

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, APRIL 11, 2011 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; City Clerk, Joan E. Ross; Absent: Snyder.

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

SNYDER Having been appointed to read the minutes of the City Council proceedings of April 4, 2011 reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Beutler presented the Mayor's Award of Excellence for the month of March 2011 to Investigator Jason Adams of the Lincoln Police Department in the Category of Productivity. Being a police officer since 1997, Inv. Adams was nominated by Sergeant Sandra Myers for his work ethic, job performance & citizen satisfaction. Proof of this was evident in his investigations into financial thefts; scams with losses of more than \$136,000; cases of embezzlement with losses totaling more than \$263,000; forgery arrests with losses in excess of \$62,000; and the clearing of identity theft cases with losses of more than \$67,000. While maintaining good contacts with the Secret Service, Adams worked on 81 counterfeit cases reported to LPD and helped clear several of them. While investigating unauthorized usage of Lincolnites' credit & debit cards, Adams noticed a trend & was able to identify the common denominator as being a compromised computer at a local golf course resulting in a loss of more than \$750,000. Mayor Beutler said that Inv. Adams not only works with larger police departments nationwide, but also educates victims & the general public on avoiding scams and identity theft.

Asst. Chief Jim Peschong came forward to express appreciation to the Mayor and City Council to help recognize Jason Adams as an outstanding, 14-year police officer whose current assignment is in the Technical Investigations Unit.

Jason Adams came forward to express appreciation and humbly accept his award. He acknowledged that while it may go unnoticed, others work very hard in the Police Department. He paid tribute to Detective Myers for providing his unit with the resources, contacts & latitude to do their jobs every day.

Council Chair Spatz thanked Inv. Adams for his work and expressed appreciation for all those who work in the Police Department.

PUBLIC HEARING

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$300,000.00 OF CITY OF LINCOLN, NEBRASKA ROSEWOOD PROJECT TAX ALLOCATION BONDS, SERIES 2011 FOR THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 2301 N.W. 12TH STREET WITHIN THE NORTHWEST CORRIDORS REDEVELOPMENT PLAN - Don Herz, Finance Director, came forward to request Council's approval of this developer-purchase TIF bond in the amount of \$300,000 for the Rosewood Project. He stated the project has been completed by the developer, B&J Partnership.

Lauren Wismer, Gilmore & Bell Bond Counsel, came forward to answer questions and state that this bond is similar to other TIF projects.

Mark Hunzeker, Baylor Evnen, 600 Wells Fargo Center, 1248 O St., came forward representing B&J Partnership to show photos before/after restoration of the project along I-80.

This matter was taken under advisement.

CREATING WATER DISTRICT NO. 1203 IN N.W. 19TH STREET FROM WEST Q STREET TO WEST S STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - Mike Smith, came forward representing the applicant, SBR, Limited Partnership, who owns 242 ft. of frontage along N.W. 19th Street. He said currently, both sides

REGULAR MEETING

April 11, 2011

Page 196

of the street are supplied with water off a 3/4 inch line that feeds six houses on one side and three houses on the other. He said development could also occur on 120 ft. single family lots.

Robert O'Gara, Attorney, came forward representing Tom Dougherty, owner of three of the properties. He said the combined amount of frontage owned by his client and Mr. Smith is over 50% of the project. He said there have been problems with leaks, low pressure and loss of water supply during repairs.

This matter was taken under advisement.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT FOR NW CORNER OF S. 33RD AND A STREETS BETWEEN MEMBERS OWN CREDIT UNION AND THE CITY OF LINCOLN FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT FOR A RANGE OF COMMERCIAL AND RETAIL USES, TO CONTROL ACCESS TO A STREET AND TO RESTRICT USES, LIGHTING AND SIGNAGE, ON PROPERTY GENERALLY LOCATED AT S. 33RD AND A STREETS;

CHANGE OF ZONE 11006 - APPLICATION OF TUDANS ENPETE PROPERTIES LLC FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE CORNER OF CHAUTAUQUA AVENUE AND A STREET - Peter Katt, Baylor Evnen, 600 Wells Fargo Center, 1248 O St., came forward representing MembersOwn Credit Union who plan to build their new facility at this location. He said MembersOwn is agreeable to all of the conditions and restrictions for use in the development & conditional zoning agreement. As demonstrated in this project, Mr. Katt said he has noticed a very positive attitude in the City of helping things happen.

Council Member Cook commented that the applicant has done a great job working with the neighbors along with its presentation to the Woods Park Neighborhood Association.

Nate Buss, Olsson Associates, was on hand for questioning.

This matter was taken under advisement.

CHANGE OF ZONE 11007 - AMENDING CHAPTER 27.80 OF THE LINCOLN MUNICIPAL CODE RELATING TO FEES BY AMENDING SECTION 27.80.010 TO REQUIRE A PERSON REQUESTING A ZONING ACTION CONFIRMATION LETTER UNDER TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO PAY AN APPROPRIATE FEE THEREFOR AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL; ESTABLISHING AN APPROPRIATE FEE FOR ZONING ACTION CONFIRMATION LETTERS ISSUED BY THE PLANNING DEPARTMENT PURSUANT TO LINCOLN MUNICIPAL CODE SECTION 27.80.010 - Marvin Krout, Director of Planning, came forward clarifying that this change is in response to various parties in the development process who have asked for a zoning confirmation letter due to increased scrutiny. He said this service is provided in other cities for a modest fee. Lincoln provided the zoning confirmation letter a number of years ago but eliminated the service due to other City staffing demands. As a result, people sought out local, private attorneys to do a lot of research and thereby charging quite a bit more money in order to provide an opinion letter. Mr. Krout said local attorneys responded favorably to have the City restore this service.

Peter Katt, Baylor Evnen, 600 Wells Fargo Center, 1248 O St., came forward in support of this provided service and agreed that \$60 is a modest cost.

This matter was taken under advisement.

COMP. PLAN CONFORMANCE 11004 - DECLARING APPROXIMATELY 27,751 SQ. FT. OF PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH 8TH AND U STREETS AND APPROXIMATELY 2,979 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF 7TH AND T STREETS AS SURPLUS PROPERTY;

VACATION 11002 - VACATING (1) A PORTION OF STADIUM DRIVE AT 10TH STREET; (2) A PORTION OF NORTH 10TH STREET SOUTH OF SALT CREEK ROADWAY; AND (3) AN UN-NAMED RIGHT-OF-WAY WEST OF NORTH 10TH STREET NORTH OF BLOCK 14, NORTH LINCOLN ADDITION; TO ACCOMMODATE THE CONSTRUCTION OF THE NEW ROADWAY AND ROUND-ABOUT ASSOCIATED WITH THE WEST HAYMARKET REDEVELOPMENT PROJECT - Marvin Krout, Director of Planning, came forward to explain that land that is no longer needed by the City for public or street purpose is being swapped to acquire new right-of-way needed to make the roadway improvements for the West Haymarket Project.

This matter was taken under advisement.

AMENDING CHAPTER 10.32 OF THE LINCOLN MUNICIPAL CODE RELATING TO STOPPING, STANDING AND PARKING OF VEHICLES BY ADDING A NEW SECTION NUMBERED 10.32.075 TO PROHIBIT THE PARKING OF TRUCKS ON A STREET MORE THAN 400 FEET FROM THE PRIMARY PLACE OF BUSINESS AND PROVIDING CERTAIN EXCEPTIONS - Council Member Camp shared his reasoning for sponsoring this amendment. He said there are situations in Lincoln where property owners are being inconvenienced by owners of trucks & others who

will park quite a ways from their business. The new measure in the Lincoln Municipal Code would require those trucks of an owner be parked within 400 ft. of its place of operation.

Danny Walker, 437 E St., came forward with a question relating to loading/unloading or length requirement. Council Member Camp responded that it is meant for overnight or longer term parking and does not impact service vehicles such as a plumbing company. Camp said in order to get more background to clarify definitions, this item may be kept open one more week.

David Pauley, 965 S. 57th St., came forward in support. He feels out of fairness, a business must lease/own property in the City.

Brad Harse, 720 O St. #D, came forward in support but questioned the 400 ft. allowance. Council Member Camp responded that it is a measurement that gives a one-city-block diameter from the business. Council Member Emery added that care must be given to unintended consequences.

Jay Merritt, 827 S. 26th St., came forward in support. Being involved in a 100-year-old business, Mr. Merritt said his family owns property, pays taxes and keeps their property in good shape. He feels the amendment will enforce the need for care & cleanliness in the City.

Wes Oestreich, 912 S. 26th St., came forward in support. As owner of a local construction company, he said their large vehicles & equipment are kept on private property inside a fenced and screened yard. He said large trucks with logos parked at various locations around town may afford those mobile businesses high visibility but essentially create congestion on public streets, obstruct visibility & appearance of legitimate businesses and create unregulated signage concerns for public officials.

Scott Opfer, Public Works & Utilities, came forward to clarify issues governing regulation of vehicles in residential areas, commercially zoned areas and the reporting of documented safety & vandalism problems. Mr. Opfer said the definition of a truck is that it has four axles.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO RESOLUTION NO. A-85447 ADOPTED BY THE CITY COUNCIL ON JULY 27, 2009 TO REDUCE THE FUNDING AMOUNT FOR A SUBGRANT FOR THE MINORITY HEALTH INITIATIVE PROJECT BY \$7,000.00;

APPROVING AN AMENDMENT TO RESOLUTION NO. A-85442 ADOPTED BY THE CITY COUNCIL ON JULY 20, 2009 FOR THE REFUGEE SCREENING PROGRAM TO ADJUST THE FUNDING AMOUNT TO BE PAID BY THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FROM \$137,445.00 TO \$186,011.00;

APPROVING A CORRECTED AGREEMENT PREVIOUSLY ADOPTED BY RESOLUTION NO. A-86266 ON MARCH 14, 2011, BETWEEN THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR ACCESS TO THE ELECTRONIC REGISTRATION SYSTEM, VITAL STATISTICS, FOR A PERIOD OF JANUARY 1, 2011 THROUGH DECEMBER 31, 2015, TO INCLUDE A PAGE WHICH WAS MISSING FROM THE ORIGINAL DOCUMENT;

APPROVING THE SUB-GRANT AWARD AGREEMENT BETWEEN THE NEBRASKA EMERGENCY MANAGEMENT AGENCY AND THE CITY OF LINCOLN REGARDING THE HOMELAND SECURITY GRANT PROGRAM FOR THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT IN THE AMOUNT OF \$321,221.00 FOR THE AWARD PERIOD OF 9/1/08 THROUGH 8/31/11 - Judy Halstead, Director of Lincoln-Lancaster County Health Department, came forward to answer questions and state that three items are for clean-up purposes and the fourth one is a new award.
This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND STERN OIL COMPANY FOR THE ANNUAL REQUIREMENTS FOR ANTIFREEZE - STARTRAN, PURSUANT TO QUOTE 3300, FOR A TWO-YEAR TERM WITH OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND HUSKER ELECTRIC SUPPLY COMPANY FOR THE ANNUAL REQUIREMENTS FOR FLUORESCENT LIGHT BULBS FOR STARTRAN, PURSUANT TO BID NO. 3302, FOR A TWO-YEAR TERM WITH OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND GRAYBAR ELECTRIC COMPANY FOR THE ANNUAL REQUIREMENTS FOR TELECOMMUNICATION SUPPLIES AND ACCESSORIES FOR VARIOUS CITY DEPARTMENTS, PURSUANT TO COUNTY OF LOS ANGELES, CALIFORNIA CONTRACT NO. MA-IS-1040222-1, FOR A TERM BEGINNING UPON EXECUTION OF THIS CONTRACT THROUGH DECEMBER 31, 2012;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY, LANCASTER COUNTY AND THE LINCOLN LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND GRAYBAR ELECTRIC COMPANY FOR THE ANNUAL REQUIREMENTS FOR ELECTRICAL PRODUCTS FOR VARIOUS CITY DEPARTMENTS, PURSUANT TO COUNTY OF LOS ANGELES, CALIFORNIA CONTRACT NO. MA-IS-43272-6, FOR A TERM BEGINNING UPON EXECUTION OF THIS CONTRACT THROUGH DECEMBER 31, 2012;

APPROVING CONTRACT AGREEMENTS BETWEEN THE CITY AND LANCASTER COUNTY AND SAPP BROS PETROLEUM INC. AND LINCOLN TRUCK CENTER FOR THE ANNUAL REQUIREMENTS FOR COOLANT/ANTIFREEZE, PURSUANT TO BID NO. 11-017, FOR FOUR-YEAR TERMS;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND TRANSPORT PLUS FOR THE ANNUAL REQUIREMENTS FOR STARTRAN BROKERAGE SERVICES, PURSUANT TO BID NO. 11-015, FOR A TWO-YEAR TERM WITH OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - Bob Walla, Asst. Purchasing Agent, came forward to answer questions. In response to Council questions on the agreement with Graybar for electrical & telecommunication supplies, Mr. Walla said it is a cooperative contract through the U.S. Communities Program allowing pricing that Los Angeles received in a nationwide contract giving Lincoln a price advantage and other benefits. He gave an example of the department of Public Works and its specific division of Wastewater which uses some very detailed electrical equipment at a set price that Graybar can supply quickly. He said many times, Purchasing will do an analysis to determine if that cooperative contract is in the City's best interest as far as pricing, delivery & insurance as compared to going out for that type of bid for the same type of service or commodity.

Vince Mejer, Purchasing Agent, came forward to answer questions. He said no one is excluded from submitting proposals or bids whether in Lincoln, Omaha, United States or China, mainly due to our web-based system. He said volume-based contracts allow Lincoln to join other communities buying the same things at big discounts. Mr. Mejer commented that the last time a survey was done, over 90% of the City's money was spent in Lincoln.

Council Member Carroll added the fact that bidding results are posted on our website; therefore, companies who want to compete when future RFP's are advertised, they can do so competitively.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

RESOLUTION ASSESSING THE COST OF THE NORTH 27TH STREET MAINTENANCE BUSINESS DISTRICT AGAINST THE BENEFITTED PROPERTIES - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86285 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

1. The cost of providing for the maintenance of certain public facilities in the North 27th Street Maintenance Business Improvement District including:
 - a. Litter and refuse removal from sidewalks, planting areas, and beautification areas within the public right-of-way;
 - b. Care and maintenance, including replacement, of all landscaping, including watering, fertilizing, weeding, pruning, spraying, and removal and replacement of dead plantings;
 - c. Maintenance (excluding repair) of sidewalks;
 - d. General maintenance of median signs including repair and repainting; including the employment of or contracting for personnel, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the North 27th Street Maintenance Improvement District" and made a part hereof;
2. The cost of said activities is the sum of \$10,595.83.
3. The property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement.
4. Each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements.
5. The cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the North 27th Street Maintenance Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

BE IT FURTHER RESOLVED that the City Council sit as a Board of Equalization for the purpose of equalizing said assessments on the 25th day of April, 2011, at 5:30 p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Approved this 11th day of April, 2011.

Introduced by Jon Camp

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

RESOLUTION ASSESSING THE COST OF THE UNIVERSITY PLACE MAINTENANCE BUSINESS DISTRICT AGAINST THE BENEFITTED PROPERTIES - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86286 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

1. The cost of providing for the maintenance of certain public facilities in the University Place Maintenance Business Improvement District including:
 - a. Litter and refuse removal from sidewalks, planting areas, and beautification areas within the public right-of-way;
 - b. Care and maintenance, including replacement, of all landscaping, including watering, fertilizing, weeding, pruning, spraying, and removal and replacement of dead plantings;
 - c. Maintenance (excluding repair) of sidewalks;
 - d. General maintenance of median signs including repair and repainting; including the employment of or contracting for personnel, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the University Place Maintenance Improvement District" and made a part hereof;
2. The cost of said activities is the sum of \$12,645.20.
3. The property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement.
4. Each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements.
5. The cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the University Place Maintenance Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

BE IT FURTHER RESOLVED that the City Council sit as a Board of Equalization for the purpose of equalizing said assessments on the 25th day of April, 2011, at 5:30 p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Approved this 11th day of April, 2011.

Introduced by Jon Camp

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MARCH 28, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 11010 to Special Permit No. 228A, Capitol Beach West approved by the Planning Director on March 31, 2011 requested by Carrie Stuart to reduce the front yard setback to two feet for a carport on property located at 362 W. Lakeshore Drive.

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 11009 - Requested by the Director of Planning amending Section 27.63.500 of the Lincoln Municipal Code relating to Zoning Code Special Permits for Scrap Processing Operations, Salvage Yards, and Enclosed Disassembly Operations to allow outdoor salvage material to be located closer than 500 feet from certain entrance corridors if land forms or screening completely obstructs

the view by the traveling public of the salvage material and to authorize the City Council to decrease the 500-foot setback under limited circumstances; and repealing Section 27.63.500 of the Lincoln Municipal Code as hitherto existing. Special Permit No. 11006 - Requested by Alter Trading Corporation for scrap processing operation and to allow salvage material kept outside a building to be located closer than the 500 feet to the West "O" Street entrance corridor on property generally located at West O Street and Sun Valley Boulevard.

MISCELLANEOUS - NONE

LIQUOR RESOLUTIONS - NONE

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

- AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$300,000.00 OF CITY OF LINCOLN, NEBRASKA ROSEWOOD PROJECT TAX ALLOCATION BONDS, SERIES 2011 FOR THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 2301 N.W. 12TH STREET WITHIN THE NORTHWEST CORRIDORS REDEVELOPMENT PLAN - CLERK read an ordinance, introduced by Jayne Snyder, Authorizing the issuance of not to exceed \$300,000.00 of City of Lincoln, Nebraska Rosewood Project Tax Allocation bonds, Series 2011 for the redevelopment of property generally located at 2301 N.W. 12th Street within the Northwest corridors Redevelopment Plan, the second time.
- CREATING WATER DISTRICT NO. 1203 IN N.W. 19TH STREET FROM WEST Q STREET TO WEST S STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Jayne Snyder, creating Water District No. 1203, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.
- APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT FOR NW CORNER OF S. 33RD AND A STREETS BETWEEN MEMBERS OWN CREDIT UNION AND THE CITY OF LINCOLN FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT FOR A RANGE OF COMMERCIAL AND RETAIL USES, TO CONTROL ACCESS TO A STREET AND TO RESTRICT USES, LIGHTING AND SIGNAGE, ON PROPERTY GENERALLY LOCATED AT S. 33RD AND A STREETS. (RELATED ITEMS: 11R-84, 11-34) (ACTION DATE: 4/18/11).
- CHANGE OF ZONE 11006 - APPLICATION OF TUDANS ENPETE PROPERTIES LLC FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE CORNER OF CHAUTAUQUA AVENUE AND A STREET. (RELATED ITEMS: 11R-84, 11-34) (ACTION DATE: 4/18/11) - CLERK read an ordinance, introduced by Jayne Snyder, 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 second time.
- CHANGE OF ZONE 11007 - AMENDING CHAPTER 27.80 OF THE LINCOLN MUNICIPAL CODE RELATING TO FEES BY AMENDING SECTION 27.80.010 TO REQUIRE A PERSON REQUESTING A ZONING ACTION CONFIRMATION LETTER UNDER TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO PAY AN APPROPRIATE FEE THEREFOR AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL. (RELATED ITEMS: 11-35, 11R-83) (ACTION DATE: 4/18/11) - CLERK read an ordinance, introduced by Jayne Snyder, amending Chapter 27.80 of the Lincoln Municipal Code relating to fees by amending Section 27.80.010 to require a person requesting a zoning action confirmation letter under Title 27 of the Lincoln Municipal Code to pay an appropriate fee therefor as established by resolution of the City Council, the second time.
- ESTABLISHING AN APPROPRIATE FEE FOR ZONING ACTION CONFIRMATION LETTERS ISSUED BY THE PLANNING DEPARTMENT PURSUANT TO LINCOLN MUNICIPAL CODE SECTION 27.80.010. (RELATED ITEMS: 11-35, 11R-83) (ACTION DATE: 4/18/11).
- COMP. PLAN CONFORMANCE 11004 - DECLARING APPROXIMATELY 27,751 SQ. FT. OF PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH 8TH AND U STREETS AND APPROXIMATELY 2,979 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT THE NORTHEAST

CORNER OF 7TH AND T STREETS AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by Jayne Snyder, declaring approximately 30,730 square feet of City owned property generally located north of 8th and S Streets as surplus, the second time.

VACATION 11002 - VACATING (1) A PORTION OF STADIUM DRIVE AT 10TH STREET; (2) A PORTION OF NORTH 10TH STREET SOUTH OF SALT CREEK ROADWAY; AND (3) AN UN-NAMED RIGHT-OF-WAY WEST OF NORTH 10TH STREET NORTH OF BLOCK 14, NORTH LINCOLN ADDITION; TO ACCOMMODATE THE CONSTRUCTION OF THE NEW ROADWAY AND ROUND-ABOUT ASSOCIATED WITH THE WEST HAYMARKET REDEVELOPMENT PROJECT - CLERK read an ordinance, introduced by Jayne Snyder, vacating (1) a portion of Stadium Drive at 10th Street; (2) a portion of North 10th Street south of Salt Creek Roadway; and (3) an un-named right-of-way west of North 10th Street north of Block 14, North Lincoln Addition; and retaining title thereto in the City of Lincoln, Lancaster County Nebraska, the second time.

AMENDING CHAPTER 10.32 OF THE LINCOLN MUNICIPAL CODE RELATING TO STOPPING, STANDING AND PARKING OF VEHICLES BY ADDING A NEW SECTION NUMBERED 10.32.075 TO PROHIBIT THE PARKING OF TRUCKS ON A STREET MORE THAN 400 FEET FROM THE PRIMARY PLACE OF BUSINESS AND PROVIDING CERTAIN EXCEPTIONS - PRIOR to reading:

CAMP Moved Bill No. 11-39 to have 3rd Reading with Continued Public Hearing on April 18, 2011.

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

CLERK Read an ordinance, introduced by Jayne Snyder, amending Chapter 10.32 of the Lincoln Municipal Code relating Stopping Standing and Parking of Vehicles by adding a new section numbered 10.32.075 to prohibit the parking of trucks on a street more than 400 feet from the primary place of business and providing certain exceptions, the second time.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 16 - 31, 2011 - CLERK read the following resolution, introduced by Jayne Snyder.

COOK Moved its adoption:

A-86287 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 March 31, 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
Steven Lewis \$4,153.83
Rikki Allison 2,568.00
Joshua Terrell 169.81

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 Jayne Snyder

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

APPROVING AN AMENDMENT TO RESOLUTION NO. A-85447 ADOPTED BY THE CITY COUNCIL ON JULY 27, 2009 TO REDUCE THE FUNDING AMOUNT FOR A SUBGRANT FOR THE MINORITY HEALTH INITIATIVE PROJECT BY \$7,000.00 - CLERK read the following resolution, introduced by Jayne Snyder.

CARROLL Moved its adoption:

A-86288 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That Resolution No. A-85447 adopted by the City Council on July 27, 2009 be amended to revise the funding from the Nebraska Department of Health and Human Services for the Lincoln-Lancaster County Health Department's 2009-2011 Minority Health Initiatives Projects to reduce the funding amount for a subgrant by \$7,000.00, is hereby accepted and approved.

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 Jayne Snyder

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

REGULAR MEETING

April 11, 2011

Page 202

APPROVING AN AMENDMENT TO RESOLUTION NO. A-85442 ADOPTED BY THE CITY COUNCIL ON JULY 20, 2009 FOR THE REFUGEE SCREENING PROGRAM TO ADJUST THE FUNDING AMOUNT TO BE PAID BY THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FROM \$137,445.00 TO \$186,011.00 - CLERK read the following resolution, introduced by Jayne Snyder.

CARROLL Moved its adoption:

A-86289 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That Amendment No. 1 to the Health Screening Contract which was previously adopted by Resolution No. A-85442 on July 20, 2009, between the Lincoln-Lancaster County Health Department and the Nebraska Department of Health and Human Services, Division of Children and Family Services, for the Refugee Screening Program, to adjust the funding amount to be paid by the Nebraska Department of Health and Human Services to the Lincoln-Lancaster County Health Department from \$137,445.00 to \$186,011.00, is hereby accepted and approved and the Mayor is authorized to execute said corrected Agreement 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 Jayne Snyder

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

APPROVING A CORRECTED AGREEMENT PREVIOUSLY ADOPTED BY RESOLUTION NO. A-86266 ON MARCH 14, 2011, BETWEEN THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR ACCESS TO THE ELECTRONIC REGISTRATION SYSTEM, VITAL STATISTICS, FOR A PERIOD OF JANUARY 1, 2011 THROUGH DECEMBER 31, 2015, TO INCLUDE A PAGE WHICH WAS MISSING FROM THE ORIGINAL DOCUMENT - CLERK read the following resolution, introduced by Jayne Snyder.

CARROLL Moved its adoption:

A-86290 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Corrected Agreement, which amends the Agreement previously adopted by Resolution No. A-86266 on March 14, 2011, between the Lincoln-Lancaster County Health Department and the Nebraska Department of Health and Human Services for access to the Electronic Registration System, Vital Statistics, for the period of January 1, 2011 through December 31, 2015, to include a missing page, is hereby accepted and approved and the Mayor is authorized to execute said Corrected Agreement 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 Jayne Snyder

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

APPROVING THE SUB-GRANT AWARD AGREEMENT BETWEEN THE NEBRASKA EMERGENCY MANAGEMENT AGENCY AND THE CITY OF LINCOLN REGARDING THE HOMELAND SECURITY GRANT PROGRAM FOR THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT IN THE AMOUNT OF \$321,221.00 FOR THE AWARD PERIOD OF 9/1/08 THROUGH 8/31/11 - CLERK read the following resolution, introduced by Jayne Snyder.

CARROLL Moved its adoption:

A-86291 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Sub-Recipient Agreement between the Nebraska Emergency Management Agency and the City of Lincoln on behalf of the Lincoln-Lancaster County Health Department and the Nebraska Emergency Management Agency for the Lincoln Metropolitan Medical Response System in the amount of \$321,221.00, for the period of September 1, 2008 through August 31, 2011, is hereby accepted and approved and the Mayor is authorized to execute said Sub-Recipient Agreement 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 Jayne Snyder

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND STERN OIL COMPANY FOR THE ANNUAL REQUIREMENTS FOR ANTIFREEZE - STARTRAN, PURSUANT TO QUOTE 3300, FOR A TWO-YEAR TERM WITH OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by Jayne Snyder.

CARROLL Moved its adoption:

A-86292 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contact Agreement between the City of Lincoln and Stern Oil Company, pursuant to Quote 3300, for the Annual Requirements for Antifreeze -

StarTran for a two-year term with the option to renew for one additional two-year period, upon the terms 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 Jayne Snyder

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND HUSKER ELECTRIC SUPPLY COMPANY FOR THE ANNUAL REQUIREMENTS FOR FLUORESCENT LIGHT BULBS FOR STARTRAN, PURSUANT TO BID NO. 3302, FOR A TWO-YEAR TERM WITH OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by Jayne Snyder.

CARROLL Moved its adoption:

A-86293 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contact Agreement between the City of Lincoln and Husker Electric Supply Company, pursuant to Bid No. 3302, for the Annual Requirements for Fluorescent Light Bulbs for StarTran for a two-year term with the option to renew for one additional two-year period, upon the terms 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 Jayne Snyder

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND GRAYBAR ELECTRIC COMPANY FOR THE ANNUAL REQUIREMENTS FOR TELECOMMUNICATION SUPPLIES AND ACCESSORIES FOR VARIOUS CITY DEPARTMENTS, PURSUANT TO COUNTY OF LOS ANGELES, CALIFORNIA CONTRACT NO. MA-IS-1040222-1, FOR A TERM BEGINNING UPON EXECUTION OF THIS CONTRACT THROUGH DECEMBER 31, 2012 - CLERK read the following resolution, introduced by Jayne Snyder.

CARROLL Moved its adoption:

A-86294 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contact Agreement between the City of Lincoln and Lancaster County and Graybar Electric Company, pursuant to County of Los Angeles, California Contract No. MA-IS-1040222-1, for the Annual Requirements for Telecommunication Supplies and Accessories for various City departments for a term beginning upon execution of this contract through December 31, 2012, upon the terms 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 Jayne Snyder

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY, LANCASTER COUNTY AND THE LINCOLN LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND GRAYBAR ELECTRIC COMPANY FOR THE ANNUAL REQUIREMENTS FOR ELECTRICAL PRODUCTS FOR VARIOUS CITY DEPARTMENTS, PURSUANT TO COUNTY OF LOS ANGELES, CALIFORNIA CONTRACT NO. MA-IS-43272-6, FOR A TERM BEGINNING UPON EXECUTION OF THIS CONTRACT THROUGH DECEMBER 31, 2012 - CLERK read the following resolution, introduced by Jayne Snyder.

CARROLL Moved its adoption:

A-86295 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contact Agreement between the City of Lincoln, Lancaster County and the Lincoln-Lancaster County Public Building Commission and Graybar Electric Company, pursuant to County of Los Angeles, California Contract No. MA-IS-43272-6, for the Annual Requirements for Electrical Products for various City departments for a term beginning upon execution of this contract through December 31, 2012, upon the terms 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 Jayne Snyder

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

APPROVING CONTRACT AGREEMENTS BETWEEN THE CITY AND LANCASTER COUNTY AND SAPP BROS PETROLEUM INC. AND LINCOLN TRUCK CENTER FOR THE ANNUAL REQUIREMENTS FOR COOLANT/ANTIFREEZE, PURSUANT TO BID NO. 11-017, FOR FOUR-YEAR TERMS - CLERK read the following resolution, introduced by Jayne Snyder.

CARROLL Moved its adoption:

A-86296 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contact Agreements between the City of Lincoln, Lancaster County and Sapp Bros Petroleum Inc. and Lincoln Truck Center, pursuant

to Bid No. 11-017, for the Annual Requirements for Coolant/Antifreeze for four-year terms, upon the terms as set forth in said Contract Agreements, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jayne Snyder

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND TRANSPORT PLUS FOR THE ANNUAL REQUIREMENTS FOR STARTRAN BROKERAGE SERVICES, PURSUANT TO BID NO. 11-015, FOR A TWO-YEAR TERM WITH OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by Jayne Snyder.

CARROLL Moved its adoption:

A-86297

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

That the attached Contact Agreement between the City of Lincoln and Transport Plus, pursuant to Bid No. 11-015, for the Annual Requirements for StarTran Brokerage Services for a two-year term with the option to renew for one additional two-year term, upon the terms as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jayne Snyder

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

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

AUTHORIZING THE CITY OF LINCOLN, NEBRASKA TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY, LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$3,600,000 TO REFINANCE EQUIPMENT ACQUIRED WITH THE PROCEEDS OF OUTSTANDING CERTIFICATES OF PARTICIPATION AND RELATED MATTERS - CLERK read an ordinance, introduced by Jon Camp, authorizing and approving a lease-purchase transaction with Union Bank and Trust Company, the proceeds of which will be used to provide for the payment and redemption of certain outstanding Certificates of Participation-Lease Rentals, Series 2004, Series 2005, and Series 2006 of the City; approving the issuance, sale and delivery of not to exceed \$3,600,000 principal amount of refunding 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 first time.

AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$21,000,000 TO REFUND OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY AND RELATED MATTERS - CLERK read an ordinance, introduced by Jon Camp, authorizing the issuance of not to exceed \$21,000,000 principal amount of General Obligation Refunding Bonds, Series 2011; prescribing the form of the Bonds; fixing in part and providing for the fixing in part of the terms of the Bonds; providing for the levy and collection of an annual tax to pay the principal of and interest on such bonds; authorizing certain other documents and actions in connection therewith; and related matters, the first time.

APPROVING AN AMENDMENT TO THE LIMITS OF PAVING DISTRICT NO. 2630 TO INCLUDE ADDITIONAL BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Jon Camp, amending the limits of Paving District No. 2630 created by Ordinance No. 19357 to include additional benefitted property relating to additional storm sewer construction as a part of Paving District No. 2630, the first time.

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

CHANGE OF ZONE NO. 11003 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY ADDING A NEW SECTION NUMBERED 27.03.161 TO PROVIDE A DEFINITION FOR "COMMERCIAL WIND ENERGY CONVERSION SYSTEM/TURBINE (CWECS)"; AMENDING SECTION 27.07.040 TO ALLOW CWECS IN THE AG AGRICULTURE DISTRICT AS A SPECIAL PERMITTED USE AND PROVIDING CONDITIONS OF APPROVAL; AND AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW SECTION NUMBERED 27.63.425 TO PROVIDE CONDITIONS FOR GRANTING A SPECIAL PERMIT TO ALLOW A CWECS IN THE AG AGRICULTURE DISTRICT - CLERK read an ordinance, introduced by Adam Hornung, amending Title 27 of the Lincoln Municipal Code relating to Zoning by adding a new section numbered 27.03.161 to provide a definition for "Commercial Wind Energy Conversion System/Turbine (CWECS)"; amending Section 27.07.040 to allow CWECS in the AG Agriculture District as a special permitted use and providing conditions of approval; amending Chapter 27.63 of the Lincoln Municipal Code by adding a

new section numbered 27.63.425 to provide conditions for granting a special permit to allow a CWECs in the AG Agriculture District, and repealing Section 27.07.040 of the Lincoln Municipal Code as hitherto existing, the third time.

HORNUNG Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19516**, is recorded in Ordinance Book #27, Page .

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS AND P STREET FROM 7TH TO 8TH STREETS FROM MAY 7, 2011 THROUGH OCTOBER 15, 2011 AND ON 8TH STREET FROM P TO Q STREETS FROM JUNE 4, 2011 THROUGH AUGUST 27, 2011 AND ALSO SEPTEMBER 3, 2011 AND SEPTEMBER 24, 2011 - CLERK read an ordinance, introduced by Adam Hornung, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public market in the Haymarket area, 7th Street from P to Q Streets and P Street from 7th to 8th Streets, from May 7, 2011 through October 15, 2011, and on 8th Street from P to Q Street from June 4, 2011 through August 27, 2011, and September 3, 2011 and September 24, 2011, and authorizing the Mayor to sign such Contract on behalf of the City, the third time.

HORNUNG Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19517**, is recorded in Ordinance Book #27, Page .

APPROVING AN AMENDMENT TO THE FY 10/11 CIP TO AUTHORIZE AND APPROPRIATE \$852,000.00 IN TIF FUNDS FOR THE WORLD'S FOREMOST BANK PROJECT GENERALLY LOCATED AT 4800 N.W. 1ST STREET IN THE UNIVERSITY OF NEBRASKA TECHNOLOGY PARK. (RELATED ITEMS: 11R-74, 11-33) (ACTION DATE: 4/11/11) - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86298 WHEREAS, Resolution No. A-85975, adopted by the City Council of Lincoln, Nebraska on August 23, 2010, adopted the fiscal year 2010-2011 annual budget for the City of Lincoln and further adopted the Capital Improvement Program attached to Resolution No. A-85975 as Schedule No. 5; and

WHEREAS, Resolution No. A-85975 appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as from any grants, donations, or contributions received for public purposes and the interest thereon notwithstanding any sum limitation set forth in the annual budget; and

WHEREAS, Resolution No. A-86268 adopted by the City Council for the City of Lincoln adopted the World's Foremost Bank Redevelopment Project as an approved project within the Lincoln Center Redevelopment Plan; and

WHEREAS, a capital improvement project for the World's foremost Bank Redevelopment Project was not included within Schedule No. 5 of the Annual Budget as a capital improvement project to be funded in fiscal year 2010-2011; and

WHEREAS, the City desires to amend the first year (2010-2011) of the Fiscal Year 2010/2011 - 2015/2016 Six Year Capital Improvement Program (CIP) to establish a project for the World's Foremost Bank Redevelopment Project, and establish appropriations for that project; and

WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that, "The [city] council shall not appropriate any money in any budget for any capital improvements project unless and until the conformity or non-conformity of the project has been reported on by the Planning Department by special report or in connection with the Capital Improvements Programming process." The Charter definition of "Planning Department" includes the Planning Commission; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has reviewed the World's Foremost Bank Redevelopment Project for conformity or nonconformity with the Comprehensive Plan as a capital improvement project as part of the review of the Lincoln Center Redevelopment Plan Amendment approved by Resolution No. A-86268; and

WHEREAS, the Planning Commission found the proposed Redevelopment Project to be in conformity with the Comprehensive Plan.

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

That the implementation of the World's Foremost Bank Redevelopment Project to include construction of a 40,000 square foot office/commercial building and parking lot generally located north of the existing bank location

at 4800 N.W. 1st Street, is hereby established as a capital improvement project within the Capital Improvement Program.

BE IT FURTHER RESOLVED that the Capital Improvement Program on Schedule 5 of Resolution No. A-85975 be amended by adding the World's Foremost Bank Redevelopment Project to the Urban Development Department's list of capital improvement projects on Schedule 5.

BE IT FURTHER RESOLVED that the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget to designate \$852,000.00 from Tax Increment Financing for this World's Foremost Bank Redevelopment Project.

Introduced by Adam Hornung

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

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF WORLD'S FOREMOST BANK REDEVELOPMENT PROJECT TAX ALLOCATION BONDS, IN ONE OR MORE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$852,000.00. (RELATED ITEMS: 11R-74, 11-33) (ACTION DATE: 4/11/11) - PRIOR to reading:

CARROLL Moved to amend Bill No. 11-33 by accepting the attached Substitute Ordinance to replace the current ordinance.

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

CLERK Read an ordinance, introduced by Adam Hornung, authorizing and providing for the issuance of City of Lincoln, Nebraska Tax Allocation Bonds, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$852,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the City's World's Foremost Bank Redevelopment Project Area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the Bonds; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the Bonds as the same become due; limiting payment of the Bonds to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the Finance Director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the Bonds not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the third time.

CARROLL Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19518, is recorded in Ordinance Book #27, Page .

OPEN MICROPHONE

Jane Svoboda, address not given, came forward to welcome everyone to a paradise on earth in an effort to grow a kind society. She stated she supports the Saturday Public Market and job opportunities. She reported that in her opinion, various articles in the Lincoln Journal Star are false. She fears that homegrown Americans who lose federal government jobs will be replaced by foreigners. Ms. Svoboda presented a way to localize hospitals and provide free healthcare. She advised consumers to beware of subliminals in cell phones, baby toys and slot machines.

This matter was taken under advisement.

Danny Walker, 427 E Street, came forward to comment about issues on the 4th Street corridor between D and E Streets. He said tree placement makes mowing difficult. He said low density LED lights are not appropriate for the intersection and stated it is a high risk area.

This matter was taken under advisement.

Annie Clark, 1850 Morton St., came forward to speak about the proposed double round-about at 14th & Superior Street. She has experienced double roundabouts in Texas and said they are a nightmare. She also presented a publication which warns citizens about electric smart meters. She said in Texas and California, utility bills went up and sicknesses increased.

This matter was taken under advisement.

Kathy Lensenmeyer, 5440 W. St. Paul Ave., came forward to address issues concerning the proposed round-about at 14th & Superior. She fears that it will create hazardous travel for football fans. Although she said the Antelope Valley development is a beautiful asset to the City, she is concerned about money spent on major projects at this time.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to April 18, 2011.
 Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Hornung, Spatz; NAYS: None; ABSENT: Snyder.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on April 18,
2011.
 Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Hornung, Spatz; NAYS: None; ABSENT: Snyder.

ADJOURNMENT 4:30 P.M.

CAMP Moved to adjourn the City Council meeting of April 11, 2011.
 Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Hornung, Spatz; NAYS: None; ABSENT: Snyder.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant

REGULAR MEETING
April 11, 2011
Page 208