1, 2010 THROUGH SEPTEMBER 30, 2011 - Judy Halstead, Health Department, stated this is a 17 month agreement for \$21,250 to retain a .25 Child Care Specialist.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR THE USE OF SURFACE TRANSPORTATION PROGRAM FUNDS FOR THE LINCOLN CAVETT CONNECTOR TRAIL AND RESCINDING RESOLUTION A-85821 - Terry Genrich, Parks and Recreation Department, stated a similar resolution was approved previously, but it did not meet the federal guidelines as there was a certain format it needed to be presented in so it is being resubmitted in the proper format. This is federal enhancement money that the State of Nebraska manages so this money goes through them for these projects. The new federal guidelines and oversight has created a new process and procedure to follow. Much of the money for trails comes through transportation money because trails are transportation. 80% of this is Federal funds earmarked for trails only. The other 20% will come from City impact fees which is included in the CIP budget. This is the first trails project impact fees have been used for as match money. This project is included in the CIP budget to be funded. These trails will connect all the way to downtown.

Jane Snyder clarified that a majority of these trail projects are funded by money raised by the Great Plains Trail Network and Nebraska Trails Foundation. This project will be used for trail/sidewalk as a connector from children's homes to the schools.

This matter was taken under advisement.

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN THE CITY, THE STATE OF NEBRASKA DEPARTMENT OF ROADS AND THE LOWER PLATTE SOUTH NRD TO PROTECT FLOODPLAIN CONVEYANCE AND STORAGE, FLOODPRONE AREAS AND OTHER NATURAL FEATURES SUCH AS WETLANDS, DRAINAGEWAYS AND WOODLANDS OVER APPROXIMATELY 6.02 ACRES GENERALLY LOCATED SOUTHEAST OF U.S. HIGHWAY 77 AND WARLICK BOULEVARD - Ben Higgins, Public Works & Utilities Department, came forward to state the purpose of this conservation easement is to preserve flood storage and other natural benefits such as tree masses and habitats southeast of U.S. Highway 77 and Warlick Boulevard. Three acres of this area will be flood plain.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR MAY 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

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

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

REPORT FROM CITY TREASURER OF E-911 TELECOMMUNICATION SURCHARGE FOR THE MONTH OF **JANUARY TO MARCH 2010**: TWC DIGITAL PHONE, WINDSTREAM; **MARCH 2010**: CHARTER FIBERLINK-NE; **APRIL 2010** - LEVEL 3, BUDGET PREPAY, AT&T OF MIDWEST, COMTEL, ACN, MCI, WINDSTEAM NEBRASKA, NEXTEL, SPRINT SPECTRUM, 8X8, QWEST, GRANITE, TWC DIGITAL PHONE, VONAGE AMERICA, INETWORKS - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR **JANUARY TO MARCH 2010**: MCI, MATRIX, RELIANCE; **JANUARY, FEBRUARY & MARCH 2010**: NEBRASKA TECHNOLOGY; **MARCH 2010**: VERIZON, OMAHA CELLULAR, CRICKET, VIRGIN MOBILE USA, TWC DIGITAL PHONE, AT&T OF MIDWEST, QWEST, WWC, ALLTEL OF NE, NEW CINGULAR, USCOC OF GREATER IOWA, NORSTAN, WORKING ASSETS, NETWORK BILLING, PUBLIC COMM., UCN, GLOBAL CROSSING, USCOC OF NE/KS, IDT DOMESTIC, ARIZONA TELEPHONY, PRIMUS, INTELICALL OPERATOR, AIRESRING, ACCESSLINE, MCLEODUSA, CELLCO, SIOUX CITY MSA, ACN, GRANITE, COMTEL, XO COMM., ONSTAR, TELECORP, TRANS NAT'L, GLOBALSTAR USA, TRACFONE, TCG OMAHA, VOICOM, CTI, BROADWING, NEW EDGE, CINCINNATI BELL, BUSINESS TELECOM, CIMCO, KDDI AMERICA, TON SERVICES, IBM GLOBAL; **APRIL 2010**: D&D, UNITE PRIVATE, MCI, NORLIGHT, BT AMERICAS, TRI-M, ZONE, ENHANCED, LIGHYEAR, NEXTEL WEST, GLOBALCOM, GRASSHOPPER GROUP, NOVEGA VENTURE, I-WIRELESS, DCT, SBC, FIRST COMM., 36ONETWORKS, NOS, NOSVA, PIONEER, IBFA. WHOLESALE CARRIER, TSG, TOTAL HOLDINGS, YESTEL USA, COVISTA, ATS - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

#### PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN PLACED ON FILE IN THE CITY CLERK'S OFFICE:

Administrative Amendment No. 10017 to Use Permit No. 130A, Pioneer Woods, approved by the Planning Director on June 2, 2010, requested by Olsson Associates, to expand the boundary of the use permit and amend the site plan to include Lot 10 (previously shown as Lot 6 in Use Permit No. 144) and to revise the General Notes and Land Use Table on Sheet 2 of 4 accordingly, on property generally located to the northeast of S. 70<sup>th</sup> Street and Pioneers Boulevard.

Administrative Amendment No. 10018 to Use Permit No. 144, Pioneer Woods, approved by the Planning Director on June 2, 2010, requested by Olsson Associates, to amend the site plan on Sheet 1 of 4 by reducing the boundary of the use permit to exclude Lot 6 (now shown as Lot 10 in Use Permit No. 130A) and to revise the General Notes and Land Use Table on Sheet 2 of 4 accordingly, on property generally located to the northeast of S. 70<sup>th</sup> Street and Pioneers Boulevard.

Administrative Amendment No. 10033 to Special Permit No. 10009, approved by the Planning Director on June 4, 2010, requested by Baylor, Evnen, Curtiss, Gritmit & Witt, LLP, to allow an extension of up to six months from the date of approval of the special permit to return the signed letter of acceptance for Special Permit No. 10009 for the authority to sell alcohol for consumption off the premises, on property generally located at N. 48<sup>th</sup> Street and Huntington Avenue.

Administrative Amendment No. 10034 to Special Permit No. 10010, approved by the Planning Director on June 4, 2010, requested by Baylor, Evnen, Curtiss, Gritmit & Witt, LLP, to allow an extension of up to six months from the date of approval of the special permit to return the signed letter of acceptance for Special Permit No. 10010 for the authority to sell alcohol for consumption off the premises, on property generally located at N. 84<sup>th</sup> Street and Northern Lights Drive.

Administrative Amendment No. 10035 to Special Permit No. 10011, approved by the Planning Director on June 4, 2010, requested by Baylor, Evnen, Curtiss, Gritmit & Witt, LLP, to allow an extension of up to six months from the date of approval of the special permit to return the signed letter of acceptance for Special Permit No. 10011 for the authority to sell alcohol for consumption off the premises, on property generally located at Wedgewood Drive and "O" Street.

SETTING THE HEARING DATE OF MONDAY, JUNE 21, 2010 AT 3:00 P.M. FOR THE APPLICATION OF VINCENZO'S INC. DBA VINCENZO'S RISTORANTE TO REQUEST A DELETION OF COURTYARD AREA, MAKING LICENSE DESCRIPTION TO READ: FIRST FLOOR & BASEMENT APPROXIMATELY 40' X 152' OF FOUR STORY BUILDING PLUS PORTION OF PUBLIC HALLWAY, INCLUDING SIDEWALK CAFÉ 32' X 9' TO THE SOUTH LOCATED AT 808 P STREET, SUITE 100 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85887 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 21, 2010 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Vincenzo's Inc. dba Vincenzo's Ristorante to request a deletion of courtyard area, making license description to read: First floor & basement approximately 40' x 152' of four story building plus portion of public hallway, including sidewalk café 32' x 9' to the south located at 808 P Street, Suite 100.

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

Introduced by Doug Emery

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

#### LIQUOR RESOLUTIONS

APPLICATION OF JOHN MCMANUS DBA HEIDELBERG'S NORTH FOR A SPECIAL DESIGNATED LIQUOR LICENSE COVERING AN AREA MEASURING APPROXIMATELY 150 FEET BY 300 FEET IN THE PARKING LOT AT 4620 BAIR AVENUE ON THE 25TH DAY OF JUNE, 2010 FROM 8:00 P.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-85888

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 McManus d/b/a Heidelberg's North for a Special Designated License to cover an area measuring approximately 150 feet by 300 feet in the parking lot at 4620 Bair Avenue, Lincoln, Nebraska, on the 25th day of June, 2010, between the hours of 8:00 p.m. and 1:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.
5. Adequate parking is to be provided for customer parking.

Introduced by Eugene Carroll

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

**ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$22,500,000 PRINCIPAL AMOUNT OF THE CITY OF LINCOLN GENERAL OBLIGATION BOND ANTICIPATION NOTES AND \$27,500,000 OF THE CITY OF LINCOLN GENERAL OBLIGATION TAX ANTICIPATION NOTES PRIOR to reading:

COOK Moved to continue Public Hearing on Bill No. 10-58 for one week to June 21, 2010 with Action on June 28, 2010.

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

CLERK Read an ordinance, introduced by Eugene Carroll, authorizing and providing

for the issuance, sale and delivery of (A) General Obligation Bond anticipation notes, Series 2010 in an aggregate principal amount not to exceed \$22,500,000 (the "Bond Anticipation Notes") and (B) Tax Anticipation Notes, Series 2010, of the City of Lincoln, Nebraska, in an aggregate principal amount not to exceed \$27,500,000 (The "Tax Anticipation Notes"), for the purpose of paying the costs of land acquisition and improvements thereon in connection with constructing, equipping and furnishing a new sports/entertainment arena in the West Haymarket area of the City; prescribing certain terms of the notes; delegating, authorizing and directing the Finance Director to exercise his independent judgment and absolute discretion in determining certain other terms of the notes; providing for the payment of the principal of and interest on (1) the Bond Anticipation Notes from the proceeds of bonds to be issued by or made available to the City notes and (2) the Tax Anticipation Notes by the levy of a tax on all of the taxable property within the City of from other funds made available to the City; authorizing and approving certain other documents and actions and related matters, the second time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND EXPERIENCE WORKS AT THE ONE STOP CENTER AT 1010 N STREET FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A ONE-YEAR TERM FROM APRIL 1, 2010 THROUGH MARCH 31, 2011 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Sublease Agreement between the City of Lincoln and Experience Works for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of April 1, 2010 through March 31, 2011 whereby the City of Lincoln is subleasing 400 sq. ft. of space to Experience Works at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the second time.

AMENDING SECTION 5.04.130 OF THE LINCOLN MUNICIPAL CODE TO AMEND THE PROVISIONS RESTRICTING RETAIL LIQUOR SALES ON SUNDAY TO ALLOW RETAIL SALES OF ALL LIQUOR BOTH ON AND OFF SALE BETWEEN THE HOURS OF 6:00 A.M. AND 12:00 NOON ON SUNDAY, JULY 4, 2010 - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 5.04.130 of the Lincoln Municipal Code to amend the provisions restricting retail liquor sales on Sunday to allow retail sales of all liquors both on and off sale between the hours of 6:00 a.m. and 12:00 noon on July 14, 2010; and repealing Section 5.04.130 of the Lincoln Municipal Code as hitherto existing, the second time.

VACATION 10001 - VACATING NORTH 21ST STREET FROM THE NORTH LINE OF VINE STREET TO THE SOUTH LINE OF PREVIOUSLY VACATED NORTH 21ST STREET - CLERK read an ordinance, introduced by Jonathan Cook, vacating a portion of North 21<sup>st</sup> Street from the north line of Vine Street to the south line of previously vacated North 21<sup>st</sup> Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

VACATION 10005 - VACATING A PORTION OF THE NORTH 14TH STREET RIGHT-OF-WAY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF NORTH 14TH STREET AND SALT CREEK ROADWAY - CLERK read an ordinance, introduced by Jonathan Cook, vacating a portion of North 14<sup>th</sup> Street generally located at the southeast corner of North 14<sup>th</sup> Street and Salt Creek Roadway, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

VACATION 09007 - VACATING VARIOUS RIGHTS-OF-WAY IN ANTELOPE VALLEY LOCATED GENERALLY IN THE AREA OF NORTH 14TH AND COURT STREETS; NORTH 16TH AND Y STREETS; AND NORTH 12TH AND CHARLESTON STREETS - CLERK read an ordinance, introduced by Jonathan Cook, vacating various rights-of-way in the Antelope Valley Redevelopment Area generally in the area of North 14<sup>th</sup> Street and Court Street, North 16<sup>th</sup> Street and Y Street, and North 12<sup>th</sup> Street and Charleston Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

STREET NAME CHANGE 10001 - NAMING AND RE-NAMING PORTIONS OF REALIGNED SOUTH 1<sup>ST</sup> STREET, WEST DENTON ROAD, AND AMARANTH LANE AS WEST DENTON ROAD, SCHMIDT DRIVE, SCHMIDT PLACE, SCHMIDT COURT, WEST AMARANTH LANE AND SOUTH 1ST STREET - CLERK read an ordinance, introduced by Jonathan Cook, naming the new alignments for South 1<sup>st</sup> Street and West Denton Road and changing the name of the old portions of South 1<sup>st</sup> Street and West Denton Road as recommended by the Street Name Committee, 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 MAY 16 - 31, 2010 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85889

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 June 1, 2010, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
BlueCross BlueShield of Nebraska		Bonna Casey	\$239.76
(Claim ID No. NXK3308637VY)	NAS*		
Fairacres Addition Homeowners Assn.	\$406.97		
Kaylie Hallertz	768.81		
Vic Wright	79.80		
Holly King	265.00		
Abbas Al-Qaraghuli	NAS*		

\* No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jonathan Cook

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

APPROVING A MULTI-YEAR CONTRACT BETWEEN MORNING PRIDE MANUFACTURING DBA HONEYWELL FIRST RESPONDER PRODUCTS AND THE CITY OF LINCOLN FOR ANNUAL REQUIREMENTS FOR FIRE TURN-OUT GEAR (BID NO. 10-072) FOR A TWO-YEAR TERM WITH OPTION FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85890

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

That the attached multi-year Contract between the City of Lincoln and Morning Pride Manufacturing dba Honeywell First Responder Products for annual requirements for Fire Turn-Out Gear, pursuant to Bid No. 10-072, for a two-year term with the option to renew for one additional two-year term, upon the terms as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jonathan Cook

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

APPROVING AND ACCEPTING A GRANT AWARD NOTIFICATION FROM THE NEBRASKA DEPARTMENT OF EDUCATION TO THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT IN THE AMOUNT OF \$21,250.00 FOR THE CHILD CARE CONNECTION FOR PARENTS OF CHILDREN WITH SPECIAL NEEDS FOR A PERIOD OF MAY 1, 2010 THROUGH SEPTEMBER 30, 2011 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85891

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

That the attached Grant Award Notification from the Nebraska Department of Education to the Lincoln-Lancaster County Health Department in the amount of \$21,250.00, for the Child Care Connection for Parents of Children with Special Needs for the period of May 1, 2010 through September 30, 2011, in accordance with the terms, conditions and assurances contained in the Grant award letter, is hereby approved and accepted.

Introduced by Jonathan Cook

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR THE USE OF SURFACE TRANSPORTATION PROGRAM FUNDS FOR THE LINCOLN CAVETT CONNECTOR TRAIL AND RESCINDING RESOLUTION A-85821 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85892

WHEREAS, the City of Lincoln is proposing a transportation project for which it would like to obtain Federal funds;

WHEREAS, the City of Lincoln understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project;

WHEREAS, the City of Lincoln and Nebraska Department of Roads (NDOR) wish to enter into a Project Program Agreement setting out the various duties and funding responsibilities for the Federal-aid project.

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That Chris Beutler, Mayor of the City of Lincoln, is hereby authorized to sign the attached Project Program Agreement between the City of Lincoln and the NDOR.

That the City of Lincoln is committed to providing local funds for the project as required by the Project Program Agreement, NDOR Project No. ENH-55(172), NDOR Control No. 13079, Cavett Connector Trail.

That Resolution No. A-85821 adopted by the City Council on April 26, 2010 is hereby rescinded.

The City Clerk is directed to return the executed copies of the Agreement to the ~~Public Works and Utilities~~ Park & Recreation Department, for transmittal and execution by the State Department of Roads.

Introduced by Jonathan Cook

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

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN THE CITY, THE STATE OF NEBRASKA DEPARTMENT OF ROADS AND THE LOWER PLATTE SOUTH NRD TO PROTECT FLOODPLAIN CONVEYANCE AND STORAGE, FLOODPRONE AREAS AND OTHER NATURAL FEATURES SUCH AS WETLANDS, DRAINAGEWAYS AND WOODLANDS OVER APPROXIMATELY 6.02 ACRES GENERALLY LOCATED SOUTHEAST OF U.S. HIGHWAY 77 AND WARLICK BOULEVARD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85893 WHEREAS, the State of Nebraska has offered to grant a permanent conservation easement to the City of Lincoln and the Lower Platte South Natural Resources District to protect the floodplain conveyance and storage, floodprone areas and other natural features such as wetlands, drainageways and woodlands over approximately 6.02 acres of property generally located southeast of U.S. Highway 77 and Warlick Boulevard and legally described as Lot 48, I.T. in the Southwest Quarter of Section 14, Township 9 North, Range 6 East, Lancaster County, Nebraska, as described in the Conservation Easement Agreement attached hereto; and

WHEREAS, acquisition of this conservation easement by the City would further the goals of the Comprehensive Plan relating to preserving the flood storage capacity by restricting the development of the property.

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

That, the State of Nebraska's offer to grant a conservation easement to the City of Lincoln over the property legally described above and in accordance with the terms of the Conservation Easement Agreement, attached hereto and marked as Attachment "A", is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Conservation Easement Agreement on behalf of the City of Lincoln, Nebraska.

BE IT FURTHER RESOLVED that the City Clerk is directed to return a copy of this resolution and the Conservation Easement Agreement to Ben Higgins, Public Works and Utilities, for transmittal to the parties and for recording with the Register of Deeds.

Introduced by Jonathan Cook

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

#### ORDINANCE - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required)

AUTHORIZING THE ISSUANCE OF SERIES A AND SERIES B TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED \$2.494 MILLION FOR THE CITY OF LINCOLN, HAYMARKET HOTEL AND TOOL HOUSE REDEVELOPMENT PROJECT - CLERK read an ordinance, introduced by Doug Emery, authorizing and providing for the issuance of a City of Lincoln, Nebraska Tax Allocation Bond, Series 2010, in a principal amount not to exceed \$2,493,461 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the City's Haymarket Hotel & Tool House Redevelopment project area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bond; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bond as the same become due; limiting payment of the bonds to such tax revenues; creating and establishing funds and accounts; delegating authorizing and directing the Finance Director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bond not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the first time.

APPROVING AN AMENDMENT TO THE FY 09/10 CIP TO AUTHORIZE AND APPROPRIATE \$2.494 MILLION IN TIF FUNDS FOR THE HAYMARKET HOTEL AND TOOL HOUSE REDEVELOPMENT PROJECT GENERALLY LOCATED BETWEEN 8TH AND 9TH, Q AND R STREETS.

APPROVING THE HAYMARKET HOTEL AND TOOL HOUSE REDEVELOPMENT AGREEMENT BETWEEN B&J PARTNERSHIP, LTD. AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 8TH AND 9TH, Q AND R STREETS.

CHANGE OF ZONE 10011 - AMENDING CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIGNS BY AMENDING SECTION 27.69.020 TO DELETE THE DEFINITION OF PEDESTRIAN MARQUEE SIGN; AMENDING SECTION 27.69.030 TO AMEND THE GENERAL PROVISIONS TO PROVIDE THAT FOR CENTER SIGNS PERMITTED ON A "PER FRONTAGE" BASIS, FRONTAGE SHALL MEAN THE FRONTAGE OF THE CENTER ADJACENT TO AN ARTERIAL OR COLLECTOR

STREET; AND TO DELETE THE GENERAL PROVISION REGARDING PEDESTRIAN MARQUEE SIGNS; AMENDING SECTION 27.69.220 TO ADD AN EXCEPTION TO THE REQUIREMENT THAT A COMPLEX OR SUBDIVISION FREESTANDING SIGN ABUTTING A RESIDENTIAL ZONED LOT MAY NOT BE ILLUMINATED UNLESS LOCATED AT LEAST 100 FEET FROM AN ABUTTING RESIDENTIAL ZONED LOT IF THE ABUTTING RESIDENTIAL ZONED LOT IS USED FOR ANOTHER MULTI-FAMILY USE OR A SPECIAL PERMITTED USE; AND AMENDING SECTION 27.69.340 TO ELIMINATE RESTRICTIONS REGARDING HEIGHT AND ILLUMINATION OF FREESTANDING SIGNS USED FOR OFFICE AND RETAIL USES - CLERK read an ordinance, introduced by Doug Emery, amending Chapter 27.69 of the Lincoln Municipal Code relating to Signs by amending Section 27.69.020 to delete the definition of Pedestrian Marquee Sign; amending Section 27.69.030 to amend the general provision to provide that for center signs permitted on a "per frontage" basis, frontage shall mean the frontage of the center adjacent to an arterial or collector street; and to delete the general provision regarding pedestrian marquee signs; amending Section 27.69.220 to add an exception to the requirement that a complex or subdivision freestanding sign abutting a residential zoned lot may not be illuminated unless located at least 100 feet from an abutting residential zoned lot if the abutting residential zoned lot is used for another multi-family use or a special permitted use; amending Section 27.69.340 to eliminate restrictions regarding height and illumination of freestanding signs used for office and retail uses; and repealing Sections 27.69.020, 27.69.030, 27.69.220, and 27.69.340 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 10012 - AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS BY AMENDING SECTION 27.63.680 AND 27.63.685 REGARDING THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON AND OFF THE PREMISES, RESPECTIVELY, TO ADD A REQUIREMENT THAT THE LICENSED PREMISES MUST BE LOCATED NO CLOSER THAN 100 FEET FROM THE PROPERTY LINE OF A PREMISES WHICH IS OCCUPIED IN WHOLE OR PART BY A FIRST-FLOOR RESIDENTIAL USE AND TO CLARIFY THAT THE REQUIRED 100-FOOT SEPARATION FROM A DAY CARE FACILITY, PARK, CHURCH, OR STATE MENTAL INSTITUTION IS MEASURED FROM THE LICENSED PREMISES TO THE PROPERTY LINE OF THE PREMISES USED FOR THE DAY CARE FACILITY, PARK, CHURCH, OR STATE MENTAL HEALTH INSTITUTION - CLERK read an ordinance, introduced by Doug Emery, amending Chapter 27.63 of the Lincoln Municipal Code relating to Special Permits by amending Section 27.63.680 and Section 27.63.685 regarding the sale of alcoholic beverages for consumption on and off the premises, respectively, to add a requirement that the licensed premises must be located no closer than 100 feet from the property line of a premises which is occupied in whole or part by a first-floor residential use and to clarify that the required 100-foot separation from a day care facility, park, church, or state mental institution is measured from the licensed premises to the property line of the premises used for the day care facility, park, church, or state mental health institution; and repealing Sections 27.63.680 and 27.63.685 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 10013 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING CHAPTER 27.03, DEFINITIONS, TO ADD A NEW SECTION NUMBERED 27.03.162 TO PROVIDE A DEFINITION FOR DATA CENTER AND AMENDING SECTION 27.67.040 TO ESTABLISH PARKING REQUIREMENTS FOR DATA CENTERS - CLERK read an ordinance, introduced by Doug Emery, amending Title 27 of the Lincoln Municipal Code by amending Chapter 27.03, Definitions, to add a new Section numbered 27.03.162 to provide a definition for data center; amending Section 27.67.040 to establish parking requirements for data centers; and repealing Section 27.67.040 of the Lincoln Municipal Code as hitherto existing, the first time.

**ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required) - NONE**

AUTHORIZING THE CITY OF LINCOLN TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY FOR THE ACQUISITION OF STREET LIGHTING EQUIPMENT AND AMBULANCES AND RELATED MATTERS - PRIOR to reading:

COOK Moved to delay action on Bill No. 10-57 for one week to June 21, 2010.  
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.

CLERK Read an ordinance, introduced by Eugene Carroll, of the City of Lincoln, Nebraska authorizing and approving a lease-purchase transaction with Union Bank and Trust Company, the proceeds of which will be used to pay the costs of (A) acquiring and installing street lights and related improvements and (B) acquiring two new ambulances and additional defibrillators; approving the issuance, sale and delivery of not to exceed \$3,500,000 principal amount of certificates of participation in such lease; fixing in part and providing for the fixing in part of certain provisions of the lease; and related matters, the third time.

AMENDING SECTION 9.44.040 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE SALE OF PERMISSIBLE FIREWORKS BY CHANGING THE DATE BY WHICH APPLICATIONS FOR LICENSE AS A RETAILER OF PERMISSIBLE FIREWORKS MUST BE FILED WITH THE CHIEF OF THE BUREAU OF FIRE PREVENTION FROM JUNE 23 TO JUNE 10, INCREASING THE FEE FOR LATE FILING OF SAID APPLICATION FROM \$25.00 TO \$50.00, AND INCREASING THE APPLICATION FEE FROM \$75.00 TO \$100.00, TO HARMONIZE WITH THE PROVISIONS OF SECTION 19.03.100 OF THE LINCOLN FIRE CODE - CLERK read an ordinance, introduced by Eugene Carroll, amending Section 9.44.040 of the Lincoln Municipal Code relating to the sale of permissible fireworks by changing the date by which applications for license as a retailer of permissible fireworks must be filed with the Chief of the Bureau of Fire Prevention from June 23, to June 10, increasing the fee for late filing

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of said application from \$25.00 to \$50.00, and increasing the application fee from \$75.00 to \$100.00, to harmonize with the provisions of Section 19.03.100 of the Lincoln Fire Code; and repealing Section 9.44.040 of the Lincoln Municipal Code as hitherto existing, the third time.

CARROLL Moved to pass the ordinance as read.  
Seconded by Cook & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.  
The ordinance, being numbered #19394, is recorded in Ordinance Book #26, Page

VACATING THAT PORTION OF THE NORTH-SOUTH ALLEY BETWEEN S. 15TH STREET AND S. 16<sup>TH</sup> STREET FROM SOUTH STREET TO APPROXIMATELY 210 FEET NORTH OF SOUTH STREET - CLERK read an ordinance, introduced by Eugene Carroll, vacating a portion of the north-south alley between S. 15th Street and S. 16th Street from South Street to approximately 210 feet north of South Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

CARROLL Moved to pass the ordinance as read.  
Seconded by Cook & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.  
The ordinance, being numbered #19395, is recorded in Ordinance Book #26, Page

**OPEN MICROPHONE**

Terri Pope Gonzalez, 349 S. 1<sup>st</sup> Street, came forward to ask to have the pictures she had presented at the November 2009 meeting returned. She made the statement City 5 had cutoff her testimony at the last open microphone session. She then asked if the Mayor's Stronger Safer Neighborhood is city wide referring to the noise ordinance enforcement? What are the rules? What is the income guideline? She would like to have her neighborhood included in the Stronger Safer Neighborhood.

Jonathan Cook, Council Member, reported to Ms. Gonzalez that Rick Thorson of the Health Department has been out to check the noise in her neighborhood at 11:00 p.m. and at 4:30 a.m. He advised her to give him a call.

This matter was taken under advisement.

Jane Svoboda, no address given, came forward to provide some historic information in that we might learn from those times to care for the weak, protect the innocent and to teach compassion.

This matter was taken under advisement.

Dale Gardner, 4415 Calvert Street, came forward to speak on a future ordinance related to inspection of private property.

John Spatz, Council Chair, stated this is to be on a future agenda and he could not speak on it at this time.

This matter was taken under advisement.

Diane Gonzalez, Manager of Citizen Information Center, came forward in response to the statement made by Terri Gonzalez that City 5 had cut her off during her presentation at the previous meeting. She stated the meetings are taped from gavel to gavel. Staff checked the tape of that week which showed she was not cutoff and stated they would never cut anybody off.

This matter was taken under advisement.

**MISCELLANEOUS BUSINESS**

**PENDING -**

COOK Moved to extend the Pending List to June 21, 2010.  
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.

**UPCOMING RESOLUTIONS**

COOK Moved to approve the remainder of the resolutions to have Public Hearing on June 21, 2010.  
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.

**ADJOURNMENT 3:45 P.M.**

COOK            Moved to adjourn the City Council meeting of June 14, 2010.  
                  Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook,  
Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.

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Joan E. Ross, City Clerk

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Judy Roscoe, Senior Office Assistant

