

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, AUGUST 17, 2009 AT 3:00 P.M.**

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

Council Vice Chair Spatz asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

SPATZ Having been appointed to read the minutes of the City Council proceedings of August 10, 2009 reported having done so, found same correct.

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

PUBLIC HEARING

APPROVING THE APPOINTMENT OF JEANELLE LUST TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A SIX-YEAR TERM EXPIRING AUGUST 24, 2015; REAPPOINTING MICHAEL CORNELIUS TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A SIX-YEAR TERM EXPIRING AUGUST 24, 2015; REAPPOINTING LYNN SUNDERMAN TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A SIX-YEAR TERM EXPIRING AUGUST 24, 2015 - Michael Cornelius, came forward to state he started on the Commission filling in for Melinda Pearson when she left. He has been on the Commission for three years and stated it has been a very enjoyable position and likes the work very much.

Jeanelle Lust stated she was a new appointment replacing Gene Carroll's position on the Planning Commission.

Lynn Sunderman stated he has served six years on the Commission and is looking forward to another six. Comments followed.

This matter was taken under advisement.

APPLICATION OF TWISTED STEELE, INC. DBA THE BAR FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 27 FEET BY 87 FEET IN THE ADJACENT PARKING LOT/DRIVEWAY OF ELECTRIC FIXTURE & SUPPLY AT 1630 P STREET ON SEPTEMBER 5, 26; OCTOBER 17, 24; AND NOVEMBER 7, 21, 2009 FROM 8:00 A.M. TO 1:00 A.M. - Neal Grummert, 3160 Woodsdale Blvd., came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF RICKETY CRICKET LLC DBA N STREET WINE & LIQUOR FOR A CLASS D AND K CATERING LIQUOR LICENSE AT 1835 N STREET; MANAGER APPLICATION OF JAMIE Q. TALLMAN FOR RICKETY CRICKET LLC DBA N STREET WINE & LIQUOR AT 1835 N STREET - William Olson, 134 S. 13th Street, came forward representing the applicant, took oath and stated it was a change of ownership and new management. He was available to answer questions.

Jamie Tallman, 3227 E. Pershing, took oath and was available to answer questions.

This matter was taken under advisement.

APPLICATION OF KABREDLO'S INC. DBA KABREDLO'S #107 FOR A CLASS D LIQUOR LICENSE AT 3500 NORTH 48TH STREET; MANAGER APPLICATION OF ANDREW J. MAXEY FOR KABREDLO'S INC. DBA KABREDLO'S #107 AT 3500 NORTH 48TH STREET - Mike Olderbak, 2840 S. 74th Street, President of Kabredlo's, took oath and came forward to answer questions.

Andrew Maxey, 1518 D Street, Apt. #12, District Manager of Kabredlo's, took oath and was available to answer questions.

This matter was taken under advisement.

APPLICATION OF DEBBIE NGO FOR FUJI JAPANESE RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 1501 PINE LAKE ROAD, BAY 5 - Debbie Ngo, 1501 Pine Lake Rd., #5, took oath and was available to answer questions.

This matter was taken under advisement.

APPLICATION OF CHERRIES, INC. DBA THE FAT TOAD FOR A CLASS C LIQUOR LICENSE AT 1409 O STREET; MANAGER APPLICATION OF JOSHUA J. ROOT FOR CHERRIES, INC. DBA THE FAT TOAD AT 1409 O STREET - Josh Root, 1409 O Street, took oath and was available to answer questions.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO SUBLEASE AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT DAS/STATE BUILDING DIVISION TO CHANGE THE AMOUNT OF SUBLEASE SPACE FROM 6,568 SQ. FT. TO 6,076 SQ. FT. OF OFFICE SPACE IN THE ONE STOP CAREER CENTER AT 1010 N STREET FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF JANUARY 1, 2007 THROUGH DECEMBER 31, 2011;

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, 2009 THROUGH MARCH 31, 2010;

APPROVING AN AMENDMENT TO THE SUBLEASE AGREEMENT BETWEEN THE CITY AND GOODWILL INDUSTRIES TO CHANGE THE AMOUNT OF SUBLEASE SPACE FROM 159 SQ. FT. TO 147 SQ. FT. IN THE ONE STOP CENTER AT 1010 N STREET FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF JANUARY 1, 2009 THROUGH DECEMBER 31, 2010 - David Landis, Director of Urban Development, stated the space with Goodwill Industries is used for the Basic Skill classes to improve basic math and literacy skills. It is relatively cheap at \$11.00 per sq. ft. and the kids will have access to their case managers at this location. The City has a number of partners who sublease space from the City at the Department of Labor. They pay \$86,000 and the City pays \$71,000 for the 13,718 square feet.

This matter was taken under advisement.

SPECIAL PERMIT 09016 - APPLICATION OF THE MENTAL HEALTH ASSOCIATION OF NEBRASKA FOR A HEALTH CARE FACILITY, INCLUDING REQUESTED WAIVER OF REQUIRED FRONT AND SIDE YARD LANDSCAPING AND TO REDUCE THE REQUIRED SIDE YARD SETBACKS FROM 10 FEET TO 5 FEET, ON PROPERTY GENERALLY LOCATED SOUTH OF VAN DORN STREET ON SOUTH 14TH STREET - David Tafoya, Project Coordinator of the Keya House, Hospital Diversion Program, stated that people do not pay to be a part of this program. It is completely voluntary and completely free. The person is self-referred by calling the Keya House directly, they go through a screening process, and a second screening process is done once they reach the Keya House to determine if this program is appropriate for them. This is not a treatment program.

Alan Green, Executive Director of the Mental Health Association, 1645 N Street, Ste. A, stated when client calls they are asked what they expect to get from their stay at the house. When they arrive at the house they would register, the staff goes over the rules of the house and the responsibility of the staff and the guest, the expectations, what the purpose is. It is voluntary and targets adults who have sufficient knowledge of their own illness, their own recovery, their self-awareness of their own symptoms. The house is referred to as a Crisis Aversion House where they can go when they start feeling trigger symptoms coming on to work with trained Peer Companions to overcome these symptoms. The maximum length of stay is five days. The Peer Companions do not live at the house, they work 8 hour shifts. This program is State funded from the Behavioral Health Services through Region V System. No local dollars are involved. The residential setting provides a peaceful, serene environment.

Lisa Rehwaldt Alexander, 2929 S. 14th Street, came forward in favor of.

Marvin Krout, Director of Planning, the classification of the zoning code is Convalescent Home under Health Care Facility because it is not intended for long stays. The resolution does not contain a limit on the number of days because it didn't matter to the Planning Department or Planning Commission that someone would be there for a longer stay than five days.

This matter was taken under advisement.

APPROVING A MEMORANDUM OF SUPPORT WITH THE COUNTIES AND COMMUNITIES, AND THE NEBRASKA INNOVATION ZONE COMMISSION/I-80 CORRIDOR ASSOCIATION TO UNDERTAKE COOPERATIVE EFFORTS TO ENCOURAGE, IMPROVE AND ENSURE ORDERLY DEVELOPMENT OF THE I-80 CORRIDOR BETWEEN OMAHA AND LINCOLN - Marvin Krout, Director of Planning, stated this is how to plan cooperatively for growth and development along this corridor. It would not use the sprawl model for building on existing cities and would protect the resources and features that the corridor has. The second phase studied specific model design standards developed to assure that quality development would be used along the corridor and attract other investments. There was one concern which was an interchange proposed in the earlier studies which is at Phlug Road just east of the Platte River Bridge and very near the City's water well fields in the Platte River flood plains and probably the most scenic part of the corridor between Lincoln and Omaha. The Planning Department undertook negotiations with the State Economic Development for further consideration to any new

interchanges proposed for the I-80 interchange which doesn't put Lincoln or the Planning Commission on record as supporting this interchange nor any other interchange along I-80 without further consideration so the Planning Department is now in support of it. There will be a signing ceremony later this week in Ashland.

This matter was taken under advisement.

ACCEPTING AND APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF LANCASTER AND CITY OF LINCOLN PROVIDING FOR CITY PARTICIPATION IN THE FUNDING OF THE COUNTY PUBLIC DEFENDER'S OFFICE - John McQuinn, Chief Assistant City Prosecutor, came forward to state this will be replacing the interlocal agreement of 1981 when there was still a Lincoln Municipal Court. Discussion followed.

This matter was taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPROVING THE APPOINTMENT OF JEANELLE LUST TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A SIX-YEAR TERM EXPIRING AUGUST 24, 2015 - CLERK read the following resolution, introduced by John Spatz, moved by Eugene Carroll for its adoption:

A-85472 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Jeanelle Lust to the Lincoln-Lancaster County Planning Commission for a six-year term expiring August 24, 2015 is hereby approved.

Introduced by John Spatz

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

REAPPOINTING MICHAEL CORNELIUS TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A SIX-YEAR TERM EXPIRING AUGUST 24, 2015 - CLERK read the following resolution, introduced by John Spatz, moved by Eugene Carroll for its adoption:

A-85473 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Michael Cornelius to the Lincoln-Lancaster County Planning Commission for a six-year term expiring August 24, 2015 is hereby approved.

Introduced by John Spatz

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

REAPPOINTING LYNN SUNDERMAN TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A SIX-YEAR TERM EXPIRING AUGUST 24, 2015 - CLERK read the following resolution, introduced by John Spatz, moved by Eugene Carroll for its adoption:

A-85474 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Lynn Sunderman to the Lincoln-Lancaster County Planning Commission for a six-year term expiring August 24, 2015 is hereby approved.

Introduced by John Spatz

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON August 3, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS ON JUNE 30, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR JULY 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

PETITIONS & COMMUNICATIONS

REQUEST OF PUBLIC WORKS TO SET A PUBLIC HEARING DATE OF MONDAY, AUGUST 31, 2009, AT 5:30 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING: APPROVED, 5-0; CAMP, EMERY ABSENT.

- 09-113 To provide authority to create under Special Assessment District, an Alley Re-paving District from 10th to 11th Streets, between G and H Streets, and assess the costs thereof against the benefitted properties.
- 09-114 To provide authority to create & order constructed under Special Assessment District; a sewer main, 8-inch diameter, in 84th Street, US Hwy 6 to approx. 430 feet south of Fletcher Avenue and assess the costs thereof against the benefitted properties.
- 09-115 To provide authority to create & order constructed under Special Assessment District; a water main, 16-inch diameter, in 84th Street, US Hwy 6 to Fletcher Avenue and assess the costs thereof against the benefitted properties.

LIQUOR RESOLUTIONS

APPLICATION OF TWISTED STEELE, INC. DBA THE BAR FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 27 FEET BY 87 FEET IN THE ADJACENT PARKING LOT/DRIVEWAY OF ELECTRIC FIXTURE & SUPPLY AT 1630 P STREET ON SEPTEMBER 5, 26; OCTOBER 17, 24; AND NOVEMBER 7, 21, 2009 FROM 8:00 A.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-85475 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 Twisted Steele, Inc. dba The Bar for a Special Designated License to cover an area measuring approximately 27 feet by 87 feet in the adjacent parking lot/driveway of Electric Fixture & Supply at 1630 P Street, Lincoln, Nebraska, on September 5, 26, October 17, 24, and November 7, 21, 2009 between the hours of 8:00 a.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.

Introduced by Adam Hornung

Seconded by Carroll & carried by the following vote: AYES:

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

APPLICATION OF RICKETY CRICKET LLC DBA N STREET WINE & LIQUOR FOR A CLASS D AND K CATERING LIQUOR LICENSE AT 1835 N STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-85476 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 Rickety Cricket LLC dba N Street Wine & Liquor for a Class "D" and "K" catering liquor license at 1835 N Street, Lincoln, Nebraska, for the license period ending April 30, 2010, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
2. The premise must comply in every respect with all city and state regulations.

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

Introduced by Adam Hornung

Seconded by Carroll & carried by the following vote: AYES:

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

MANAGER APPLICATION OF JAMIE Q. TALLMAN FOR RICKETY CRICKET LLC DBA N STREET WINE & LIQUOR AT 1835 N STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-85477 WHEREAS, Rickety Cricket LLC dba N Street Wine & Liquor, located at 1835 N Street, Lincoln, Nebraska has been approved for a Retail Class "D" and "K" liquor license, and now requests that Jamie Q. Tallman be named manager;

WHEREAS, Jamie Q. Tallman appears to be a fit and proper person to manage said business.

WHEREAS, records of the Lincoln Police Department indicate that this person has not completed a responsible beverage server training course as required by Section 5.04.035 of the Lincoln Municipal Code.

WHEREAS, this person was not able to complete a responsible beverage server training course prior the hearing in this matter due to causes outside this persons control.

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 Jamie Q. Tallman be approved as manager of this business for said licensee, such approval is conditioned on the manager successfully completing the required course within thirty (30) days of the above referenced hearing. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Adam Hornung

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

APPLICATION OF KABREDLO'S INC. DBA KABREDLO'S #107 FOR A CLASS D LIQUOR LICENSE AT 3500 NORTH 48TH STREET - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption for approval:

A-85478 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 Kabredlo's Inc. dba Kabredlo's #107 for a Class "D" liquor license at 3500 North 48th Street, Lincoln, Nebraska, for the license period ending April 30, 2010, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

2. The premise must comply in every respect with all city and state regulations.

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

Introduced by Jane Snyder

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

MANAGER APPLICATION OF ANDREW J. MAXEY FOR KABREDLO'S INC. DBA KABREDLO'S #107 AT 3500 NORTH 48TH STREET - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption for approval:

A-85479 WHEREAS, Kabredlo's Inc. dba Kabredlo's #107, located at 3500 North 48th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Andrew J. Maxey be named manager;

WHEREAS, Andrew J. Maxey appears to be a fit and proper person to manage said business.

WHEREAS, records of the Lincoln Police Department indicate that this person has not completed a responsible beverage server training course as required by Section 5.04.035 of the Lincoln Municipal Code.

WHEREAS, this person was not able to complete a responsible beverage server training course prior the hearing in this matter due to causes outside this persons control.

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 Andrew J. Maxey be approved as manager of this business for said licensee, such approval is conditioned on the manager successfully completing the required course within thirty (30) days of the above referenced hearing. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jane Snyder

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

APPLICATION OF DEBBIE NGO FOR FUJI JAPANESE RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 1501 PINE LAKE ROAD, BAY 5 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-85480 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 Debbie Ngo for Fuji Japanese Restaurant for a Class "I" liquor license at 1501 Pine Lake Road, Bay 5, Lincoln, Nebraska, for the license period ending April 30, 2010, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

2. The premise must comply in every respect with all city and state regulations.

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

Introduced by Adam Hornung

Seconded by Carroll & carried by the following vote: AYES:

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

APPLICATION OF CHERRIES, INC. DBA THE FAT TOAD FOR A CLASS C LIQUOR LICENSE AT 1409 O STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-85481 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 Cherries, Inc. dba The Fat Toad for a Class "C" liquor license at 1409 O Street, Lincoln, Nebraska, for the license period ending October 31, 2009, be approved with the condition that the premise complies 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 Adam Hornung

Seconded by Carroll & carried by the following vote: AYES:

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

MANAGER APPLICATION OF JOSHUA J. ROOT FOR CHERRIES, INC. DBA THE FAT TOAD AT 1409 O STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-85482 WHEREAS, Cherries, Inc. dba The Fat Toad located at 1409 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Joshua J. Root be named manager;

WHEREAS, Joshua J. Root 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 Joshua J. Root 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 Adam Hornung

Seconded by Carroll & carried by the following vote: AYES:

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

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

APPROVING AN AMENDMENT TO SUBLEASE AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT DAS/STATE BUILDING DIVISION TO CHANGE THE AMOUNT OF SUBLEASE SPACE FROM 6,568 SQ. FT. TO 6,076 SQ. FT. OF OFFICE SPACE IN THE ONE STOP CAREER CENTER AT 1010 N STREET FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF JANUARY 1, 2007 THROUGH DECEMBER 31, 2011 - CLERK read an ordinance, introduced by John Spatz, accepting and approving the Amendment to Sublease Agreement between the City of Lincoln and DAS/State Building Division on behalf of Nebraska Workforce Development, Department of Labor, for a lease of space at 1010 N Street, Lincoln, Lancaster County,

Nebraska for a term of January 1, 2007 through December 31, 2011 to reduce the area leased from 6,568 sq. ft. of space to 6,076 sq. ft. to Nebraska Workforce Development, Department of Labor, at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, 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, 2009 THROUGH MARCH 31, 2010 - CLERK read an ordinance, introduced by John Spatz, 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, 2009 through March 31, 2010 whereby the City of Lincoln is subleasing 13,718 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.

APPROVING AN AMENDMENT TO THE SUBLEASE AGREEMENT BETWEEN THE CITY AND GOODWILL INDUSTRIES TO CHANGE THE AMOUNT OF SUBLEASE SPACE FROM 159 SQ. FT. TO 147 SQ. FT. IN THE ONE STOP CENTER AT 1010 N STREET FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF JANUARY 1, 2009 THROUGH DECEMBER 31, 2010 - CLERK read an ordinance, introduced by John Spatz, accepting and approving the Amendment to Sublease Agreement between the City of Lincoln and Goodwill Industries for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2009 through December 31, 2010 to reduce the area leased from 159 sq. ft. of space to 147 sq. ft. to Goodwill Industries at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, 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 JULY 16 - 31, 2009 - PRIOR to reading:

COOK Moved to amend Bill No. 09R-140 in the following manner:
On lines 10 and 11, the claim of Cincinnati Insurance Company should be removed from the list of Allowed/Settled claims.

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

COOK Moved to delay the public hearing on the denied claim of Paul & Maria Canarsky to August 31, 2009.

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

CLERK Read the following resolution, introduced by John Spatz, moved by Jonathan Cook for its adoption:

A-85483 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 August 3, 2009, 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</u>	<u>ALLOWED/SETTLED</u>
Deb Marino	NAS*
Paul & Maria Canarsky \$3,253.00	Cincinnati Insurance Co.
	(Claim #950379) \$2,596.18
	Cornhusker Dental Clinic 1,045.91
	Sharon K. Nicklas 643.42
	William R. Lewis 100.00
	Dawn Bolen 3,000.00
	Kenneth & Jessica Pickett 1,417.79

* 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 John Spatz

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

SPECIAL PERMIT 09016 - APPLICATION OF THE MENTAL HEALTH ASSOCIATION OF NEBRASKA FOR A HEALTH CARE FACILITY, INCLUDING REQUESTED WAIVER OF REQUIRED FRONT AND SIDE YARD LANDSCAPING AND TO REDUCE THE REQUIRED SIDE YARD SETBACKS FROM 10 FEET TO 5 FEET, ON PROPERTY GENERALLY LOCATED SOUTH OF VAN DORN STREET ON SOUTH 14TH STREET - PRIOR to reading:

COOK Moved to continue public hearing with action to August 31, 2009.
Seconded by Snyder & carried by the following vote: AYES: Carroll, Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp & Emery.

APPROVING A MEMORANDUM OF SUPPORT WITH THE COUNTIES AND COMMUNITIES, AND THE NEBRASKA INNOVATION ZONE COMMISSION/I-80 CORRIDOR ASSOCIATION TO UNDERTAKE COOPERATIVE EFFORTS TO ENCOURAGE, IMPROVE AND ENSURE ORDERLY DEVELOPMENT OF THE I-80 CORRIDOR BETWEEN OMAHA AND LINCOLN - CLERK read the following resolution, introduced by John Spatz, moved by Jonathan Cook for its adoption:

A-85484 WHEREAS, the City of Lincoln is a member of the Nebraska Innovation Zone Commission pursuant to Neb. Rev. Stat. § 81-12,123(2008); and

WHEREAS, the City Council has selected Jon Camp as its representative on the Nebraska Innovation Zone Commission; and

WHEREAS, the members of the Nebraska Innovation Zone Commission wish to enter into a Memorandum of Support to express their cooperative efforts to encourage, improve, and ensure orderly development of the I-80 corridor between Omaha and Lincoln.

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

That the attached Memorandum of Support between the counties of Sarpy, Cass, Saunders, Washington, Douglas and Lancaster and the communities of Lincoln, Waverly, Greenwood, Ashland, Gretna, Papillion and LaVista and the Nebraska Innovation Zone Commission/I-80 Corridor Association to undertake cooperative efforts to encourage, improve, and ensure orderly development of the I-80 corridor between Omaha and Lincoln, in accordance with the understandings and assurances contained in said Memorandum of Support, which is attached hereto as Exhibit "A", is hereby approved.

BE IT FURTHER RESOLVED that Councilman Jon Camp is hereby authorized to execute said Memorandum of Support on behalf of the City.

Introduced by John Spatz

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

ACCEPTING AND APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF LANCASTER AND CITY OF LINCOLN PROVIDING FOR CITY PARTICIPATION IN THE FUNDING OF THE COUNTY PUBLIC DEFENDER'S OFFICE - CLERK read the following resolution, introduced by John Spatz, moved by Eugene Carroll for adoption:

A-85485 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln and Lancaster County providing for City participation in the funding of the County Public Defender's Office, in accordance with the terms and conditions of said Interlocal Agreement, is hereby approved and the Mayor is authorized to execute the Agreement on behalf of the City. A copy of said Agreement is attached hereto and incorporated herein by reference.

This Interlocal Agreement and Resolution supercedes the Interlocal Agreement previously adopted by City Resolution No. A-66878.

Introduced by John Spatz

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

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (as required) - NONE

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

APPROVING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH (IF ANY) BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE STREET CONSTRUCTION FUND, WATER CONSTRUCTION FUND, SANITARY SEWER CONSTRUCTION FUND, AND CAPITAL PROJECTS FUND WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT - PRIOR to reading:

COOK Moved to amend Bill NO. 09-108 in the following manner:

1. On page 1, line 17, delete the dollar amount "699,750" and insert in lieu thereof the amount of 536,350.

2. Delete all of line 21 (Project No. 700037 in the amount of \$163,400).

Seconded by Carroll & carried by the following vote: AYES:

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

CARROLL Moved to amend Bill No. 09-108 in the following manner: 1. On page 1, line 4 & 9 after the word Department, insert the following language: and capital improvement projects within the Capital Projects Fund within the Library Department.

2. On page 3, after line 38, insert the following:

Library/Capital Projects Fund

From: Project No. 414112 - South Branch Library

Roof Project

\$9,602

To: Project No. 414110 - Williams Branch Library \$9,602

Seconded by Hornung & carried by the following vote: AYES:

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

CLERK Read an ordinance, introduced by Jane Snyder, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Street Construction Fund, Water Construction Fund, Sanitary Sewer Construction Fund, and Capital Projects Fund within the Public Works & Utilities Department, the third time.

SNYDER Moved to pass the ordinance as amended.

Seconded by Cook & carried by the following vote: AYES: Carroll,

Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp & Emery.

The ordinance, being numbered #19291, is recorded in Ordinance Book #26, Page

AMENDING ORDINANCE NO. 19169 AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$932,000.00 CITY OF LINCOLN, NEBRASKA BLOCK 85 REDEVELOPMENT PROJECT TAX ALLOCATION BONDS TO INCREASE THE MAXIMUM INTEREST RATE PERMITTED UNDER THE ORDINANCE FROM 9% TO 10% PER ANNUM - CLERK read an ordinance, introduced by Jane Snyder, amending Ordinance No. 19169 to change the maximum interest rate on the Block 85 Redevelopment Project Tax Allocation Bonds authorized thereby; to repeal certain provisions of Ordinance No. 19169; taking other action in connection with the foregoing; and related matters, the third time.

SNYDER Moved to pass the ordinance as read.

Seconded by Cook & carried by the following vote: AYES: Carroll,

Cook, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp & Emery.

The ordinance, being numbered #19292, is recorded in Ordinance Book #26, Page

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

MISCELLANEOUS

PENDING -

COOK Moved to extend the remainder of the Pending List to August 24, 2009.

Seconded by Carroll & carried by the following vote: AYES:

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

UPCOMING RESOLUTIONS - NONE

ADJOURNMENT 3:47 P.M.

COOK Moved to adjourn the City Council meeting of August 17, 2009.

Seconded by Carroll & carried by the following vote: AYES:

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

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

REGULAR MEETING
AUGUST 17, 2009
Page 52