

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JANUARY 25, 2010 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Emery; Council Members: Camp, Carroll, Cook, Hornung, Snyder, Spatz; City Clerk, Joan E. Ross.

Council Chair Emery 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 January 11, 2010 reported having done so, found same correct.

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

PUBLIC HEARING

AMENDING CHAPTER 4.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LIBRARY BOARD BY AMENDING SECTION 4.20.010 TO PROVIDE THAT NO LIBRARY BOARD DIRECTOR SHALL SERVE MORE THAN ONE CONSECUTIVE TERM OF SEVEN YEARS AND AMENDING SECTION 4.20.040 TO CHANGE THE CONTENT OF THE LIBRARY BOARD'S ANNUAL REPORT TO THE CITY COUNCIL AND THE DATE IT SHALL BE SUBMITTED - Pat Leach, Library Director, came forward to state this language grew out of concern for participation on the Library Board making that kind of participation available to citizens. This clarifies the Library Board members can serve not more than one consecutive seven year term and clarifies the language of the annual report. The Library Board is in support of this change.

This matter was taken under advisement.

AMENDING TITLE 14 OF THE LINCOLN MUNICIPAL CODE RELATING TO PUBLIC PROPERTY AND PUBLIC WAYS BY ADDING A NEW CHAPTER 14.42 TO PROVIDE FOR THE APPLICATION OF PAINTED ART ON LOCAL STREETS WITHIN THE PUBLIC RIGHT-OF-WAY IN RESIDENTIAL ZONING DISTRICTS - Council Member Cook stated this was proposed to him by neighborhood folks. This concept came from other cities who have an ordinance allowing for art work at intersections. It has been broadened to include mid-street between intersections. This does not include painting underpasses or overpasses. This could bring neighborhoods together with this painting project.

David Landis, Director of Urban Development, stated Portland, Oregon's ordinance served as a guide. He presented pictures from Portland and Seattle. The application will be made to the Director of Public Works Department and the painting must be on a residential street. Public Works will refer the application to the Urban Design Committee. If there is a concern with the toxicity of the paint being used it would be referred to the Health Department. It will be referred on to the Historic Preservation Committee if in those areas of the City, or the Capitol Environs Committee if it is in those areas of the City. The Public Works will make sure there will be no traffic hazards, the material is appropriate with no text, and must be seen from all angles. The standards that apply are 1. The four corners are adjacent property owners and 60% of remaining owners within 300 feet of the place where the painting is to be done; 2. The permit is not transferable; 3. The City is not going to pay for it, not going to be responsible or assume liability for it. If it is decided it's a bad idea or impractical or ugly the City can ask that it be removed; 4. A 14 day notice is required to be posted when the street is closed for the painting of the street; 5. The permit fee will be \$50.00. In the 15 years that Portland, Oregon has been painting streets there have been no reported accidents at these sites. It is to have a calming effect on traffic. The neighbors will pick out a design to be submitted, do the painting, and maintaining the design or removing it.

Jonathan Cook, Council Member, stated an amendment may be moved for approval at the next meeting which addresses the requirement that a certain number of properties sign a petition in support. There may be a vacant lot or an owner who is unreachable so this will provide that the Director of Public Works could waive that requirement if the neighborhood shows a good faith effort to get an approval, but was unable to. The second amendment allows for an extension of an existing permit so they can go back and repaint a portion of it if there is vandalism that takes place soon after the painting of the artwork. A fee would not be required for the touch up.

Jon Carlson, Safer Neighborhood Program Manager, came to say this is an excellent and exciting addition to the revitalization of the neighborhoods. This could be a community building tool.

Tracy Corr, 1001 S. 37th Street, came forward in support. This will involve no public funds with a greater return for the City. This is reported to reduce crime, calms traffic, safer for children. We have a project near completion, but we have an owner that lives out of state so are concerned about getting an approval from this owner, therefore, the amendment would help. One proposed intersection is at 37th & F Street just down the street from Randolph Elementary School and St. Teresa School students walk in this area as well.

Wendy Bantam, 1112 Sumner St., came forward representing Lincoln Arts Council in support.

Pat Anderson-Sifuentez, 1500 S. 11th Street, came forward representing Neighborworks Lincoln in support.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY, LANCASTER COUNTY, THE LINCOLN LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND OSBURN ASSOCIATES, INC., FOR THE ANNUAL SUPPLY OF ALUMINUM SIGN BLANKS FOR A FOUR-YEAR TERM OF DECEMBER 1, 2009 THROUGH NOVEMBER 30, 2013;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY, LANCASTER COUNTY, THE LINCOLN LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND MID-CONTINENT SAFETY, LLC, FOR THE ANNUAL SUPPLY OF PERSONAL PROTECTIVE EQUIPMENT AND FIRST AID SUPPLIES FOR A FOUR-YEAR TERM OF DECEMBER 1, 2009 THROUGH NOVEMBER 30, 2013 - Tom Kopplin, Assistant Purchasing Agent, came forward to answer any questions.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON JANUARY 4, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON JANUARY 11, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk.

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone 09030 - Requested by Continental 206 Fund, LLC from R-3 to R-5 on property located at the northeast corner of S. 91st Street and Heritage Lakes Drive.

Special Permit 09029 - Requested by Continental 206 Fund, LLC, Heritage Lakes Drive Multi-Family Community Unit Plan for approximately 270 dwelling units with adjustments to parking and sign requirements on property located at the northeast corner of S. 91st Street and Heritage Lakes Drive.

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 8, 2010 AT 3:00 P.M. FOR THE APPLICATION OF BUGEATERS INVESTMENTS, INC. DBA LIBATIONS, TOO FOR A CLASS C LIQUOR LICENSE LOCATED AT 5310 S. 56TH STREET, STE. 1 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85690 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon. February 8, 2010 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 Application of Bugeaters Investments, Inc. dba Libations, Too for a Class C liquor license located at 5310 S. 56th Street, Ste. 1.

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

Introduced by Eugene Carroll

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

SETTING THE HEARING DATE OF MONDAY, MONDAY, FEBRUARY 8, 2010 AT 3:00 P.M. FOR THE APPLICATION OF MARTINSON ENTERPRISES LLC DBA CRESCENT MOON FOR A CLASS I LIQUOR LICENSE LOCATED AT 816 P STREET, STE.100 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85691 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., February 8, 2010 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 Application of Martinson Enterprises, LLC dba Crescent Moon for a Class I liquor license located at 816 P Street, Ste. 100.

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

Introduced by Eugene Carroll

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 8, 2010 AT 3:00 P.M. FOR THE APPLICATION OF SAM'S WEST INC. DBA SAM'S CLUB 6413 FOR A CLASS C LIQUOR LICENSE LOCATED AT 4900 N. 27TH STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85692 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., February 8, 2010 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 Application of Sam's West Inc. dba Sam's Club 6413 for Class C liquor license located at 4900 N. 27th Street.

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

Introduced by Eugene Carroll

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

LIQUOR RESOLUTIONS - NONE

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

AMENDING CHAPTER 4.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LIBRARY BOARD BY AMENDING SECTION 4.20.010 TO PROVIDE THAT NO LIBRARY BOARD DIRECTOR SHALL SERVE MORE THAN ONE CONSECUTIVE TERM OF SEVEN YEARS AND AMENDING SECTION 4.20.040 TO CHANGE THE CONTENT OF THE LIBRARY BOARD'S ANNUAL REPORT TO THE CITY COUNCIL AND THE DATE IT SHALL BE SUBMITTED - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 4.20 of the Lincoln Municipal Code relating to the Library Board by amending Section 4.20.010 to provide that no Library Board director shall serve more than one consecutive term of seven years; amending Section 4.20.040 to change the content of the Library Board's annual report to the City Council and the date it shall be submitted; and repealing Sections 4.20.010 and 4.20.040 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING TITLE 14 OF THE LINCOLN MUNICIPAL CODE RELATING TO PUBLIC PROPERTY AND PUBLIC WAYS BY ADDING A NEW CHAPTER 14.42 TO PROVIDE FOR THE APPLICATION OF PAINTED ART ON LOCAL STREETS WITHIN THE PUBLIC RIGHT-OF-WAY IN RESIDENTIAL ZONING DISTRICTS - CLERK read an ordinance, introduced by Jon Camp, amending Title 14 of the Lincoln Municipal Code relating to Public Property and Public Ways by adding a new Chapter 14.42 to provide for the application of painted art on local streets within the public right-of-way in residential zoning districts, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY, LANCASTER COUNTY, THE LINCOLN LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND OSBURN ASSOCIATES, INC., FOR THE ANNUAL SUPPLY OF ALUMINUM SIGN BLANKS FOR A FOUR-YEAR TERM OF DECEMBER 1, 2009 THROUGH NOVEMBER 30, 2013 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85693 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached contact between the City of Lincoln, Lancaster County, the Lincoln Lancaster County Public Building Commission and Osburn Associates, Inc., in accordance with Bid No. 09-267, for Annual Supply of Aluminum Sign Blanks for a four-year period, 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 Jon Camp

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY, LANCASTER COUNTY, THE LINCOLN LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND MID-CONTINENT SAFETY, LLC, FOR THE ANNUAL SUPPLY OF PERSONAL PROTECTIVE EQUIPMENT AND FIRST AID SUPPLIES FOR A FOUR-YEAR TERM OF DECEMBER 1, 2009 THROUGH NOVEMBER 30, 2013 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85694 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached contact between the City of Lincoln, Lancaster County, the Lincoln Lancaster County Public Building Commission and Mid-Continent Safety, LLC, in accordance with Bid No. 09-261, for the Annual Supply of Personal Protective Equipment and First Aid Supplies for a four-year period, 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 Jon Camp

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

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

CHANGE OF ZONE 09029 - AMENDING SECTION 27.26.080 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEIGHT AND AREA REGULATIONS FOR THE O-2 SUBURBAN OFFICE DISTRICT TO PROVIDE THAT THE MAXIMUM HEIGHT OF BUILDINGS IN SAID DISTRICT SHALL NOT EXCEED 25 FEET IF THE BUILDING HAS A FLAT ROOF AND SHALL NOT EXCEED 28 FEET IF THE BUILDING HAS A ROOF TYPE OTHER THAN FLAT - CLERK read an ordinance, introduced by Eugene Carroll, amending Section 27.26.080 of the Lincoln Municipal Code relating to Height and Area Regulations for the O-2 Suburban Office District to provide that the maximum height of buildings in said district shall not exceed 25' if the building has a flat roof and shall not exceed 28' if the building has a roof type other than flat; and repealing Section 27.26.080 of the Lincoln Municipal Code as hitherto existing, the first time.

COMP. PLAN CONFORMANCE 09014 - DECLARING APPROXIMATELY 1.8 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF NORTH 10TH AND MILITARY ROAD AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF TO INDIAN CENTER, INC. - CLERK read an ordinance, introduced by Eugene Carroll, declaring approximately 1.8 acres of City owned property generally located northeast of North 10th Street and Military Road as surplus and authorizing the sale thereof to the Indian Center, Inc. the first time.

STREET NAME CHANGE 06005 - RENAMING 38TH STREET COURT AND THAT PORTION OF SOUTH 38TH STREET NORTH OF F STREET AS SOUTH 38TH STREET COURT - CLERK read an ordinance, introduced by Eugene Carroll, changing the name of 38th Street Court and that portion of South 38th Street north of F Street to South 38th Street Court, as recommended by the Street Name Committee, the first time.

CHANGE OF ZONE 09003 - APPLICATION OF YANKEE HILL TOWNHOMES, LLC, FOR A CHANGE OF ZONE FROM AG AGRICULTURAL, R-3 RESIDENTIAL AND R-4 RESIDENTIAL TO R-4 RESIDENTIAL DISTRICT PLANNED UNIT DEVELOPMENT FOR 84 TOWNHOMES, 348 APARTMENTS AND 30,000 SQUARE FEET OF COMMERCIAL LAND USES, WITH WAIVERS TO ADJUST THE MINIMUM AVERAGE LOT, THE MINIMUM LOT AREA, THE FRONT, SIDE AND REAR SETBACKS, AND THE 3:1 WIDTH TO DEPTH RATIO, ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND YANKEE HILL ROAD - PRIOR to reading:

COOK Moved to place Bill No. 10-8 on Indefinite Pending and to have Public Hearing when removed.

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

CLERK Read an ordinance, introduced by Eugene Carroll, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

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

CHANGE OF ZONE 09028 - APPLICATION OF LANCASTER COUNTY FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 10TH STREET AND SOUTH STREET - CLERK read an ordinance, introduced by John Spatz, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

SPATZ Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Emery, Hornung, Snyder, Spatz; NAYS: Cook.
The ordinance, being numbered **#19339**, is recorded in Ordinance Book #26, Page

ADOPTING AN AMENDED AND RESTATED CITY OF LINCOLN EMPLOYEES' RETIREMENT PLAN AND TRUST FOR CIVILIAN (NON-UNIFORMED SERVICE) EMPLOYEES PROVIDING FOR A CHANGE IN EMPLOYER CONTRIBUTIONS FOR EMPLOYEES HIRED AFTER A DATE CERTAIN AND ADOPTING IRS INTERIM AMENDMENTS NOS. 1 AND NO. 2. (10/5/09 - Action Delayed Weekly to 1/4/2010) - PRIOR to reading:

SNYDER Moved to delay action of Bill No. 09-132 to 2/1/10.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Clerk Read an ordinance, introduced by Jane Snyder, adopting an amended and restated version of the City of Lincoln Employees' Retirement Plan and Trust to provide that the employer contribution for employees hired on or after November 4, 2010 will be an amount equal to 3% of an employee's compensation up to and including \$4,800.00 plus 6% of his or compensation in excess of \$4,800.00 plus 6% of his or compensation in excess of \$4,800.00; to adopt Interim Amendment No. 1 relating to final IRS regulations under Internal Revenue Code Section 415 and Section 411(d)(6); and to adopt Interim Amendment No. 2 relating to the plan qualification requirements under the Pension Protection Act of 2006 (PPA) and other I.R.S. guidance; and to repeal Ordinance No. 17685 as hitherto existing, the third time.

OPEN MICROPHONE

Richard Esquivel, 733 Cumings St., came forward to state he did receive his answers on TIF, but is not in agreement with the conclusions. In noting the Lincoln Public Schools receive a large portion of tax dollars he wondered who oversees Lincoln Public Schools spending. He stated without the approval of the arena it is more than likely the City taxes will increase. He still hasn't gotten answers referencing the wheel tax and people who work in the City but live outside the City. The additional revenue from wheel tax could be used for fixing the potholes.

This matter was taken under advisement.

John Austin, 826 S. 14th Street, commented he came before the City Council several meetings ago wanting to find out why they took Arnott Folsom's name off the Children's Zoo. He is still waiting for an answer.

Doug Emery, Council Chair, stated the Parks and Recreation Department said they were sending him a copy. It was discussed with the family, who were in agreement, to have his name taken off the zoo and put on something else. It was a marketing issue to change the name to the Lincoln Children's Zoo. They will be sure he gets his information.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to February 1, 2010.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on February 1, 2010.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

REGULAR MEETING
JANUARY 25, 2010
Page 298

ADJOURNMENT 6:11 P.M.

CAMP Moved to adjourn the City Council meeting of January 25, 2010.
Seconded by Spatz & carried by the following vote: AYES: Camp,
Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant