

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, OCTOBER 4, 2010 AT 3:00 P.M.**

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

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

**READING OF THE MINUTES**

HORNUNG Having been appointed to read the minutes of the City Council proceedings of September 27 reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF COBBLER INN, INC. DBA DON AND RANDY SHOEMAKERS TRUCK STATION C-91078 FOR A CLASS C LIQUOR LICENSE AT 4800 WEST O STREET.;  
MANAGER APPLICATION OF RANDY G. SHOEMAKER FOR COBBLER INN, INC. DBA DON AND RANDY SHOEMAKERS TRUCK STATION C-91078 AT 4800 WEST O STREET - Randy Shoemaker, 4800 West O St., came forward to take oath and answer questions.

Andrew Hartley, 4800 West O St., came forward to take oath and answer questions.

John Austin, 826 S. 14<sup>th</sup> St., came forward to comment that a Truck Stop is not a place for off-sale liquor.

Mr. Shoemaker came forward to state that they will have off-sale liquor in their establishment but will provide on-sale liquor in the restaurant.

This matter was taken under advisement.

ANNEXATION NO. 08013 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 15 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF THE SALT CREEK CROSSING AT WARLICK BOULEVARD - Steve Henrichsen, Planning Department, came forward to state that this annexation was moving forward after being placed on hold a few years ago while issues were worked out with adjacent property owners.

This matter was taken under advisement.

APPLICATION OF SWIG, LLC FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 120 FEET BY 120 FEET IN THE PARKING LOT AT 1510 Q STREET ON OCTOBER 15, 2010 FROM 5:00 P.M. TO 11:00 P.M. - CLERK reported to Council the belated arrival of a liquor license applicant.

Brett Richardson, 1928 S. 8<sup>th</sup> St., applicant for SWIG, LLC, came forward to answer questions.

This matter was taken under advisement.

APPROVING THE 2010-2011 CITY TAX RATE OF 0.28788 PER \$100.00 OF ASSESSED VALUATION - Steve Hubka, City Budget Officer, came forward as required by State Law to set a property tax rate by a separate resolution. He said it is the same rate as anticipated and was included in the Budget resolution. In answer to Council questions, Mr. Hubka reported that following growth and after adjustments to the tax base, the net difference amounted to .86%. He said they took in \$140,000 more than counted on when the Mayor's Budget was introduced, which was used to reduce Special Assessment money.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND GENERAL PARTS DISTRIBUTION LLC FOR THE ANNUAL REQUIREMENTS FOR VEHICLE/EQUIPMENT MAINTENANCE PARTS AND ACCESSORIES, PURSUANT TO BID NO. 10-108, FOR A THREE-YEAR TERM WITH THE OPTION FOR ONE ADDITIONAL ONE-YEAR TERM;

APPROVING TWO CONTRACT AGREEMENTS BETWEEN THE CITY AND OSI BATTERIES AND BATTERYZONE INC. FOR THE ANNUAL SUPPLY FOR RADIO BATTERIES, PURSUANT TO BID NO. 10-103, FOR FOUR-YEAR TERMS - Bob Walla, Asst. Purchasing Agent, came forward to answer questions about the multi-year contracts.

This matter was taken under advisement.

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 1747 S. 15TH, 1635 S. 16TH, 5730 O, 1520 N. 25TH, 844 PEACH, 1425 N. 24TH, 1437 S. 14TH, 1834 PROSPECT, 720 WASHINGTON, 1020 PLUM, 1520 N. 14TH, 5601 M, 1645 WASHINGTON, 5427 NORMAL, 5359 COOPER, 1120 E, 1435 C, 1857 J, 2253 ORCHARD, 2928 S, 4626 MADISON, 550 N.W. 8TH, 2400 N, 2905 VINE, 2327 D, 436 S. 30TH, 2436 S. 8TH, 1608 N. 25TH, 333 N. 24TH, 3810 DUDLEY, 508 S. 25TH, 619 S. 55TH, 1942 SKYLINE, 2213 S.W. 19<sup>TH</sup> - CLERK reported to Council that to be proper, this resolution should be under the introductions on this day with public hearing & action scheduled for next week.

This matter was taken under advisement.

APPROVING THE ANNUAL FINANCIAL INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR FUNDING CONSTRUCTION OF THE 18TH AND HOLDREGE PEDESTRIAN BRIDGE OVER THE OL&B RAILROAD TRACKS;

APPROVING THE ANNUAL FINANCIAL INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR FUNDING NEW BRIDGE CONSTRUCTION OF THE S.W. 40TH STREET OVERPASS OVER THE BNSF RAIL YARD AND THE PAVING OF APPROXIMATELY THE FIRST 900 FEET OF S.W. 40TH STREET SOUTH OF WEST O STREET;

APPROVING THE ANNUAL FINANCIAL INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR FUNDING CONSTRUCTION OF THE HARRIS OVERPASS ON O STREET FROM 3RD TO 9TH STREETS;

APPROVING THE ANNUAL FINANCIAL INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR FUNDING MAINTENANCE OF THE SOUTH LINCOLN QUIET ZONE PROJECT IMPROVEMENTS;

APPROVING THE ANNUAL FINANCIAL INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR FUNDING MAINTENANCE OF THE SOUTH SALT CREEK QUIET ZONE PROJECT SAFETY IMPROVEMENTS - John Austin, 826 S. 14<sup>th</sup> St., came forward to ask if any funding will come from private ownership.

Chad Blahak, Public Works & Utilities, came forward to report that he would provide an answer to Mr. Austin's query.

Council Member Carroll responded to Mr. Austin's question about street access. He affirmed that 3<sup>rd</sup> Street would be closed.

Mr. Blahak responded to Council Member Snyder's question about completion of the Holdrege Street Pedestrian Bridge. He said they are waiting for delivery/placement of the pre-fab bridge which is scheduled to arrive in the next couple of weeks, well in advance of the contractor's December 2010 projected completion date. Mr. Carroll clarified funding sources as being the following: \$750,000 from RTSD; \$10,000 from Parks & Recreation; and the balance from the City.

This matter was taken under advisement.

APPROVING A MASTER DEVELOPMENT AGREEMENT BETWEEN THE CITY AND BNSF TO PROVIDE FOR A LAND EXCHANGE NEEDED TO CREATE THE NEW BNSF RAIL CORRIDOR AND THE SITE FOR THE WEST HAYMARKET PROJECT IMPROVEMENTS; TO PROVIDE FOR THE REMOVAL OF BNSF IMPROVEMENTS ON THE PROPERTY TO BE ACQUIRED BY THE CITY FROM BNSF; TO PROVIDE FOR BNSF'S CONSTRUCTION OF REPLACEMENT TRACKS AND RELATED IMPROVEMENTS; AND TO PROVIDE FOR BNSF'S GRANTING OF CERTAIN LICENSE AND EASEMENT RIGHTS TO THE CITY FOR RIGHT OF ENTRY WORK RELATED TO THE WEST HAYMARKET PROJECT IMPROVEMENTS;

APPROVING A LAND EXCHANGE AGREEMENT BETWEEN THE CITY AND BNSF FOR ACQUISITION OF PROPERTY FROM BNSF FOR THE WEST HAYMARKET PROJECT;

APPROVING A CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN THE CITY AND BNSF TO PROVIDE FOR TERMS AND CONDITIONS REGARDING CONSTRUCTION OF THE CITY'S RIGHTS OF ENTRY WORK UNDER THE MASTER DEVELOPMENT AGREEMENT FOR THE WEST HAYMARKET PROJECT;

APPROVING A THIRD ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN THE CITY AND THE WEST HAYMARKET JOINT PUBLIC AGENCY TO PROVIDE FOR THE CITY'S ASSIGNMENT OF ITS RIGHTS, INTERESTS, DUTIES AND OBLIGATIONS UNDER THE MASTER DEVELOPMENT AGREEMENT, LAND EXCHANGE AGREEMENT AND CONSTRUCTION AND MAINTENANCE AGREEMENT FOR THE WEST HAYMARKET PROJECT TO THE WEST HAYMARKET JOINT PUBLIC AGENCY - Rod M. Confer, City Attorney, came forward to explain that agreements are being finalized with Burlington Northern Santa Fe. Mr. Confer said due to issues with railroad authorities who are unavailable, he asked Council for a continuance of two weeks.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON SEPTEMBER 20, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON SEPTEMBER 27, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

### PETITIONS & COMMUNICATIONS - NONE

### LIQUOR RESOLUTIONS

APPLICATION OF COBBLER INN, INC. DBA DON AND RANDY SHOEMAKERS TRUCK STATION C-91078 FOR A CLASS C LIQUOR LICENSE AT 4800 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86029 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 Cobbler Inn, Inc dba Don and Randy Shoemaker's Truck Station C-91078 for a Class "C" liquor license at 4800 West O Street, Lincoln, Nebraska, for the license period ending October 31, 2011, be approved with the condition that:

1. The applicant obtains a valid special permit, including the parking requirements.
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 Jon Camp

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

MANAGER APPLICATION OF RANDY G. SHOEMAKER FOR COBBLER INN, INC. DBA DON AND RANDY SHOEMAKERS TRUCK STATION C-91078 AT 4800 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86030 WHEREAS, Cobbler Inn, Inc. dba Don and Randy Shoemaker's Truck Station C-91078 located at 4800 West O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Randy G. Shoemaker be named manager;

WHEREAS, Randy G. Shoemaker 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 Randy G. Shoemaker be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF SWIG, LLC FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 120 FEET BY 120 FEET IN THE PARKING LOT AT 1510 Q STREET ON OCTOBER 15, 2010 FROM 5:00 P.M. TO 11:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86031 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 SWIG, LLC for a Special Designated License to cover an area measuring approximately 120 feet by 120 feet in the parking lot at 1510 Q Street, Lincoln, Nebraska, on October 15,

2010 between the hours of 5:00 p.m. and 11:00 p.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 Jon Camp

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

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

ANNEXATION NO. 08013 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 15 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF THE SALT CREEK CROSSING AT WARLICK BOULEVARD - CLERK read an ordinance, introduced by Adam Hornung, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

**A SPECIAL PUBLIC HEARING SHALL BE HELD ON  
THE FOLLOWING RESOLUTION**

APPROVING THE 2010-2011 CITY TAX RATE OF 0.28788 PER \$100.00 OF ASSESSED VALUATION - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86032 A RESOLUTION establishing a final property tax levy for the City's 2010-2011 fiscal year and adjusting the City tax rate to that adopted in the City budget resolution.

RECITALS

I.

Pursuant to Neb. Rev. Stat. § 77-1601.02, the City Council of the City of Lincoln is authorized to pass, by a majority vote, a resolution setting the final tax rate.

II.

Pursuant to Neb. Rev. Stat. § 77-1601.02, notice was published in a newspaper of general circulation on September 27, 2010, which date was at least five days prior to October 4, 2010 being the date upon which the City Council held a special public hearing called for the purpose of considering and acting upon this resolution.

III.

When the budget was adopted on August 23, 2010 the tax rate was anticipated to be .28788 per \$100 of assessed valuation. Final certified valuations from the County Assessor's office have not changed the tax rate necessary to fund the adopted budget.

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

That after notice and public hearing as required by law, the City Council does hereby set the following final levy for the City of Lincoln 2010-2011 fiscal year for a property tax request of \$45,718,972.00: \$.28788 per \$100 of assessed valuation which total rate is comprised of the following:

Bond Interest & Redemption	.03399
General	.17386
Library	.03981
Social Security	.01410
Police and Fire Pension	<u>.02612</u>
Total	.28788

Introduced by Adam Hornung

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

PUBLIC HEARING - RESOLUTIONS

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND GENERAL PARTS DISTRIBUTION LLC FOR THE ANNUAL REQUIREMENTS FOR VEHICLE/EQUIPMENT MAINTENANCE PARTS AND ACCESSORIES, PURSUANT TO BID NO. 10-108, FOR A THREE-YEAR TERM WITH THE OPTION FOR ONE ADDITIONAL ONE-YEAR TERM - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86033 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the attached contract between the City of Lincoln, Lancaster County, the Lincoln-Lancaster County Public Building Commission and General Parts Distribution LLC for the annual requirements for Vehicle/Equipment Maintenance Parts and Accessories, pursuant to Bid No. 10-108, for a three-year period with the option to renew for one additional one-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 Adam Hornung

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

APPROVING TWO CONTRACT AGREEMENTS BETWEEN THE CITY AND OSI BATTERIES AND BATTERYZONE INC. FOR THE ANNUAL SUPPLY FOR RADIO BATTERIES, PURSUANT TO BID NO. 10-103, FOR FOUR-YEAR TERMS - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86034 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the two attached contracts between the City of Lincoln and OSI Batteries and BatteryZone, Inc. for the annual requirements for Radio Batteries, pursuant to Bid No. 10-103, for four-year terms, upon the terms as set forth in said contracts, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Adam Hornung

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

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 1747 S. 15TH, 1635 S. 16TH, 5730 O, 1520 N. 25TH, 844 PEACH, 1425 N. 24TH, 1437 S. 14TH, 1834 PROSPECT, 720 WASHINGTON, 1020 PLUM, 1520 N. 14TH, 5601 M, 1645 WASHINGTON, 5427 NORMAL, 5359 COOPER, 1120 E, 1435 C, 1857 J, 2253 ORCHARD, 2928 S, 4626 MADISON, 550 N.W. 8TH, 2400 N, 2905 VINE, 2327 D, 436 S. 30TH, 2436 S. 8TH, 1608 N. 25TH, 333 N. 24TH, 3810 DUDLEY, 508 S. 25TH, 619 S. 55TH, 1942 SKYLINE, 2213 S.W. 19<sup>TH</sup> - PRIOR to reading:

CAMP Moved to continue Public Hearing of Bill No. 10R-247 with Action to October 11, 2010.

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

APPROVING THE ANNUAL FINANCIAL INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR FUNDING CONSTRUCTION OF THE 18TH AND HOLDREGE PEDESTRIAN BRIDGE OVER THE OL&B RAILROAD TRACKS - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86035 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln-Lancaster County Railroad Transportation Safety District (RTSD) desire to cooperate with each other in funding construction of the 18th and Holdrege pedestrian bridge over the OL&B railroad tracks.

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

That the Annual Financial Interlocal Agreement between the City and RTSD attached hereto as Attachment "A" in connection with funding the construction of the 18th and Holdrege pedestrian bridge over the OL&B railroad tracks is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Adam Hornung

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

APPROVING THE ANNUAL FINANCIAL INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR FUNDING NEW BRIDGE CONSTRUCTION OF THE S.W. 40TH STREET OVERPASS OVER THE BNSF RAIL YARD AND THE PAVING OF APPROXIMATELY THE FIRST 900 FEET OF S.W. 40TH STREET SOUTH OF WEST O STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86036 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln-Lancaster County Railroad Transportation Safety District (RTSD) desire to cooperate with each other in funding construction of the S.W. 40th Street Overpass over the BNSF rail yard and the paving of approximately the first 900 feet of S.W. 40th Street south of West O Street.

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

That the Annual Financial Interlocal Agreement between the City and RTSD attached hereto as Attachment "A" in connection with funding the new bridge construction of the S.W. 40th Street Overpass over the BNSF rail yard and the paving of approximately the first 900 feet of S.W. 40th Street south of West O Street is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Adam Hornung

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

APPROVING THE ANNUAL FINANCIAL INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR FUNDING CONSTRUCTION OF THE HARRIS OVERPASS ON O STREET FROM 3RD TO 9TH STREETS - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86037 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln-Lancaster County Railroad Transportation Safety District (RTSD) desire to cooperate with each other in funding construction of the Harris Overpass on O Street from 3rd to 9th Streets.

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

That the Annual Financial Interlocal Agreement between the City and RTSD attached hereto as Attachment "A" in connection with funding the construction of the Harris Overpass on O Street from 3rd to 9th Streets is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Adam Hornung

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

APPROVING THE ANNUAL FINANCIAL INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR FUNDING MAINTENANCE OF THE SOUTH LINCOLN QUIET ZONE PROJECT IMPROVEMENTS - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86038 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln-Lancaster County Railroad Transportation Safety District (RTSD) desire to cooperate with each other for funding maintenance of the South Lincoln Quiet Zone Project improvements.

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

That the Annual Financial Interlocal Agreement between the City and RTSD attached hereto as Attachment "A" in connection with funding the maintenance of the South Lincoln Quiet Zone Project improvements is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Adam Hornung

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

APPROVING THE ANNUAL FINANCIAL INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR FUNDING MAINTENANCE OF THE SOUTH SALT CREEK QUIET ZONE PROJECT SAFETY IMPROVEMENTS - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86039 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln-Lancaster County Railroad Transportation Safety District (RTSD) desire to cooperate with each other for funding maintenance of the South Salt Creek Quiet Zone Project safety improvements.

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

That the Annual Financial Interlocal Agreement between the City and RTSD attached hereto as Attachment "A" in connection with funding the maintenance of the South Salt Creek Quiet Zone Project safety improvements is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Adam Hornung

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

APPROVING A MASTER DEVELOPMENT AGREEMENT BETWEEN THE CITY AND BNSF TO PROVIDE FOR A LAND EXCHANGE NEEDED TO CREATE THE NEW BNSF RAIL CORRIDOR AND THE SITE FOR THE WEST HAYMARKET PROJECT IMPROVEMENTS; TO PROVIDE FOR THE REMOVAL OF BNSF IMPROVEMENTS ON THE PROPERTY TO BE ACQUIRED BY THE CITY FROM BNSF; TO PROVIDE FOR BNSF'S CONSTRUCTION OF REPLACEMENT TRACKS AND RELATED IMPROVEMENTS; AND TO PROVIDE FOR BNSF'S GRANTING OF CERTAIN LICENSE AND EASEMENT RIGHTS TO THE CITY FOR RIGHT OF ENTRY WORK RELATED TO THE WEST HAYMARKET PROJECT IMPROVEMENTS. (RELATED ITEMS: 10R-237, 10R-238, 10R-239, 10R-240) (REQUEST TO CON'T. P.H. W/ACTION ON 10/4/10) (9/27/10 - P.H. W/ACTION CON'T TO 10/4/10) - PRIOR to reading:

COOK Moved to continue Public Hearing on Bill No. 10R-237 two weeks to October 18, 2010 with Action.

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

APPROVING A LAND EXCHANGE AGREEMENT BETWEEN THE CITY AND BNSF FOR ACQUISITION OF PROPERTY FROM BNSF FOR THE WEST HAYMARKET PROJECT. (RELATED ITEMS: 10R-237, 10R-238, 10R-239, 10R-240) (REQUEST TO CON'T. P.H. W/ACTION ON 10/4/10) (9/27/10 - P.H. W/ACTION CON'T TO 10/4/10) - PRIOR to reading:

COOK Moved to continue Public Hearing on Bill No. 10R-238 two weeks to October 18, 2010 with Action.

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

APPROVING A CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN THE CITY AND BNSF TO PROVIDE FOR TERMS AND CONDITIONS REGARDING CONSTRUCTION OF THE CITY'S RIGHTS OF ENTRY WORK UNDER THE MASTER DEVELOPMENT AGREEMENT FOR THE WEST HAYMARKET PROJECT. (RELATED ITEMS: 10R-237, 10R-238, 10R-239, 10R-240) (REQUEST TO CON'T. P.H. W/ACTION ON 10/4/10) (9/27/10 - P.H. W/ACTION CON'T TO 10/4/10) - PRIOR to reading:

COOK Moved to continue Public Hearing on Bill No. 10R-239 two weeks to October 18, 2010 with Action.

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

APPROVING A THIRD ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN THE CITY AND THE WEST HAYMARKET JOINT PUBLIC AGENCY TO PROVIDE FOR THE CITY'S ASSIGNMENT OF ITS RIGHTS, INTERESTS, DUTIES AND OBLIGATIONS UNDER THE MASTER DEVELOPMENT AGREEMENT, LAND EXCHANGE AGREEMENT AND CONSTRUCTION AND MAINTENANCE AGREEMENT FOR THE WEST HAYMARKET PROJECT TO THE WEST HAYMARKET JOINT PUBLIC AGENCY. (RELATED ITEMS: 10R-237, 10R-238, 10R-239, 10R-240) (REQUEST TO CON'T. P.H. W/ACTION ON 10/4/10) (9/27/10 - P.H. W/ACTION CON'T TO 10/4/10) - PRIOR to reading:

COOK Moved to continue Public Hearing on Bill No. 10R-240 two weeks to October 18, 2010 with Action.

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

ORDINANCE - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required) - NONE

ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)

STREET NAME CHANGE 10006 - RENAMING SOUTH 87TH STREET AS "ELLIE LANE" LOCATED IN THE BOULDER RUN ADDITION, GENERALLY LOCATED AT SOUTH 84TH STREET AND BARKLEY DRIVE - CLERK read an ordinance, introduced by Doug Emery, changing the name of South 87<sup>th</sup> Street located in the Boulder Run Addition in the vicinity of South 84<sup>th</sup> Street and Barkley Drive from South 87<sup>th</sup> Street to Ellie Lane, as recommended by the Street Name Committee, the third time.

EMERY Moved to pass the ordinance as read.  
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: Camp.  
The ordinance, being numbered #19457, is recorded in Ordinance Book #27, Page

AMENDING SECTION 5.38.075 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE APPEAL PROCEDURE FOR PERSONS AGGRIEVED BY A DECISION, NOTICE OR ORDER OF THE BUILDING OFFICIAL FOR A PERMIT TO MAINTAIN OR OPERATE A ROOMING HOUSE, LODGING HOUSE, APARTMENT HOUSE, MOTEL OR HOTEL, TO CORRECT AN OUTDATED LMC SECTION AND CHAPTER REFERENCE - CLERK read an ordinance, introduced by Doug Emery, amending Section 5.38.075 of the Lincoln Municipal Code relating to the appeal procedure for persons aggrieved by a decision, notice or order of the Building Official for a permit to maintain or operate a rooming house, lodging house, apartment house, motel, or hotel to correct an outdated LMC section and chapter reference; and repealing Section 5.38.075 of the Lincoln Municipal Code as hitherto existing, the third time.

EMERY Moved to pass the ordinance as read.  
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.  
The ordinance, being numbered #19458, is recorded in Ordinance Book #27, Page

AUTHORIZING THE CITY OF LINCOLN TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY, LINCOLN, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$8,000,000 FOR THE ACQUISITION OF THE EXPERIAN BUILDING AND RENOVATIONS TO THE SAME. (RELATED ITEMS: 10-128, 10R-236, 10R-241) - PRIOR to reading:

CAMP Moved to Place Bill No. 10-128 on Pending to have Public Hearing & Action on October 25, 2010.  
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

CLERK Read an ordinance, introduced by Doug Emery, 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 acquiring real property and the buildings thereon and remodeling, renovating, equipping and furnishing the same; approving the issuance, sale and delivery of not to exceed \$8,000,000 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 THE 2010/2011 - 2015/2016 CAPITAL IMPROVEMENTS PROGRAM BUDGET TO ADD A NEW PROJECT IN YEAR ONE TO THE PUBLIC WORKS & UTILITIES STREET MAINTENANCE PROGRAM TO INCLUDE THE LEASE PURCHASE OF THE EXPERIAN FACILITY AT 901 AND 949 WEST BOND STREET. (RELATED ITEMS: 10-128, 10R-236, 10R-241) (ACTION DATE: 10/4/10) - PRIOR to reading:

CAMP Moved to Place Bill No. 10R-236 on Pending to have Public Hearing & Action on October 25, 2010.  
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING A REAL ESTATE PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF LINCOLN AND EXPERIAN MARKETING SOLUTIONS, INC. FOR THE PURCHASE OF THE EXPERIAN FACILITY GENERALLY LOCATED AT 901 AND 949 WEST BOND STREET. (RELATED ITEMS: 10-128, 10R-236, 10R-241) (ACTION DATE: 10/4/10) - PRIOR to reading:

CAMP Moved to Place Bill No. 10R-241 on Pending to have Public Hearing & Action on October 25, 2010.  
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING A LEASE AGREEMENT BETWEEN THE AIRPORT AUTHORITY AND THE CITY FOR THE LEASE OF STORAGE SPACE BY THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR A TERM OF DECEMBER 1, 2010 THROUGH NOVEMBER 30, 2011 - CLERK read an ordinance, introduced by Doug Emery, accepting and approving a Lease Agreement between the Airport Authority of the City of Lincoln, Nebraska and the Lincoln-Lancaster County Health Department for a lease of storage space by the Health Department at Building 2714 in Lincoln Air Park West for a one-year period from December 1, 2010 through November 30, 2011, the third time.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered #19459, is recorded in Ordinance Book #27, Page

**OPEN MICROPHONE - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to October 11, 2010.

Seconded by Cook & 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 October 11, 2010.

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

**ADJOURNMENT 3:25 P.M.**

CAMP Moved to adjourn the City Council meeting of October 4, 2010.

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

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant

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