

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JANUARY 31, 2011 AT 5:30 P.M.**

The Meeting was called to order at 5:30 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

COOK Having been appointed to read the minutes of the City Council proceedings of January 24 reported having done so, found same correct.

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

PUBLIC HEARING

VACATION 10017 - VACATING THE REMAINING PORTION OF THE EAST-WEST ALLEY FROM CENTENNIAL MALL TO N. 16TH STREET BETWEEN P AND Q STREETS - David Landis, Director of Urban Development, came forward to explain that the University would like to vacate the alley so as not to conflict with their purpose to use it as a parking lot. He said the City has agreed to trade about 2,000 sq. ft. of land for about 3,000 sq. ft. of land in the North Bottoms to contribute to helping the neighborhood. This matter was taken under advisement.

VACATION 10018 - VACATING THE NORTH 15 FEET OF L STREET FROM THE EAST RIGHT-OF-WAY LINE OF S. 7TH STREET TO A POINT 215 FEET EAST OF SUCH RIGHT-OF-WAY LINE AND VACATING THE EAST 15 FEET OF S. 7TH STREET FROM A POINT 15 FEET SOUTH OF THE NORTH RIGHT-OF-WAY LINE OF L STREET TO A POINT 10 FEET NORTH OF THE SOUTH RIGHT-OF-WAY LINE OF M STREET;

APPROVING AN AMENDMENT TO THE FY 10/11 CIP TO AUTHORIZE AND APPROPRIATE \$588,000.00 IN TIF FUNDS FOR THE TELESIS/DAIRY HOUSE REDEVELOPMENT PROJECT GENERALLY LOCATED BETWEEN 7TH AND 8TH, L AND M STREETS;

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED \$588,000.00 FOR THE CITY OF LINCOLN, TELESIS/DAIRY HOUSE REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN;

APPROVING THE TELESIS/DAIRY HOUSE PROJECT REDEVELOPMENT AGREEMENT BETWEEN THE DAIRY HOUSE, LLC AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED ON A PORTION OF BLOCK 84, BOUNDED BY 7TH AND 8TH, L AND M STREETS - David Landis, Director of Urban Development, came forward to clarify the vacation of docks, creation of a pedestrian easement and expectation of the creation of sidewalks. Phase I project refurbishes two buildings and allows for the use of space for a geothermal heating operation. It is a \$3.5 million investment creating \$408,000 in TIF which will be spent after the cost of bond issuance in the following manner: \$45,000 in the sidewalk and \$363,000 in façade work. He said these historical buildings were built in 1904-1912 and are subject to listing in the Historical Registry. Mr. Landis said manufacturing plans in this structure are for the manufacture of software protection systems which are sent throughout the world. Phase II is set to begin in 2013 and will house a brewery which is an investment of \$2.5 million, generating about \$180,000 in TIF. He said development that will make use of ROW land currently supporting maintenance of the Rosa Parks Overpass will be used for future employee parking under City terms & conditions.

Tom Huston, 233 S. 13th Street, Suite 1900, came forward as the attorney representing Telesis, Inc. and the redeveloper of the Dairy House in the Meadow Gold facility. He said this amazing project encompasses approximately 193,000 sq. ft. contained in nine buildings. Regarding the dock areas, Mr. Huston said the City's two options are to either vacate the right-of-way or permit an annual license for use of public space. He explained it is very difficult for a private developer to contemplate making a long-term investment if an annual license is subject to revocation. He said considering the amount that is invested, the tax increment financing is a small but important portion of the rehab project.

Eric Shafer, Manager, Dairy House, LLC, came forward to answer questions. Ed Swotek, Chair of Downtown Lincoln Association, came forward in support of the proposed redevelopment agreement. He said it will revitalize the former Meadow Gold site, bring economic benefits to the Downtown, bring new life to an abandoned, blighted property and contribute to the area's growing momentum. He stated the intentions of the Lincoln-based company, Telesis, Inc., are to re-purpose this property into a mixed-use project, consistent with the 2005 Downtown Master Plan, which calls for a higher and better use of currently underutilized or vacant parcels in the south Haymarket area.

Kyle Fischer, Lincoln Chamber of Commerce, 1135 M St., came forward in support of the project. He said it is easier to keep our existing businesses around, helping them to expand & grow than it is to recruit new jobs in the community.

Mr. Landis came forward in rebuttal to request a MTA #1 to add Exhibit A-1 as a part of the Redevelopment Agreement.

This matter was taken under advisement.

AMENDING CHAPTER 4.08 OF THE LINCOLN MUNICIPAL CODE TO REVISE, REORGANIZE AND CLARIFY JURISDICTION AND PROCEDURES OF THE CITIZEN POLICE ADVISORY BOARD - Carl Eskridge, Citizen Police Advisory Board Member, came forward to explain this amendment will clean up wording in the ordinance. He stated the Advisory Board has been in existence for thirty-five years.

Rod M. Confer, City Attorney and Legal Counsel for the nine-member, volunteer Citizen Police Advisory Board, came forward to address particular points that will amend the Code. He said complaints to the Board have related to incidents in which citizens believe they have not been treated fairly or appropriately by the police. Prior to amending, jurisdictional requirements were mixed in with procedures; therefore, reorganization will allow for more understanding.

Tom Casady, Chief of Police, came forward to answer Council questions. He responded that the Office of Internal Affairs at the Police Department investigates any complaints made by citizens.

This matter was taken under advisement.

AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN CONTRACT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE CITY IN CONNECTION WITH IMPROVEMENTS TO THE CITY'S WASTEWATER COLLECTION AND TREATMENT SYSTEM, PROJECT NO. C317830 - Fran Mejer, PW&U Business Manager, came forward to request Council to authorize Wastewater to obtain a \$17 million low-interest loan at 3.25% with NDEQ to fund all or a portion of several projects currently appropriated: Theresa Street Plant processing improvements for \$7 million; Northeast Treatment Plant processing improvements for \$540,000; collection system & trunk sewer replacements at \$7.7 million; and selected collection and treatment plant replacement projects at \$5.4 million. To clarify bond vs. loan, Ms. Mejer said a bond interest rate would be about 4.50% so a calculated savings would amount to \$2.7 million over the life of the 20-year loan.

Gary Brandt, Public Works & Utilities, was on hand for questioning.

Lauren Wismer, Gilmore & Bell, 1248 O St., Suite 710, came forward to answer questions. He said benefits include the following facts : 1) amounts used to pay principal & interest on the loan are not included in the primary calculation for the debt service coverage on the outstanding bonds; and 2) being a private placement with the NDEQ, some of the fees that normally come with a public offering are eliminated.

This matter was taken under advisement.

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR PRELIMINARY ENGINEERING, RIGHT-OF-WAY ACQUISITION, NON-BETTERMENT UTILITY REHABILITATIONS, CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE SOUTH 56TH STREET, SHADOW PINES DRIVE TO OLD CHENEY ROAD PROJECT (PROJECT NO. LCLC-5241(5)) - Thomas Shafer, Public Works & Utilities, came forward to explain the funding agreement. He assured Council that the City has received its regular share of Federal aid allotment for the last 40-50 years. Mr. Shafer said the first step is to sign the contract; steps to follow would be to select a consultant; and then hold public meetings. Anticipated time frame would be as follows: 2011 going through NEPA, processing & designing; 2012 buying right-of-way; 2013 start to build if all goes well.

This matter was taken under advisement.

APPROVING THE PRESS BOX AS A KENO SATELLITE SITE AT 5601 SOUTH 56TH STREET - John Larsen, Co-Owner/Manager of The Press Box, came forward to answer questions. This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE NEBRASKA EMERGENCY MANAGEMENT AGENCY AND THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT FOR THE LINCOLN METROPOLITAN MEDICAL RESPONSE SYSTEM TO EXTEND THE TERM TO MAY 30, 2011 - Judith Halstead, Health Director, came forward to state that the agreement extends the performance period for five months so as to expend remaining dollars. This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND WESTOVER ROCK & SAND, INC. FOR THE ANNUAL REQUIREMENTS FOR REDBALL DIAMOND AGGREGATE, PURSUANT TO QUOTE NO. 3243, FOR A FOUR YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND VALMONT INDUSTRIES FOR THE ANNUAL REQUIREMENTS FOR TRAFFIC SIGNAL MAST ARMS AND POLES, PURSUANT TO BID NO. 10-254, FOR A FOUR YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY, LANCASTER COUNTY, THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND NEBRASKA SALT & GRAIN CO. FOR THE ANNUAL SUPPLY OF ICE MELT, PURSUANT TO QUOTE 3225 FOR A FOUR YEAR TERM EFFECTIVE UPON EXECUTION BY ALL THE PARTIES - Vince Mejer, Purchasing Agent, came forward to answer questions. This matter was taken under advisement.

APPROVING A REQUEST TO THE CITY AUDIT ADVISORY BOARD PURSUANT TO ART. VIII, § 4 OF THE CITY CHARTER AND CHAPTER 4.66 OF THE LINCOLN MUNICIPAL CODE TO CONSIDER THE APPROPRIATENESS AND DESIRABILITY OF PERFORMING AN INDEPENDENT ASSESSMENT OF STARTRAN'S SERVICE DELIVERY MODEL AND EFFICIENCY - Joan Ross, City Clerk, read a corrected Article and Section number into the record.

Don Herz, City Finance Director, came forward to answer questions about how this engagement will be pursued if Council directs. He said the Audit Advisory Board meets in about one week and will discuss their recommendations with Council. He anticipated that the Board would prepare a Request For Proposal and look at outside contracts. Mr. Herz clarified that there are \$251,000 available for the audit project.

Council Member Carroll expressed his concerns about the resolution that states the Audit Board can go without any further action from the City Council directly to an RFP. He agreed with Council Member Camp preferring an amendment that would require Council approval before an RFP is sent out.

Mitch Paine, 4500 Starr, Apt. 31, came forward as a citizen who cares about fiscal responsibility in City government. He said thousands of Lincolnites rely solely on StarTran to live their daily lives and earn a living. Just as LES or the Water System provides essential services, StarTran provides the only transportation option to many people. Alternatively, riding the bus is more fuel efficient than driving a car, helping reduce community-wide greenhouse gas emissions and creating the Mayor's vision of The Green Capital City of the Great Plains. He said the proposed resolution will duplicate a recent study conducted of StarTran service demand & effectiveness and efficiency & delivery known as the Transit Development Plan (2006-07). Mr. Paine said a significant GIS analysis was done to determine where riders live as well as their socioeconomic/democratic characteristics and the geo-spacial features of the existing routes. Leading to a transit success score in the TDP and indicating areas needing improvement, StarTran responded by making many changes all with a limited General Fund budget. He said StarTran staff annually re-evaluates the system against and attempts improvements to a Service Standard. In closing, Mr. Paine urged the City Council to consider these hard economic times and work with the StarTran Advisory Board, which was appointed by the Mayor, to examine additional steps from the TDP instead of wasting the Audit Advisory Board's money to duplicate an already extensive study.

Coby Mach, LIBA, came forward in support of moving forward with the StarTran Audit. He believes StarTran should re-focus its mission to provide bus service to concentrate on City Core and essential service areas while saving General Fund dollars. Mr. Mach suggested that StarTran define & super-serve the City Core. He suggested that those provided routes be guaranteed and locked in for 15 years.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING MICHELE TILLEY TO THE URBAN DESIGN COMMITTEE FOR A TERM EXPIRING FEBRUARY 1, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86221 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Michele Tilley to the Urban Design Committee for a term expiring February 1, 2013 is hereby approved.

Introduced by Jonathan Cook

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

PETITIONS & COMMUNICATIONS

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 04075B - Requested by Olsson Associates for an amendment to the Village Gardens Planned Unit Development to change the zoning from AG Agricultural District to R-3 Residential District on approximately 46.62 acres generally located at S. 63rd Street and Pine Lake Road and for approval of an amended development plan which proposes modifications to the Zoning Ordinance and Land Subdivision Ordinance to allow approximately 220 additional dwelling units and a domiciliary care facility in the underlying R-3 zoned area.

Change of Zone No. 06063A - Requested by North 47 Group, LLC. for an amendment to the North Forty Plaza Planned Unit Development to install a pole sign in the front yard setback of N. 84th Street with a height of up to 18 feet tall and 100 square feet including an 80 square feet electronic changeable message on property generally located at N. 84th Street and Adams Street.

Change of Zone No. 11002 - Requested by Olsson Associates from AG Agricultural District to R-3 Residential District on property generally located at S. 88th Street and Pioneers Boulevard.

Special Permit No. 1423J - Requested by Olsson Associates for an amendment to the HiMark Estates Community Unit Plan to add 23 residential lots near S. 88th Street and Pioneers Boulevard and to add 7 residential lots and a recreation facility consisting of a golf course northeast of the intersection of S. 88th Street and Old Cheney Road, on property located generally between Pioneers Blvd and Old Cheney Road at S. 84th Street.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 10067 to Use Permit No. 56D approved by the Planning Director on January 18, 2011 requested by Bill Barclay to add a drive-thru to Building D and revise the Land Use table on property generally located at N. 27th St. and Cornhusker Hwy.

Administrative Amendment No. 11002 to Use Permit No. 29A approved by the Planning Director on January 21, 2011 requested by Olsson Associates to revise elements of the site plan relating to parking and general notes on property generally located at the northwest corner of S. 40th St. and Old Cheney Road.

MISCELLANEOUS - NONE

LIQUOR RESOLUTIONS - NONE

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

VACATION 10017 - VACATING THE REMAINING PORTION OF THE EAST-WEST ALLEY FROM CENTENNIAL MALL TO N. 16TH STREET BETWEEN P AND Q STREETS - CLERK read an ordinance, Introduced by Jonathan Cook, vacating the remaining portion (the East 100') of the east-west alley from Centennial Mall to North 16th Street between P Street and Q Street not previously vacated by Ordinance No. 5777, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

VACATION 10018 - VACATING THE NORTH 15 FEET OF L STREET FROM THE EAST RIGHT-OF-WAY LINE OF S. 7TH STREET TO A POINT 215 FEET EAST OF SUCH RIGHT-OF-WAY LINE AND VACATING THE EAST 15 FEET OF S. 7TH STREET FROM A POINT 15 FEET SOUTH OF THE

NORTH RIGHT-OF-WAY LINE OF L STREET TO A POINT 10 FEET NORTH OF THE SOUTH RIGHT-OF-WAY LINE OF M STREET. (RELATED ITEMS: 11-11, 11R-28, 11R-29, 11R-30) - CLERK read an ordinance, introduced by Jonathan Cook, vacating the north 15 feet of L Street from the east right-of-way line of S. 7th Street to a point 215 feet east of such right-of-way line and vacating the east 15 feet of S. 7th Street from a point 15 feet south of the north right-of-way line of L Street to a point 10 feet north of the south right-of-way of M Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

APPROVING AN AMENDMENT TO THE FY 10/11 CIP TO AUTHORIZE AND APPROPRIATE \$588,000.00 IN TIF FUNDS FOR THE TELESIS/DAIRY HOUSE REDEVELOPMENT PROJECT GENERALLY LOCATED BETWEEN 7TH AND 8TH, L AND M STREETS. (RELATED ITEMS: 11-11, 11R-28, 11R-29, 11R-30) ACTION DATE: 2/7/11

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED \$588,000.00 FOR THE CITY OF LINCOLN, TELESIS/DAIRY HOUSE REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN. (RELATED ITEMS: 11-11, 11R-28, 11R-29, 11R-30) ACTION DATE: 2/7/11 - CLERK read an ordinance, introduced by Jonathan Cook, authorizing the issuance of tax allocation bonds with a total not to exceed \$588,000.00 for the City of Lincoln, Telesis/Dairy House Redevelopment Project in Downtown Lincoln, the second time.

APPROVING THE TELESIS/DAIRY HOUSE PROJECT REDEVELOPMENT AGREEMENT BETWEEN THE DAIRY HOUSE, LLC AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED ON A PORTION OF BLOCK 84, BOUNDED BY 7TH AND 8TH, L AND M STREETS. (RELATED ITEMS: 11-11, 11R-28, 11R-29, 11R-30) ACTION DATE: 2/7/11

AMENDING CHAPTER 4.08 OF THE LINCOLN MUNICIPAL CODE TO REVISE, REORGANIZE AND CLARIFY JURISDICTION AND PROCEDURES OF THE CITIZEN POLICE ADVISORY BOARD - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 4.08 of the Lincoln Municipal Code relating to the Citizen Police Advisory Board to revise, reorganize and clarify jurisdiction and procedures, the second time.

AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN CONTRACT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE CITY IN CONNECTION WITH IMPROVEMENTS TO THE CITY'S WASTEWATER COLLECTION AND TREATMENT SYSTEM, PROJECT NO. C317830 - CLERK read an ordinance, introduced by Jonathan Cook, authorizing the execution and delivery of a loan contract between the City and the Nebraska Department of Environmental Quality (Project No. C317830) and a related Promissory Note in a principal amount not to exceed \$20,000,000; and related matters, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR PRELIMINARY ENGINEERING, RIGHT-OF-WAY ACQUISITION, NON-BETTERMENT UTILITY REHABILITATIONS, CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE SOUTH 56TH STREET, SHADOW PINES DRIVE TO OLD CHENEY ROAD PROJECT (PROJECT NO. LCLC-5241(5)). (1/24/11 - P.H. CON'T. W/ACTION TO 1/31/11) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86222 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Surface Transportation Program Funds for preliminary engineering, right-of-way acquisition, non-betterment utility rehabilitations, construction and construction engineering of the South 56th Street, Shadow Pines Drive to Old Cheney Road Project No. LCLC-5241(5), in accordance with the terms and conditions contained in said Agreements, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreements to Kris Humphrey, Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Jonathan Cook

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

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APPROVING THE PRESS BOX AS A KENO SATELLITE SITE AT 5601 SOUTH 56TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86223 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for a joint City-County keno lottery; and
WHEREAS, the City has entered into a contract for the operation of a keno type lottery with EHPV Lottery Services, LLC, a Nebraska limited liability company; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno Contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno Contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of the Press Box, 5601 South 56th Street, Lincoln, NE 68516.

The City Clerk is directed to return an executed copy of this Resolution to the Press Box.

Introduced by Jonathan Cook

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

APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE NEBRASKA EMERGENCY MANAGEMENT AGENCY AND THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT FOR THE LINCOLN METROPOLITAN MEDICAL RESPONSE SYSTEM TO EXTEND THE TERM TO MAY 30, 2011 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86224 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Sub-Grant Award Agreement between the Nebraska Emergency Management Agency and the City of Lincoln on behalf of the Lincoln-Lancaster County Health Department under which the Health Department accepted a sub-grant in the amount of \$258,145.00, for the 2007 Department of Homeland Security Grant - MMRS, entered into and accepted by Resolution No. A-84645 adopted by the City Council on December 3, 2007, is hereby amended to extend the performance period to a term of August 13, 2007 through May 30, 2011 as set out in the attached 2007 Grant Adjustment Notice and the Mayor is authorized to execute said Adjustment Notice on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreement to Judy Halstead, Director of the Lincoln Lancaster County Health Department.

Introduced by Jonathan Cook

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND WESTOVER ROCK & SAND, INC. FOR THE ANNUAL REQUIREMENTS FOR REDBALL DIAMOND AGGREGATE, PURSUANT TO QUOTE NO. 3243, FOR A FOUR YEAR TERM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86225 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached contact between the City of Lincoln and Westover Rock & Sand, Inc., pursuant to Quote 3243, for the Annual Supply of Redball Diamond Aggregate 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 Jonathan Cook

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 AND VALMONT INDUSTRIES FOR THE ANNUAL REQUIREMENTS FOR TRAFFIC SIGNAL MAST ARMS AND POLES, PURSUANT TO BID NO. 10-254, FOR A FOUR YEAR TERM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86226 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached contact between the City of Lincoln and Valmont Industries, pursuant to Bid No. 10-254, for the Annual Supply of Traffic Signal

Mast Arms and Poles 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 Jonathan Cook

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 NEBRASKA SALT & GRAIN CO. FOR THE ANNUAL SUPPLY OF ICE MELT, PURSUANT TO QUOTE 3225 FOR A FOUR YEAR TERM EFFECTIVE UPON EXECUTION BY ALL THE PARTIES - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86227 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Contract Agreement between the City of Lincoln, Lancaster County, the Lincoln-Lancaster County Public Building Commission and Nebraska Salt & Grain Co. for the annual supply of Ice Melt, pursuant to Quote 3225 for a four-year term effective upon execution by both parties, upon the terms and conditions as set forth in said Contract Agreement, 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: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING A REQUEST TO THE CITY AUDIT ADVISORY BOARD PURSUANT TO ART. VIII, § 4 OF THE CITY CHARTER AND CHAPTER 4.66 OF THE LINCOLN MUNICIPAL CODE TO CONSIDER THE APPROPRIATENESS AND DESIRABILITY OF PERFORMING AN INDEPENDENT ASSESSMENT OF STARTRAN'S SERVICE DELIVERY MODEL AND EFFICIENCY - PRIOR to reading:

COOK Moved to amend Bill No. 11R-31 in the following manner:

1. On page 1, line 1, delete "Art. VIII, § 4" and insert in lieu thereof Art. IV, § 8.

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

CARROLL Moved MTA #2 to eliminate paragraph number 3 on page 2, starting on line 17 and in its place replace with the following wording: "City Council must approve the funding for any engagement of a private contractor."

Seconded by Emery.

CARROLL Moved to rescind his motion. Emery accepted.

CARROLL Moved to Delay Action on Bill No. 11R-31 one week to February 7, 2011.

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 1 - 15, 2011 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86228 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 January 18, 2011, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

DENIED CLAIMS

None

ALLOWED/SETTLED CLAIMS

| | |
|-----------------------|-------------|
| State Farm Insurance | |
| (Claim #27-7809-744) | \$ 3,290.00 |
| Shawn and Jodi McGill | 1,978.80 |

LITIGATION SETTLEMENT

| | |
|------------------|--------------|
| Bernadette Thiel | \$450,000.00 |
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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: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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

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

APPROVING AN AMENDMENT TO SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND EXPERIENCE WORKS FOR JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT TO AMEND THE AREA LEASED AND RENTAL AMOUNT OF OFFICE SPACE LOCATED AT 1010 N STREET FOR A TERM OF DECEMBER 1, 2010 THROUGH JUNE 1, 2011 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving an amendment to sublease agreement between the City of Lincoln and Experience Works whereby the City of Lincoln is subleasing office space to Experience Works at the One Stop Career Center, 1010 N Street, Lincoln, Nebraska, for providing job training and employment services under the Workforce Investment Act, to amend the amount of area leased and rental amount of office space, the third time.

CAMP 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 #19493, is recorded in Ordinance Book #27, Page .

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND GOODWILL INDUSTRIES FOR JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR OFFICE SPACE LOCATED AT 1010 N STREET FOR A TERM OF JANUARY 1, 2011 THROUGH DECEMBER 31, 2012 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln, Nebraska and Goodwill Industries for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2011 through December 31, 2012 whereby the City of Lincoln is subleasing space to Goodwill Industries for providing job training and employment services under the Workforce Investment Act, the third time.

CAMP 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 #19494, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE 10025 - APPLICATION OF COMPENSATION PROGRAMS, INC. FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF NORTH COTNER BOULEVARD AND Y STREET. (RELATED ITEMS: 11-9, 11R-16) ACTION DATE: 1/31/2011 - CLERK read an ordinance, introduced by Jon Camp, 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.

CAMP 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 #19495, is recorded in Ordinance Book #27, Page .

USE PERMIT 10001 - APPLICATION OF COMPENSATION PROGRAMS, INC. TO DEVELOP AN APPROXIMATELY 3,100 SQ. FT. OFFICE BUILDING, WITH A REQUEST TO WAIVE THE REQUIRED SETBACK FOR PARKING LOTS, INCLUDING DRIVEWAYS ADJACENT TO A RESIDENTIAL DISTRICT, FROM 20 FEET TO 10 FEET, ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF NORTH COTNER BOULEVARD AND Y STREET. (RELATED ITEMS: 11-9, 11R-16) ACTION DATE: 1/31/2011 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86229 WHEREAS, Compensation Programs, Inc. has submitted an application in accordance with Sections 27.28.090 of the Lincoln Municipal Code designated as Use Permit No. 10001 to develop an approximately 3,100 sq. ft. office building, with a request to reduce the setback for parking lots, including driveways adjacent to a residential district, from 20 feet to 10 feet, on property generally located at the southeast corner of North Cotner Boulevard and Y Street, and legally described as:

Lots 4, 5 and 6, Block 94, Bethany Heights, Lincoln,
Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this commercial development will not be adversely affected; and
WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Compensation Programs, Inc., hereinafter referred to as "Permittee", to develop approximately 3,100 sq. ft. of office space on the property legally described above be and the same is hereby granted under the provisions of Section 27.28.090 of the Lincoln Municipal Code upon condition that construction and operation of said commercial development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a 3,100 sq. ft office building and a reduction of the setback for parking lots, including driveways adjacent a residential district, from 20 feet to 10 feet.
2. The City Council must approve the associated request, Change of Zone 10025.
3. Before receiving building permits:
 - a. The Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including five copies with all required revisions as listed below:
 - i. Change "10' side yard setback" to "10' rear yard setback" on the east lot line.
 - ii. Note on the site plan the waiver for reducing the setback for parking lots, including driveways adjacent a residential district is 10 feet.
 - iii. Delete Notes 3, 4, and 6.
 - iv. Revise Note #10 to read "Sidewalk shall be built four feet wide along Y Street."
 - b. The Permittee shall provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
 - c. The construction plans shall substantially comply with the approved plans.
4. Before occupying the building all development and construction shall have been completed in substantial compliance with the approved plans.
5. All privately-owned improvements, including landscaping, shall be permanently maintained by the Permittee.
6. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
7. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
8. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

Introduced by Jon Camp

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

OPEN MICROPHONE

Jane Svoboda, address not given, came forward to speak on various issues. She expressed concern about the safety of beef sold without a grading stamp. She warned of subliminal messages emitted through our electronic devices and lampposts. Ms. Svoboda questioned why elderly in high-rise housing facilities are missing. In closing, she stated her belief that foreign individuals with Communist beliefs are filling American government positions.

This matter was taken under advisement.

John Austin, 826 S. 14th St., came forward to share his opinions. He feels the City should put the brakes on spending. He expressed sadness at the loss of the December parade. He thinks ambulance service should return to the private sector. He suggested ways to provide better snow removal on streets, sidewalks & bike trails. In response to his complaints about sidewalk upkeep, Council informed Mr. Austin that there is an ordinance in place to keep sidewalks free of brush & trees. Mr. Austin explained that in some areas, tree & bush overgrowth prohibits the passage of two pedestrians.

This matter was taken under advisement.

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Coby Mach, came forward representing the Lincoln Independent Business Association to express their ideas. He requested the Mayor and City Council to start assessing unused and undeveloped property that the City of Lincoln has and start to return them to the tax rolls by the end of this year. In reference to statements made on October 21, 2010, by Public Works Director, Greg MacLean, Mr. Mach said various properties that could return to the tax rolls include buildings on North 48th and North 33rd Streets. LIBA is requesting the City to develop a list of City properties that are unused and undeveloped and submit the list for review by March 1, 2011.

Mike Koberlein, LIBA, was on hand to answer any Council questions regarding his association's ideas.

Council Member Snyder encouraged Mr. Mach to contact Urban Development Director David Landis and his staff as they are working on that task.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to February 7, 2011.
 Seconded by Carroll & 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 7,
2011.
 Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT 6:55 P.M.

CAMP Moved to adjourn the City Council meeting of January 31, 2011.
 Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant