

THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 19, 2011 AT 5:30 P.M.

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

Council Chair Carroll 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

ESKRIDGE Having been appointed to read the minutes of the City Council proceedings of December 12, 2011 reported having done so, found same correct.

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

RECOGNITION

Council Chair Carroll welcomed the presence of Boy Scout Troop 36 who were in attendance working on their communication badges.

PUBLIC HEARING

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN TRAP AND SKEET CLUB FOR A PORTION OF BOOSALIS PARK LOCATED AT NORTH 44TH STREET AND SUPERIOR STREET TO BE USED AS A PUBLIC SPORTING CLAYS RANGE FOR A 15 YEAR TERM - Steve Hiller, Parks & Recreation Dept., came forward to discuss the 15-year lease agreement valued at \$100,000. He said the Lincoln Trap and Skeet Club is a long-term member of the community and has agreed to perform much-needed clean up activities on the parcel identified on the northern half of Helen Boosalis Park. Mr. Hiller said the Lincoln Trap and Skeet Club has existed on the adjoining property since 1952 and have been good neighbors & stewards during this time. He said the club has done an excellent job of trying to address concerns of residential neighbors who are within a 1/2 mile of the site. He explained that a landfill is located to the north, industrial to the east & south and industrial/undeveloped directly across Salt Creek.

Mark Rosso, Secretary of the Board, came forward representing 345 men/women of the Lincoln Trap and Skeet Club. He explained the safety, sound & environment guidelines of the shooting range and shared a plan to increase youth sports activities.

Council Chair Carroll asked members to stand in recognition and thanked them for attending today's meeting.

Mr. Rosso responded to Council Member Emery's concerns by stating that sound testing met the requirements of the Lancaster County Health Dept. He said the operation of sporting clays ends just before sundown and trap shooting ends at 10:00 p.m.

Chris Kidwell, 3333 Folkways Circle, came forward to express his concerns. He said while he is not against hunting, skeet or the club's clean-up efforts, he is concerned about the noise migration across Salt Creek and how it may affect his property which includes apartment dwellings.

Mr. Hiller came forward to discuss the Master Plan of the archery range which has been in a negotiation period for well over two years. He said a rifle range has been disallowed due to inadequate distance. Once clean up has been completed, the club plans to look at positioning additional landscaping among thousands of existing trees in an effort to soften the sound of guns.

This matter was taken under advisement.

COMP. PLAN AMENDMENT NO. 11007 - APPLICATION OF THE PLANNING DIRECTOR ON BEHALF OF NEBCO, INC. TO AMEND THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN FROM URBAN RESIDENTIAL TO COMMERCIAL ON PROPERTY GENERALLY LOCATED AT HIGHWAY 34 AND FALLBROOK BOULEVARD;
ANNEXATION NO. 11003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 10 ACRES GENERALLY LOCATED AT FALLBROOK BOULEVARD AND TALLGRASS PARKWAY;

CHANGE OF ZONE NO. 05085A - APPLICATION OF NEBCO, INC. TO AMEND THE FALLBROOK PLANNED UNIT DEVELOPMENT TO EXPAND THE PUD AND CHANGE THE ZONING FROM AG AGRICULTURAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT PUD, ON PROPERTY GENERALLY LOCATED AT FALLBROOK BOULEVARD AND HIGHWAY 34; FOR A PLANNED UNIT DEVELOPMENT DESIGNATION OF SAID PROPERTY; AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES WAIVERS AND MODIFICATIONS TO THE ZONING AND LAND SUBDIVISION ORDINANCE TO ALLOW APPROXIMATELY 220,000 SQUARE FEET OF ADDITIONAL COMMERCIAL FLOOR AREA, ON THE UNDERLYING B-2 ZONED AREA, FOR A TOTAL OF APPROXIMATELY 900,000 SQUARE FEET OF COMMERCIAL FLOOR AREA IN THE ENTIRE PUD - Tim Gergen, Olsson Associates, came forward representing the applicant. Since 1999, Nebco's dream has been to create a community that mimicked a traditional neighborhood design. He said Nebco and Fallbrook have now matured into a neighborhood organization where more everyday services are needed in northwest Lincoln, such as a grocery store/commercial development/medical office. Mr. Gergen said signage waivers will help to direct 60 mph traffic to stop in for services in Fallbrook.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND THERMO KING CHRISTENSEN INC. FOR THE ANNUAL SUPPLY OF VEHICLE FILTERS, PURSUANT TO QUOTE 3709, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM, EFFECTIVE UPON EXECUTION BY ALL THE PARTIES;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND SAPP BROS. PETROLEUM, INC. FOR THE ANNUAL SUPPLY OF MOTOR FUEL, PURSUANT TO BID NO. 11-221 FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM, EFFECTIVE UPON EXECUTION BY ALL THE PARTIES - Bob Walla, Assistant Purchasing Agent, came forward to answer questions regarding the multi-year contract.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND ELECTECH, INC. FOR THE ANNUAL REQUIREMENTS FOR ELEVATOR MAINTENANCE AND TESTING, PURSUANT TO RFP BID NO. 11-206 FOR A FOUR YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL FOUR YEAR TERM EFFECTIVE UPON EXECUTION BY ALL THE PARTIES - Bob Walla, Assistant Purchasing Agent, came forward to provide background information on the elevator contract. He said the City/County/Public Building Commission developed this RFP to come up with a specific maintenance and repair plan for all their buildings resulting in a savings of \$10,000 per month.

Chad Johansen, 9715 M Street, came forward representing his firm, Kone Elevators & Escalators (formerly known as Montgomery Elevator) to present cost and revenue projections. He said that in addition to their complete maintenance package to customers, Kone has provided the City with services above and beyond basic maintenance. Some examples being management planning, traffic flow analysis and specification writing for public bid. This year alone, Kone has been able to save the City of Lincoln over \$486,000.

Mr. Walla came forward to answer questions about the contract with Electech that is set up for minimum requirements. He said service call emergency response time is 30 minutes for all City buildings with the exception of County jail -- response time being 20 minutes. Mr. Walla assured Council that a performance bond is in place for the term of the contract with a 30-day termination clause. He said the company has guaranteed that service times will be met. Mr. Walla clarified service options for different departments.

This matter was taken under advisement.

ASSESSING THE COSTS INCURRED FOR CUTTING, CLEARING AND REMOVING WEEDS AGAINST THE VARIOUS BENEFITTED PROPERTIES FOR THE PERIOD OF JANUARY 1, THROUGH DECEMBER 31, 2011 - Brent Meyer, Lancaster County Weed Control Authority Superintendent, came forward to answer questions regarding the assessments. He introduced members of his staff who were present at the Council meeting and explained their duties: Julie Manske, Account Clerk, prepares reports and works closely with City Clerk; and Barbara Frazier, Chief Inspector, oversees three City and three County inspectors all summer long. Mr. Meyer clarified that out of 261 forced-cutting properties, 201 were submitted for filing. In response to Council questioning, Mr. Meyer said there were 186 enforcements last year, proving an increase of 40% in 2011. While policies may be the same as any other year, he offered various reasons for the increase.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND JUDDS BROTHERS CONSTRUCTION CO. FOR REPLACEMENT OF VARIABLE FREQUENCY DRIVES FOR HIGH PRESSURE PUMPS AND REPLACEMENT OF PUMP 3 AT THE ASHLAND WATER TREATMENT PLANT PURSUANT TO BID NO. 11-218 (CITY PROJECT NO. 701116) - Mike Morosin, 1500 N. 15th St., came forward expressing concerns of proper sizing of pumps.

Nick McElvain, Lincoln Water System, came forward to answer questions regarding the replacement of Pump #3 which was in service for 70 years. He said professional engineers have made their assessments and replacements have been matched up with the needed loads with energy conservation in mind. Mr. McElvain said Pump #3 pumps water to Lincoln, so there is no way to undersize it.

This matter was taken under advisement.

APPROVING AN ADDENDUM TO INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND UNIVERSITY OF NEBRASKA-LINCOLN FOR FOOD HANDLER TRAINING PROGRAMS TO PROVIDE NEW SHARING PROTOCOL TO THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT REGARDING ACCESS ON A DAILY BASIS TO DATA ON FOOD HANDLERS TRAINED THROUGH THE UNL ONLINE TRAINING PROGRAM - Judy Halstead, Director of Lincoln-Lancaster County Health Dept., came forward to explain that the amendment will upgrade the data system with UNL to supply a daily update. This improvement will cost \$4,800.

This matter was taken under advisement.

APPROVING A TITLE SPONSORSHIP AGREEMENT BETWEEN THE CITY OF LINCOLN, THE WEST HAYMARKET JOINT PUBLIC AGENCY AND PINNACLE BANK FOR EXCLUSIVE TITLE SPONSORSHIP BY PINNACLE BANK OF THE ARENA - Dan Marvin, JPA Project Manager, came forward to explain that Pinnacle Bank has agreed to pay \$11,250,000 over a 25-year period for naming rights on the West Haymarket Arena. Mr. Marvin said Pinnacle is a good main street bank that has a presence across the state and they will help in marketing efforts to reach out to other communities in Nebraska. In response to Council questions, Mr. Marvin said a naming-rights document was crafted using successful agreements used in other buildings around the country. He clarified issues, provisions and conditions in the agreement. He also explained the unique stipulation regarding advertising in the Arena bowl for Husker events. In answer to questions about issuing debt, Mr. Marvin said he estimated that the building itself will generate a total revenue somewhere in the neighborhood of \$5.7 million annually. In response to a question about naming-rights deals, Mr. Marvin said typically they are done with businesses within 30-60 miles of the city in which the facility is being built.

Jeff Kirkpatrick, City Law Department and author of the agreement, was on hand for questioning.

Ben Wrigley, representative of Legends Hospitality Management which is in charge of the selling & marketing aspects related to the Arena, was on hand for questioning.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

SETTING THE HEARING DATE OF MONDAY, JANUARY 23, 2012, AT 3:00 P.M. FOR PUBLIC WORKS BOARD OF EQUALIZATION ON SPECIAL ASSESSMENT DISTRICTS BEING SEWER DISTRICT 1185, WATER DISTRICT 1201 AND ALLEY RE-PAVING DISTRICT 49 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86646 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the City Clerk be and she is hereby instructed to give ten days' notice by publication according to law that the City Council will at a regular meeting on the 9th day of January, 2012, at 3:00 p.m., assess the improvements in the following special assessment districts:
Sewer District No. 1185 - 84th Street, Highway 6 to approx. 430' south of Fletcher Ave.
Water District No. 1201 - 84th Street, Highway 6 to Fletcher Ave.
Alley Re-Paving District No. 49 - All that portion of the E/W alley from 10th to 11th Streets, G to H Streets.

REGULAR MEETING
December 19, 2011
Page 650

BE IT FURTHER RESOLVED that the City Council will sit as a Board of Equalization for the purpose of distributing said tax and equalizing said assessments on Monday, January 23, 2011, at 3:00 p.m. with adjournments from day to day until said work of equalizing such assessments are completed.

Introduced by Doug Emery

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

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF OCTOBER, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON DECEMBER 5, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JANUARY 9, 2012 AT 3:00 P.M. FOR THE APPLICATION OF P.R. VENTURES, LLC DBA NEBRASKA CHAMPIONS CLUB FOR A CLASS CK LIQUOR LICENSE LOCATED AT 707 STADIUM DRIVE - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86647 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 9, 2012, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of P.R. Ventures, LLC dba Nebraska Champions Club for a Class CK liquor license located at 707 Stadium Drive.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MONDAY, JANUARY 9, 2012 AT 3:00 P.M. FOR THE APPLICATION OF BSR, INC. DBA THE OFFICE FOR A CLASS C LIQUOR LICENSE LOCATED AT 640 W. PROSPECTOR, #200 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86648 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 9, 2012, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of BSR, Inc. dba The Office for a Class C liquor license located at 640 W. Prospector, #200.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MONDAY, JANUARY 9, 2012 AT 3:00 P.M. FOR THE APPLICATION OF ZRC OPERATIONS COMPANY, INC. DBA QDOBA MEXICAN GRILL FOR A CLASS A LIQUOR LICENSE LOCATED AT 211 N. 12TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86649 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 9, 2012, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of ZRC Operations Company, Inc. dba Qdoba Mexican Grill for a Class A liquor license located at 211 N. 12th Street.

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

Introduced by Doug Emery

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

ADMINISTRATIVE AMENDMENT NO. 11051 TO USE PERMIT NO. 128B, MORNING GLORY ESTATES, APPROVED BY THE PLANNING DIRECTOR ON DECEMBER 7, 2011 REQUESTED BY LIBERTY FIRST CREDIT UNION TO REVISE THE BOUNDARY OF THE USE PERMIT BY REMOVING THE AREA LABELED LOT 1, BLOCK 1, ON PROPERTY GENERALLY LOCATED AT N. 84TH ST. AND LEXINGTON AVE.

ADMINISTRATIVE AMENDMENT NO. 11064 TO USE PERMIT NO. 11001 APPROVED BY THE PLANNING DIRECTOR ON DECEMBER 9, 2011 REQUESTED BY OLSSON ASSOCIATES TO REVISE THE BUILDING ENVELOPE ON PROPERTY GENERALLY LOCATED AT WEST A ST. AND HIGHWAY 77.

MISCELLANEOUS - NONE

LIQUOR RESOLUTIONS - NONE

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN TRAP AND SKEET CLUB FOR A PORTION OF BOOSALIS PARK LOCATED AT NORTH 44TH STREET AND SUPERIOR STREET TO BE USED AS A PUBLIC SPORTING CLAYS RANGE FOR A 15 YEAR TERM - CLERK read an ordinance, introduced by Jonathan Cook, accepting & approving a Lease Agreement between the City of Lincoln, Nebraska and Lincoln Trap & Skeet Club for the lease of a portion of Boosalis Park located at North 44th Street & Superior Street to be used as a public Sporting Clays Range for a 15 year term, the second time.

COMP. PLAN AMENDMENT NO. 11007 - APPLICATION OF THE PLANNING DIRECTOR ON BEHALF OF NEBCO, INC. TO AMEND THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN FROM URBAN RESIDENTIAL TO COMMERCIAL ON PROPERTY GENERALLY LOCATED AT HIGHWAY 34 AND FALLBROOK BOULEVARD (RELATED ITEMS: 11R-306, 11-187, 11-188) (ACTION DATE: 1/9/12)

ANNEXATION NO. 11003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 10 ACRES GENERALLY LOCATED AT FALLBROOK BOULEVARD AND TALLGRASS PARKWAY (RELATED ITEMS: 11R-306, 11-187, 11-188) (ACTION DATE: 1/9/12) - CLERK read an ordinance, introduced by Jonathan Cook, annexing & include the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to & made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established & shown thereon, the second time.

CHANGE OF ZONE NO. 05085A - APPLICATION OF NEBCO, INC. TO AMEND THE FALLBROOK PLANNED UNIT DEVELOPMENT TO EXPAND THE PUD AND CHANGE THE ZONING FROM AG AGRICULTURAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT PUD, ON PROPERTY GENERALLY LOCATED AT FALLBROOK BOULEVARD AND HIGHWAY 34; FOR A PLANNED UNIT DEVELOPMENT DESIGNATION OF SAID PROPERTY; AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES WAIVERS AND MODIFICATIONS TO THE ZONING AND LAND SUBDIVISION ORDINANCE TO ALLOW APPROXIMATELY 220,000 SQUARE FEET OF ADDITIONAL COMMERCIAL FLOOR AREA, ON THE UNDERLYING B-2 ZONED AREA, FOR A TOTAL OF APPROXIMATELY 900,000 SQUARE FEET OF COMMERCIAL FLOOR AREA IN THE ENTIRE PUD (RELATED ITEMS: 11R-306, 11-187, 11-188) (ACTION DATE: 1/9/12) - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to & made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established & shown thereon, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND THERMO KING CHRISTENSEN INC. FOR THE ANNUAL SUPPLY OF VEHICLE FILTERS, PURSUANT TO QUOTE 3709, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM, EFFECTIVE UPON EXECUTION BY ALL THE PARTIES - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86650 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the Contract Agreement between the City of Lincoln and Thermo King Christensen Inc. for the annual supply of Vehicle Filters, pursuant to Quote 3709, for a two year term with the option to renew for one additional two 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 Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

REGULAR MEETING
December 19, 2011
Page 652

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND SAPP BROS. PETROLEUM, INC. FOR THE ANNUAL SUPPLY OF MOTOR FUEL, PURSUANT TO BID NO. 11-221 FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM, EFFECTIVE UPON EXECUTION BY ALL THE PARTIES - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86651 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the Contract Agreement between the City of Lincoln and Sapp Bros. Petroleum, Inc. for the annual supply of Motor Fuel, pursuant to Bid No. 11-221, for a two year term with the option to renew for one additional two 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 Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND ELECTECH, INC. FOR THE ANNUAL REQUIREMENTS FOR ELEVATOR MAINTENANCE AND TESTING, PURSUANT TO RFP BID NO. 11-206 FOR A FOUR YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL FOUR YEAR TERM EFFECTIVE UPON EXECUTION BY ALL THE PARTIES - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86652 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 Eletech, Inc. for the annual requirements for Elevator Service, Maintenance and Testing, pursuant to Bid No. 11-206, for a four year term with the option to renew for one additional 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.

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

ASSESSING THE COSTS INCURRED FOR CUTTING, CLEARING AND REMOVING WEEDS AGAINST THE VARIOUS BENEFITTED PROPERTIES FOR THE PERIOD OF JANUARY 1, THROUGH DECEMBER 31, 2011 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86653 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the costs for cutting, clearing, and removing weeds and other worthless vegetation as shown on the attached Weed Assessment Tax Report for January 1, 2011 through December 31, 2011 be and the same are hereby assessed against the properties set opposite each amount, as shown on Attachment A.

Introduced by Jonathan Cook

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND JUDDS BROTHERS CONSTRUCTION CO. FOR REPLACEMENT OF VARIABLE FREQUENCY DRIVES FOR HIGH PRESSURE PUMPS AND REPLACEMENT OF PUMP 3 AT THE ASHLAND WATER TREATMENT PLANT PURSUANT TO BID NO. 11-218 (CITY PROJECT NO. 701116) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86654 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the Contract Agreement between the City of Lincoln and Judds Brothers Construction Co. for Replacement of Variable Frequency Drives for high Pressure Pumps and Replacement of Pump 3 at the Ashland Water Treatment Plant, pursuant to Bid No. 11-218 (City Project No. 701116), 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 Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

APPROVING AN ADDENDUM TO INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND UNIVERSITY OF NEBRASKA-LINCOLN FOR FOOD HANDLER TRAINING PROGRAMS TO PROVIDE NEW SHARING PROTOCOL TO THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT REGARDING ACCESS ON A DAILY BASIS TO DATA ON FOOD HANDLERS TRAINED THROUGH THE UNL ONLINE TRAINING PROGRAM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86655 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the Addendum to Interlocal Agreement between the City of Lincoln and the University of Nebraska-Lincoln for food handler training programs to provide

new sharing protocol to the Lincoln-Lancaster County Health Department regarding access on a daily basis to data on food handlers trained through the University of Nebraska-Lincoln online training program upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Addendum on behalf of the City.

The City Clerk is directed to send a copy of this Resolution and one fully executed Agreement to Judy Halstead, Lincoln-Lancaster County Health Department Director for transmittal to the University of Nebraska-Lincoln.

Introduced by Jonathan Cook

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

APPROVING A TITLE SPONSORSHIP AGREEMENT BETWEEN THE CITY OF LINCOLN, THE WEST HAYMARKET JOINT PUBLIC AGENCY AND PINNACLE BANK FOR EXCLUSIVE TITLE SPONSORSHIP BY PINNACLE BANK OF THE ARENA - CLERK read the following resolution, introduced by Eugene Carroll.

COOK Moved its adoption:

A-86656 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Title Sponsorship Agreement between the City of Lincoln, the West Haymarket Joint Public Agency and Pinnacle Bank for exclusive title sponsorship by Pinnacle Bank of the Arena, upon the terms and conditions as set forth in said Title Sponsorship Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Eugene Carroll

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

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

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A COMMUNITY DEVELOPMENT REVENUE NOTE, (10TH AND MILITARY CREEKSIDE VILLAGE PROJECT) IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$800,000.00 (REQUEST 2ND, 3RD READINGS ON 1/9/12) - CLERK read an ordinance, introduced by Doug Emery, authorizing and providing for the issuance of indebtedness in one or more taxable or tax-exempt series in the amount of not to exceed \$720,700 in the form of a Community Redevelopment Revenue Note (10th and Military Creekside Village Project) of City of Lincoln, Nebraska, 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 10th and Military Creekside Village Redevelopment Project area, and (2) paying the costs of issuance thereof; prescribing the form and certain details of such Revenue Notes; pledging certain tax revenue and other revenue to the payment of the principal of and interest on such Revenue Notes as the same become due; limiting payment of such revenue notes 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 such Revenue Notes not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the first time.

APPROVING A REAL ESTATE PURCHASE AGREEMENT AND LEASE AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION ON BEHALF OF THE CITY OF LINCOLN AND LANCASTER COUNTY & ALFRED BENESCH & COMPANY FOR THE PURCHASE AND LEASE BACK OF PROPERTY LOCATED AT 825 J STREET - CLERK read an ordinance, introduced by Doug Emery, accepting and approving a Real Estate Purchase Agreement and a Lease Agreement between the Lincoln-Lancaster County Public Building Commission, on behalf of the City of Lincoln and Lancaster County, and Alfred Benesch & Company for the purchase and leaseback of property generally located at 825 J Street, the first time.

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

CHANGE OF ZONE 11039 - APPLICATION OF GRANDMOTHER'S, INC. AND PRAIRIE LIFE LIMITED PARTNERSHIP FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT AND O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 70TH STREET AND A STREET - CLERK read an ordinance, originally introduced by Jon Camp, amending the Lincoln

REGULAR MEETING
December 19, 2011
Page 654

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.

COOK Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.
The ordinance, being numbered #19661, is recorded in Ordinance Book #27, Page .

APPROVING THE ISSUANCE BY THE CITY OF ITS EDUCATIONAL FACILITIES REVENUE AND REFUNDING BONDS (NEBRASKA WESLEYAN UNIVERSITY PROJECT) IN THE AMOUNT OF \$21,000,000 - CLERK read an ordinance, originally introduced by Jon Camp, authorizing the issuance of one or more series of Educational Facilities Revenue and Refunding Bonds (Nebraska Wesleyan University Project) Series 2012 in the principal amount not to exceed \$21,000,000 (The "Bonds") for the purpose of (1) Providing funds for defraying the cost of the acquisition, construction and purchase of certain capital improvements to the campus of Nebraska Wesleyan University (The "University") located in Lincoln, Nebraska, (2) Refinancing certain outstanding indebtedness of the University (collectively, The "Projects"), (3) Funding a Debt Service Reserve Fund and (4) Paying certain expenses of such Bond issue, which Bonds and the interest thereon shall be payable solely from the revenues pledged to the payment of said Bonds; making findings and determinations with reference to the Projects and the Bonds; granting public approval within the meaning of section 147(f) of the Internal Revenue Code of 1986, as amended; authorizing the sale of said Bonds; approving and authorizing the execution of an Indenture of Trust, a Loan Agreement and other related documents; determining that said Bonds shall not be a liability of the City nor a charge against its general credit of taxing powers; providing that the invalidity of any part of this ordinance shall not affect the remainder; incorporating within this ordinance the provisions of Chapter 13, Article 11, of the Nebraska Reissue Revised Statutes, as amended; approving and authorizing the distribution of a preliminary official statement and a final official statement with respect to the Bonds; and other related matters, the third time.

ESKRIDGE Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.
The ordinance, being numbered #19662, is recorded in Ordinance Book #27, Page .

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND DAS/STATE BUILDING DIVISION ON BEHALF OF NEBRASKA DEPARTMENT OF EDUCATION, VOCATIONAL REHABILITATION SERVICES, AT THE ONE STOP CAREER CENTER AT 1010 N STREET FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF JANUARY 1, 2012 THROUGH DECEMBER 31, 2015 - CLERK read an ordinance, originally introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln and DAS/State Building Division, on behalf of Nebraska Department of Education, Vocational Rehabilitation Services, for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2012 through December 31, 2015 whereby the City of Lincoln is subleasing 143 sq. ft. of its 13,718 sq. ft. of space to the Nebraska Department of Education, vocational Rehabilitation Services at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the third time.

ESKRIDGE Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.
The ordinance, being numbered #19663, is recorded in Ordinance Book #27, Page .

CREATING A BUSINESS IMPROVEMENT DISTRICT FOR THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF CERTAIN PUBLIC FACILITIES AND IMPROVEMENTS WITHIN THE AREA GENERALLY LOCATED ALONG SOUTH 48TH STREET BETWEEN CALVERT STREET AND PIONEERS BOULEVARD AND PROVIDING FOR SPECIAL ASSESSMENTS TO BE IMPOSED WITHIN THE DISTRICT - CLERK read an ordinance, originally introduced by Jon Camp, creating a business improvement district under the authority of the Business Improvement District Act (Neb.Rev.Stat. § 19-4015 et seq.) to be known as the College View Business Improvement District for the purpose of providing specified maintenance, repair and reconstruction of certain public facilities and improvements within the area

of South 48th Street between Calvert Street and Pioneers Boulevard; providing for special assessments to be imposed within the district based upon the benefits conferred; and providing maximum limits upon such assessments, the third time.

COOK Moved to pass the ordinance as read.
Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.
The ordinance, being numbered #19664, is recorded in Ordinance Book #27, Page .

AMENDING TABLE 1A OF SECTION 20.08.090 OF THE LINCOLN MUNICIPAL CODE RELATING TO BUILDING CODE PERMIT FEES TO INCLUDE THE \$50.00 BASE FEE APPLIED TO EVERY COMMERCIAL PROJECT REGARDLESS OF THE VALUATION OF CONSTRUCTION - CLERK read an ordinance, originally introduced by Jon Camp, amending Table 1A of Section 20.08.090 of the Lincoln Municipal Code relating to Building Code Permit Fees to include the \$50.00 base fee applied to every commercial project regardless of the valuation of construction; and repealing Section 20.08.090 of the Lincoln Municipal Code as hitherto existing, the third time.

SCHIMEK Moved to pass the ordinance as read.
Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.
The ordinance, being numbered #19665, is recorded in Ordinance Book #27, Page .

OPEN MICROPHONE

Mary Ann Shiech, 840 S. 10th St., came forward stating that although she has been a Lincoln resident for 10 years, she has not been heard by her governing bodies. She asked Council to support a resolution that would call for a constitutional amendment that would end corporate personhood once and for all.

Travis Hepburn, 801 Manchester Circle, came forward as a member of the Tea Party and the Occupation. He stated that as Americans, we have a government to enact the will of the people not to subvert it. He asked Council to support a resolution to restore the legitimacy of the rule of law.

Charlotte Knoflicek, 1009 S. 48th St., came forward to express her opinion to call an end to corporate personhood and realize that money is not speech.

Jo Tetherow, 3118 Shirley Ct., came forward as a Lincoln homeowner to carry her message forward. She compared corporate perceptions vs. reality, which in turn can mislead the public. Ms. Tetherow urged Council ratify a resolution to support a bill to end corporations as persons and money as speech.

Jane Svoboda, address not given, came forward to share her personal concerns regarding the healthcare of family members. She gave warning that a comet will plummet to earth in January and advised all to have a plan.

Tom Heatherly, 3420 P St., came forward in opposition to corporate personhood. He hoped to convince everyone that the equation of money with speech silences the speech of those without money.

Robert Boyce, 735 S. 37th St., came forward to state that corporations are not people.

Allen Schreiber, 1701 Westland Circle, came forward in support of Occupy Lincoln. He asked the City Council to vote in favor of a resolution saying that corporations are not people. He said it would send a very clear message to the Nebraska Legislature that the people of Lincoln do not believe that corporations are people.

Kevin Hauptman, 1500 N. 15th St., came forward stating he has been a lifelong citizen of Lincoln. He said as one voice, he is only allowed to give \$2,500 to endorse one person's campaign for national office. In comparison, corporations can give anything they want. Mr. Hauptman asked Council to educate themselves about the suggested resolution. He then said Council could lead & represent their group and create change from the grass roots up.

Mike Morosin, 1500 N. 15th St., came before Council to wish them happy holidays. He expressed environmental concerns about caustic materials passing through the pipeline.

Alexandre Keriakedes, 1631 J St. #301, came forward to remind everyone that to start the day, all school children should be allowed to repeat in unison the phrase: "The Salvation of the State is Watchfulness in the Citizen."

Dika Eckersley, 1345 Garfield, came forward to state that after dwelling 30 years in the U.S., she became a citizen in March. She said that she strongly agrees with the amendment articulated by others before her today.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

COOK Moved to extend the Pending List to January 9, 2012.
 Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook,
 Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

UPCOMING RESOLUTIONS

COOK Moved to approve the resolutions to have Public Hearing on January 9,
 2012.
 Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook,
 Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

ADJOURNMENT 7:27 P.M.

COOK Moved to adjourn the City Council meeting of December 19, 2011.
 Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook,
 Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant