

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 21, 2009 AT 3:00 P.M.**

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

Council Chair Emery 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 September 14, 2009 reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Beutler presented the Mayor's Award of Excellence to Jeffrey Urkevich and his K-9 partner, Jake, of the Southeast Team in the Operations Division for the Lincoln Police Department in the category of Productivity. Jake and Jeff have been partners since 2006. They were nominated for tracking evidence in a string of robberies and sexual assaults. The evidence collected by the team has led to an arrest. It was stated that without Jake's discovery of this evidence it would have been very difficult and highly unlikely that officers would have arrested the suspect in question. Captain Mike Woolman who heads the canine unit and the other canine handlers were recognized.

Detective Breen stated Jeff and Jake do a nice job for the Lincoln Police Department. He stated early Friday morning they apprehended an escapee that ran away from the sallyport near the jail and tracked them down to the underside of a Ford Expedition in the 900 Block of F Street. The canines are very important.

Captain Woolman stated Jeff and Jake are one of four teams. They are extremely valuable with tracking, narcotic work, building search, work with SWAT team, and field force. They are on call 24 hours per day. All canines have been purchased by either businesses or private citizens of Lincoln. We are very fortunate the City and the residents of Lincoln have supported them. We really appreciate the Chief's support and the Mayor and City Council's support. It costs approximately \$7,000 just to get a dog then there is several months of training. They are taken off the street every Thursday for eight hours of training to make sure they stay sharp.

Jeff Urkevich thanked the Council, the Mayor and Detective Breen for the nomination. He thanked the Police Department, the Chief, Captain Woolman and the citizens for all the support given by donating which makes this possible. "It's not me doing the work it's Jake. I'm just the one holding the leash for him. He's the smart one of the team."

Doug Emery, Council Member, stated on behalf of the Council that they appreciate all that the Police Department does every day out there.

PUBLIC HEARING

APPOINTING THOMAS J. BECKIUS TO THE LINCOLN CITY LIBRARY BOARD FOR A SEVEN-YEAR TERM EXPIRING AUGUST 31, 2016 - Jeff Patrick, President of the Library Board, introduced Tom Beckius to replace Linda Anderson on the Library Board.

This matter was taken under advisement.

APPLICATION OF A.S. HOSPITALITY, INC. DBA CAPITAL CITY GRILL FOR A CLASS C LIQUOR LICENSE AT 301 N. 8TH STREET;
MANAGER APPLICATION OF RANDALL A. JONES FOR A.S. HOSPITALITY, INC. DBA CAPITAL CITY GRILL AT 301 N. 8TH STREET - Aaron Smeall on behalf of A.S. Hospitality, Inc. dba Capital City Grill took the oath and came forward to answer questions.

Randall Jones, Owner and General Manager, 2009 Nina Street, Omaha, NE, took the oath and came forward to answer questions.

Aaron Smeall stated his reading of the question of criminal history on the application was incorrect as he interpreted them as traffic not criminal, therefore, he marked "no" to the question of criminal history. He stated his record was for traffic violations of which two of them were criminal negligent driving which were reduced down to traffic. There was no intent to hide this or mislead the Council.

This matter was taken under advisement.

APPROVING AND RATIFYING AN ADDENDUM TO THE LEASE AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND ENTERPRISE CO., INC. DBA CORNHUSKER CENTER FOR THE LEASE OF SPACE AT 2662 CORNHUSKER HIGHWAY FOR A PERIOD OF NOVEMBER 1, 2008 THROUGH OCTOBER 31, 2010 FOR THE WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM - Judy Halstead, Health Department, stated the Health Department previously leased 4,000 sq. ft. for the Access Medicaid Program plus the Women, Infants and Children (WIC) Program. The Access Medicaid Program was eliminated so only 600 sq. ft. are now needed for the WIC Program, therefore, a new agreement for less space & reduced rent was needed.

This matter was taken under advisement.

APPROVING THE 2009-2010 CITY TAX RATE OF 0.28788 PER \$100.00 OF ASSESSED VALUATION - Steve Hubka, City Budget Officer, stated that State law requires there be a separate resolution or action by the Council to set the tax rate. The valuations went down .191% in real estate so the property tax dollars would be the same unless this resolution is adopted. The mill levy is staying the same which will produce less real estate tax, about \$545,000 less, since the valuation went down. Funds will come from other revenue sources such as the gas franchise fee, telecommunication tax, and fees from other departments. \$382,000 or \$392,000 was taken out of the Special Assessment Revolving Fund to support the budget of which about \$282,000 was for DSC which was a separate item.

This matter was taken under advisement.

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT'S SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS & CHILDREN (WIC), AND THE UNIVERSITY OF NEBRASKA LINCOLN COUNTY EXTENSION NUTRITION EDUCATION PROGRAM TO PROVIDE NUTRITION EDUCATION SERVICES AT THE LINCOLN MEDICAL EDUCATION PARTNERSHIP AT 4600 VALLEY ROAD, NORTH 27TH STREET AND OTHER MUTUALLY AGREED UPON CITY SITES, FOR A THREE-YEAR PERIOD FROM JULY 1, 2009 THROUGH JUNE 30, 2012 - Judy Halstead, Health Department, stated there is no compensation and no dollars spent on this agreement other than staff time. This just formalizes things that have been done in practice.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY, LANCASTER COUNTY, AND ROCHESTER ARMORED CAR FOR ARMORED CAR SERVICES FOR VARIOUS DEPARTMENTS FOR A TWO-YEAR PERIOD WITH AN OPTION TO RENEW FOR AN ADDITIONAL TWO-YEAR PERIOD - Bob Walla, Purchasing Agent for City of Lincoln, came forward to answer questions.

This matter was taken under advisement.

COMP. PLAN AMENDMENT NO. 09006 - AMENDING THE 2030 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO ADD THE LITTLE SALT CREEK WATERSHED MASTER PLAN TO THE LIST OF SUBAREA PLANS AND WATERSHED STUDIES, AND TO AMEND THE LINCOLN AREA AND LANCASTER COUNTY FUTURE LAND USE MAPS TO ENSURE THE AGRICULTURAL STREAM CORRIDOR, GREEN SPACE AND ENVIRONMENTAL LAND USES ARE CONSISTENT WITH THE UPDATED FLOODPRONE AREA AND FLOODWAY BOUNDARIES, AS APPROPRIATE;

APPROVING THE LITTLE SALT CREEK 100-YEAR FLOODPRONE AREAS AND FLOODWAY AS THE BEST AVAILABLE INFORMATION FOR LOCAL FLOOD REGULATION PURPOSES - Ben Higgins, Public Works Department, came forward to do a power point presentation of the Watershed Master Plan effort which is a joint City and NRD effort. This is the 6th Master Plan. These common elements are used for planning tools and for projects such as water quality, flood management strength stability, and the goal is to have a unified water

quality Master Plan for the entire city and for future growth areas. The Little Salt Creek Master Plan has seven major components and some of those major components that are critical are public involvement, flood plain mapping, and stream stability. One of the major components is Capital Improvement projects so with this one they are all stream stability projects which will be done coordinated with NRD and Lancaster County. Drainage criteria will be similar to other Master Plans. The entire Master Plan is on the website.

Nicole Fleck-Tooze, Public Works Department, came forward to explain the resolutions. The Comprehensive Plan amendment adds the Little Salt Creek Master Plan to the list of the approved subarea plans and watershed studies. It also amends the future land use map to ensure that the land uses are consistent with the updated Floodprone Area and Floodway. The second resolution is to adopt the updated Floodprone Area and Floodway information as the best available information for local regulatory purposes which will update a map that is over 30 years old to allow them to work with the best technical flood hazard information. There are 400 acres designated as floodprone which will be updated with this map.

Mr. Higgins, answered that the watershed covers 46 square miles.

Danny Walker, 427 "E" Street, came forward to state he is against building in the flood plains.

This matter was taken under advisement.

COMP. PLAN CONFORMITY NO. 09005 - APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN FOR THE BLOCK 68 REDEVELOPMENT PROJECT FOR THE DEVELOPMENT OF A HOTEL AND ENTERTAINMENT COMPLEX, MIXED-USE RESIDENTIAL AND COMMERCIAL BUILDING WITH RETAIL ON THE FIRST FLOOR AND PARKING FACILITY FOR THE PROPOSED USES ON PROPERTY LOCATED ON THE BLOCK BOUNDED BY 10TH, 11TH, M AND N STREETS - David Landis, Director of Urban Development, requested this item be delayed for public hearing and action on September 28, 2009.

Jonathan Cook moved to continue public hearing and action to September 28, 2009.

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

Jon Camp, Council Member, stated it was agreed upon that if an individual testified today they could come forward again next week to testify since Urban Development would be making an opening statement next week.

This matter was taken under advisement.

COMP. PLAN CONFORMITY NO. 09009 - APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO REVISE THE LINCOLN MALL CAPITOL ENVIRONS REDEVELOPMENT PROJECT TO EXPAND THE BOUNDARY TO INCLUDE THE PUBLIC RIGHTS-OF-WAY OF CENTENNIAL MALL FROM THE SOUTH SIDE OF K STREET TO THE MID-POINT OF R STREET - David Landis, Director of Urban Development, reported that a boundary has been adopted to allow them to take a look at the City's resources available for the Centennial Mall area, but it is being asked to extend the boundaries from the State Capitol down to the State Historical Society, the entire length of Centennial Mall. The design team could consider the design elements from one end of the mall to the other to make it consistent in hopes the State government will assist in making this project work. Senator Bill Avery is looking for a way to challenge others to share in the expense to improve Centennial Mall. The Capitol Environs Committee has say in what can be done on this corridor. There is interest in replacing the fountains because of the maintenance difficulties, and there is a fountain that is more maintenance free that could be considered. Also, it has been considered to have the mall be an interpretive plaza of the Capitol so that each block would tell some portion of the story of the State Capitol.

Jonathan Cook, Council Member, stated there was some possibility a few years back of opening up some areas to traffic that are currently closed. For the record, "I am opposed to that. I think a lot of other people have similar concerns. I think we are lucky to have these blocks set aside for pedestrian use and that we ought to keep them that way."

Jane Snyder, Council Member, stated she is also interested in keeping this a walkway and making it handicap accessible.

Lynn Johnson, Director of Parks & Recreation, came forward to state they are in the process of reaching out to all the stakeholders involved in this project. There have been meetings with the University of Nebraska College of Journalism as well.

This matter was taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING THOMAS J. BECKIUS TO THE LINCOLN CITY LIBRARY BOARD FOR A SEVEN-YEAR TERM EXPIRING AUGUST 31, 2016 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85508 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Thomas J. Beckius to the Lincoln City Library Board of Trustees for a seven-year term expiring August 31, 2016, is hereby approved.

Introduced by Jonathan Cook

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone 2463D - App. of The 3 Amigos Properties, LLC, for an amendment to the Highpointe P.U.D. to allow a changeable copy freestanding sign to be located in the commercial component of the development adjacent to Old Cheney Road on property located at S. 48th Street and Old Cheney Road.

Special Permit 2022C - App. of First State Bank for an amendment to the Planned Service Commercial Special Permit to revise the use permit restrictions to permit a building with a bank drive-thru and to remove the existing sign package and building and sign elevations on property located at the southeast corner of S. 27th Street and Grainger Parkway.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 5, 2009 AT 3:00 P.M. FOR THE APPLICATION OF BOSSELMAN, INC. DBA PUMP & PANTRY #9 FOR A CLASS D LIQUOR LICENSE LOCATED AT 345 WEST O STREET - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85509 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 5, 2009 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of Bosselman, Inc. dba Pump & Pantry #9 for a Class D liquor license located at 345 West O Street.

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

Introduced by Jane Snyder

APPROVED BY ACCLAMATION: Camp, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Carroll, Spatz.

LIQUOR RESOLUTIONS

APPLICATION OF A.S. HOSPITALITY, INC. DBA CAPITAL CITY GRILL FOR A CLASS C LIQUOR LICENSE AT 301 N. 8TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85510 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of A.S. Hospitality, Inc. dba Capital City Grill for a Class "C" liquor license at 301 N. 8th Street, Lincoln, Nebraska, for the license period ending October 31, 2009, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
2. The premise must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF RANDALL A. JONES FOR A.S. HOSPITALITY, INC. DBA CAPITAL CITY GRILL AT 301 N. 8TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85511 WHEREAS, A.S. Hospitality, Inc. dba Capital City Grill, located at 301 N. 8th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Randall A. Jones be named manager;

WHEREAS, Randall A. Jones appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Randall A. Jones be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND ST. JAMES UNITED METHODIST CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2400 S. 11TH STREET, LINCOLN, NEBRASKA FROM SEPTEMBER 1, 2009 TO AUGUST 31, 2010 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and St. James United Methodist Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2400 S. 11th Street, Lincoln, NE 68502 for a term beginning September 1, 2009 through August 31, 2010, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND FIRST UNITED METHODIST CHURCH/WAVERLY FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 14410 FOLKESTONE STREET, WAVERLY, NEBRASKA FROM SEPTEMBER 1, 2009 TO AUGUST 31, 2010 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and First United Methodist Church of Waverly for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 14410 Folkestone Street, Waverly, NE 68462 for a term beginning September 1, 2009 through August 31, 2010, the second time.

APPROVING AND RATIFYING AN ADDENDUM TO THE LEASE AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND ENTERPRISE CO., INC. DBA CORNHUSKER CENTER FOR THE LEASE OF SPACE AT 2662 CORNHUSKER HIGHWAY FOR A PERIOD OF NOVEMBER 1, 2008 THROUGH OCTOBER 31, 2010 FOR THE WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM - CLERK read an ordinance, introduced by Jonathan Cook, be it ordained by the City Council of the City of Lincoln, Nebraska: That the attached Sixth Addendum to Lease Agreement between Enterprise Company, Inc. dba Cornhusker Center, and the City of Lincoln on behalf of the Lincoln-Lancaster County Health Department, for the lease of space located at 2662 Cornhusker Highway for a two-year term from November 1, 2008 through October 31, 2010 for the Women, Infants and Children (WIC) Program, in accordance with the terms and conditions contained in said Agreement, is hereby ratified and approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln, the second time.

SPECIAL PUBLIC HEARING ON THE FOLLOWING RESOLUTION:

APPROVING THE 2009-2010 CITY TAX RATE OF 0.28788 PER \$100.00 OF ASSESSED VALUATION - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85512 A RESOLUTION establishing a final property tax levy for the City's 2009-2010 fiscal year and adjusting the City tax rate to that adopted in the City budget resolution.

RECITALS

I.

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

II.

Pursuant to Neb. Rev. Stat. § 77-1601.02, notice was published in a newspaper of general circulation on September 15, 2009, which date was at least five days prior to September 21, 2009 being the date upon which

the City Council held a special public hearing called for the purpose of considering and acting upon this resolution.

III.

When the budget was adopted on August 24, 2009 the tax rate was anticipated to be .28788 per \$100 of assessed valuation. Final certified valuations from the County Assessor's office have not changed the tax rate necessary to fund the adopted budget.

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

That after notice and public hearing as required by law, the City Council does hereby set the following final levy for the City of Lincoln 2009-2010 fiscal year for a property tax request of \$45,330,891.00:

\$.28788 per \$100 of assessed valuation which total rate is comprised of the following:

Bond Interest & Redemption	.03608
General	.17723
Library	.03977
Social Security	.00966
Police and Fire Pension	<u>.02514</u>
Total	.28788

Introduced by Jonathan Cook

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

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 AUGUST 16 - 31, 2009 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85513 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 September 1, 2009, 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:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Sheri Broche-Koebel		Nebraska Intergovernmental Risk	
on behalf of Dillon C. Broche	NAS*	Management Association (NIRMA)	\$ 7,125.81
Darrell Ihde/D & B Housing, LLC	\$100.00	Belva Gatewood	10,000.00
Brenda Lovrein	433.07	Douglas Marsh	2,069.41
April R. Priess	512.68	Thomas R. & Tonya N. Ellis	980.63
Millhaven, LLC	234.81	Richard Erickson	350.00

* No Amount Specified

SETTLED LITIGATION

Deborah Chinnow, Conservator
 of Jena I. VanGroningen \$1,000,000.00

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jonathan Cook

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

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT'S SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS & CHILDREN (WIC), AND THE UNIVERSITY OF NEBRASKA LINCOLN COUNTY EXTENSION NUTRITION EDUCATION PROGRAM TO PROVIDE NUTRITION EDUCATION SERVICES AT THE LINCOLN MEDICAL EDUCATION PARTNERSHIP AT 4600 VALLEY ROAD, NORTH 27TH STREET AND OTHER MUTUALLY AGREED UPON CITY SITES, FOR A THREE-YEAR PERIOD FROM JULY 1, 2009 THROUGH JUNE 30, 2012 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85514 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Service Agreement between the City of Lincoln and the University of Nebraska-Lincoln for the County Extension Nutrition Education Program to provide nutrition education services for the Lincoln-Lancaster County Health Department's Special Supplemental Nutrition Program for Women, Infants & Children (WIC) for a term of July 1, 2009 through June 20, 2012, in accordance with the terms, conditions and assurances contained in said Agreement is hereby approved by the majority vote of the City Council. The Mayor is hereby authorized to execute the Service Agreement on behalf of the City.

The City Clerk is directed to return an executed copy of the Agreement to Bruce Dart, Director of the Lincoln Lancaster County Health Department.

Introduced by Jonathan Cook

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY, LANCASTER COUNTY, AND ROCHESTER ARMORED CAR FOR ARMORED CAR SERVICES FOR VARIOUS DEPARTMENTS FOR A TWO-YEAR PERIOD WITH AN OPTION TO RENEW FOR AN ADDITIONAL TWO-YEAR PERIOD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85515 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached contact between Lancaster County, Nebraska, and the City of Lincoln, Nebraska, as Owners, and Armored Car Services, as Contractor, in accordance with Bid No. 09-209, for armored car services for various departments for a two-year period with an option to renew for an additional two-year period, upon the terms as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jonathan Cook

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

COMP. PLAN AMENDMENT NO. 09006 - AMENDING THE 2030 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO ADD THE LITTLE SALT CREEK WATERSHED MASTER PLAN TO THE LIST OF SUBAREA PLANS AND WATERSHED STUDIES, AND TO AMEND THE LINCOLN AREA AND LANCASTER COUNTY FUTURE LAND USE MAPS TO ENSURE THE AGRICULTURAL STREAM CORRIDOR, GREEN SPACE AND ENVIRONMENTAL LAND USES ARE CONSISTENT WITH THE UPDATED FLOODPRONE AREA AND FLOODWAY BOUNDARIES, AS APPROPRIATE - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85516 WHEREAS, the Planning Director has made application to amend the 2030 Lincoln/Lancaster County Comprehensive Plan to incorporate the Little Salt Creek Watershed Master Plan as a subarea plan and to adjust the Future Land Use Plan accordingly; to ensure the Agricultural Stream Corridor, Green Space and Environmental Land Uses are consistent with the updated Floodprone Area and Floodway boundaries; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended approval of said proposed amendment.

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

That the 2030 Lincoln/Lancaster County Comprehensive Plan be amended as follows:

1. Amend the Lancaster County Future Land Use map and Lincoln Area Future Land Use map on pages 17 and 19, respectively, as shown on Attachments "A" and "B" to ensure the Agricultural Stream Corridor, Green Space and Environmental Land Uses are consistent with the updated Floodprone area and Floodway boundaries as appropriate.
2. Amend the Utilities Chapter by amending the Strategies Section under Watershed Management on page 81 to add the Little Salt Creek Watershed Master Plan 2009 to the list of adopted watershed studies.
3. Amend the Plan Realization Chapter by amending the On-Going Comprehensive Plan Activities Section on page 155 to add the Little Salt Creek Watershed Master Plan 2009 to the list of Subarea Plans.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform to such specific amendments.

Introduced by Jonathan Cook

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

APPROVING THE LITTLE SALT CREEK 100-YEAR FLOODPRONE AREAS AND FLOODWAY AS THE BEST AVAILABLE INFORMATION FOR LOCAL FLOOD REGULATION PURPOSES - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85517 WHEREAS, on May 10, 2004, the Lincoln City Council adopted Flood Standards for New Growth Areas; and

WHEREAS, on January 9, 2006, the Lincoln City Council adopted text changes to Flood Standards for Existing Urban Areas; and

WHEREAS, the Flood Standards for New Growth Areas and the Flood Standards for Existing Urban Areas regulate Floodprone Areas and Floodways as determined by hydrologic and hydraulic studies completed by the City of Lincoln or other governmental agency, or other acceptable source as approved by the City where this is the best available information; and

WHEREAS, the City is a Federal Emergency Management Agency (FEMA) cooperating technical partner and has contracted with a consultant to develop revised floodplain mapping for the Little Salt Creek Watershed as a component of the Little Salt Creek Watershed Master Plan which is a cooperative effort of the City and the Lower Platte South Natural Resources District;

WHEREAS, a licensed engineer has certified that the work was completed in compliance with the provisions contained in FEMA's Guidelines and Specifications for Flood Hazard Mapping Partners, and the City has submitted a Flood Insurance Rate Map Physical Map Revision application to FEMA for Little Salt Creek; and

WHEREAS, adopting the floodplain mapping shown on Attachment "A" until the City adopts a revised FEMA Floodplain Map for Little Salt Creek as the best available flood information is in the public interest and intended to protect the public health, safety, and welfare.

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

That the Little Salt Creek Floodprone Area and Floodway, as shown on Attachment "A", are hereby adopted as the best available information and shall be used in any circumstance where this information is more restrictive than the FEMA Floodplain Map until such time as the City of Lincoln adopts the revised FEMA Floodplain map for Little Salt Creek.

Introduced by Jonathan Cook

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

COMP. PLAN CONFORMITY NO. 09005 - APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN FOR THE BLOCK 68 REDEVELOPMENT PROJECT FOR THE DEVELOPMENT OF A HOTEL AND ENTERTAINMENT COMPLEX, MIXED-USE RESIDENTIAL AND COMMERCIAL BUILDING WITH RETAIL ON THE FIRST FLOOR AND PARKING FACILITY FOR THE PROPOSED USES ON PROPERTY LOCATED ON THE BLOCK BOUNDED BY 10TH, 11TH, M AND N STREETS - PRIOR to reading:

COOK Moved to continue public hearing & action to September 28, 2009.

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

COMP. PLAN CONFORMITY NO. 09009 - APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO REVISE THE LINCOLN MALL CAPITOL ENVIRONS REDEVELOPMENT PROJECT TO EXPAND THE BOUNDARY TO INCLUDE THE PUBLIC RIGHTS-OF-WAY OF CENTENNIAL MALL FROM THE SOUTH SIDE OF K STREET TO THE MID-POINT OF R STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85518 WHEREAS, the City Council on October 22, 1984, adopted Resolution No. A-69713 finding an area generally bounded by "R" Street, 17th Street, "S" Street, and 7th Street to be blighted, and on October 19, 1987, adopted Resolution No. A-71701 finding said area to be blighted and substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, The City Council has previously adopted the Lincoln Center Redevelopment Plan and amendments thereto (hereinafter the "Lincoln Center Redevelopment Plan" or "Plan") including plans for various redevelopment projects within said blighted and substandard area in accordance with the requirements and procedures of the Nebraska Community Development Law; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk proposed amendments to the Plan (hereinafter the "Amendments") for said blighted and substandard area contained in the document entitled "Lincoln Mall Capitol Environs Redevelopment Project" which is attached hereto, marked as Attachment "A", and made a part hereof by reference; and

WHEREAS, the Director of Urban Development has reviewed said Amendments and has found that if adopted the Amendments and the Plan meet the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 2007); and

WHEREAS, said proposed Amendments to the Lincoln Center Redevelopment Plan for the Lincoln Mall Capitol Environs Redevelopment Project have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations; and

WHEREAS, on August 14, 2009 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the

public hearing to be held on August 26, 2009 before the Lincoln City - Lancaster County Planning Commission regarding the proposed Amendments, a copy of said notice and list of said governing bodies and registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission on August 26, 2009 held a public hearing relating to the proposed Amendments to the Lincoln Center Redevelopment Plan and found the Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on September 10, 2009 a notice of public hearing was mailed postage prepaid to the foregoing registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on September 21, 2009, regarding the proposed Amendments to the Lincoln Center Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on September 4, 2009 and September 11, 2009 a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place and purpose of the public hearing to be held on September 21, 2009 regarding the proposed Amendments to the Lincoln Center Redevelopment Plan for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on September 21, 2009 in the City Council chambers of the County-City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Amendments to the Lincoln Center Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed Amendments to the Plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed modifications to the Plan; and

WHEREAS, the City Council now desires to modify said Plan by expanding the boundaries of an existing project known as the Lincoln Mall Redevelopment Project (generally in the area of the two blocks between H Street and K Street and South 10th Street and South 11th Street) to include property described as the public rights-of-way of Centennial Mall from the south side of K Street to the mid-point of R Street, J Street from the west side of 16th to east side of 17th Streets, Goodhue Boulevard from the north side of H to the south side of G Streets, and 14th, 16th, K and H Streets adjacent to the State Capitol Building, to accommodate the redevelopment of amenities on Lincoln Mall and in the street and public rights-of-way servicing Block 119 and the Capitol Environs District, including sidewalks, utilities, curbs, plantings and landscaping, street furniture, public art, other hardscaping and transit improvements and renaming the project as the "Lincoln Mall Capitol Environs Redevelopment Project."

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the Lincoln Mall Capitol Environs Redevelopment Project is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will promote the general health, safety and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That incorporating the Lincoln Mall Capitol Environs Redevelopment Project into the Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.

3. That the substandard and blighted conditions in the Lincoln Mall Capitol Environs Redevelopment Project Area are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing.

4. That elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest; and

5. That the Lincoln Mall Capitol Environs Redevelopment Project would not be economically feasible without the use of tax-increment financing.

6. That the Lincoln Mall Capitol Environs Redevelopment Project would not occur in the Lincoln Mall Capitol Environs Redevelopment Project Area without the use of tax-increment financing.

7. That the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

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

1. That pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the Amendments to the Lincoln Center Redevelopment Plan attached hereto as Attachment "A", establishing the Lincoln Mall Capitol Environs Redevelopment Project are hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan as they relate to the above-described amendments.

3. That the Lincoln Mall Capitol Environs Redevelopment Project Area is the Redevelopment Project Area comprising the property to be included in the area subject to the tax increment provision authorized in the Nebraska Community Development Law.

4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents for the authorization to provide necessary funds including Community Improvement Financing in accordance with the Community Development Law to finance related necessary and appropriate public acquisitions, improvements and activities set forth in said Amendments to the Lincoln Center Redevelopment Plan.

Introduced by Jonathan Cook

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

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

AMENDING SECTION 9.36.080 OF THE LINCOLN MUNICIPAL CODE TO ADD AN ADDITIONAL EXCEPTION TO THE PROHIBITION AGAINST THE DISCHARGE OF FIREARMS, WEAPONS AND OTHER INSTRUMENTS WITHIN THE CITY LIMITS BY ADDING A NEW SUBSECTION TO ALLOW AN EXEMPTION FOR HUNTS AUTHORIZED BY THE CITY OF LINCOLN ON ITS OWN PROPERTY AND CONDUCTED UNDER THE SUPERVISION OF THE NEBRASKA GAME & PARKS COMMISSION; AND REPEALING SECTION 9.36.080 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jane Snyder, amending Section 9.36.080 of the Lincoln Municipal Code to add an additional exception to the prohibition against the discharge of firearms, weapons and other instruments within the city limits by adding a new subsection to allow an exemption for hunts authorized by the City of Lincoln on its own property and conducted under the supervision of the Nebraska Game & Parks Commission; and repealing Section 9.36.080 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 09022 - APPLICATION OF THE URBAN DEVELOPMENT DEPARTMENT TO CREATE A SPECIAL SIGN DISTRICT FOR THE 48TH AND O STREETS REDEVELOPMENT PLAN AREA, GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 48TH AND O STREETS - CLERK read an ordinance, introduced by Jane Snyder, designating the 48th & O Streets Redevelopment Plan area as a special sign district in accordance with the provisions of §27.69.300 of the Lincoln Municipal Code and adopting special criteria for signs in said district, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE AMERICAN LEGION POST #280 FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 970 MONROE, BENNET, NEBRASKA FROM SEPTEMBER 1, 2009 THROUGH AUGUST 31, 2010 - CLERK read an ordinance, introduced by Jane Snyder, accepting and approving a Lease Agreement between the City of Lincoln and American Legion Post #280 for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 970 Monroe, Bennet, NE 68317 for a term beginning September 1, 2009 through August 31, 2010, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE HICKMAN PRESBYTERIAN CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 300 E. THIRD STREET, HICKMAN, NEBRASKA FROM SEPTEMBER 1, 2009 THROUGH AUGUST 31, 2010 - CLERK read an ordinance, introduced by Jane Snyder, accepting and approving a Lease

Agreement between the Hickman Presbyterian Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 300 E. Third Street, Hickman, NE 68372 for a term beginning September 1, 2009 through August 31, 2010, the first time.

ADOPTING AN AMENDED AND RESTATED CITY OF LINCOLN EMPLOYEES' RETIREMENT PLAN AND TRUST FOR CIVILIAN (NON-UNIFORMED SERVICE) EMPLOYEES PROVIDING FOR A CHANGE IN EMPLOYER CONTRIBUTIONS FOR EMPLOYEES HIRED AFTER A DATE CERTAIN AND ADOPTING IRS INTERIM AMENDMENTS NO. 1 AND NO. 2 - CLERK read an ordinance, introduced by Jane Snyder, adopting an amended and restated version of the City of Lincoln Employees' Retirement Plan and Trust to provide that the employer contribution for employees hired on or after November 4, 2010 will be an amount equal to 3% of an employee's compensation up to and including \$4,800.00 plus 6% of his or compensation in excess of \$4,800.00 plus 6% of his or compensation in excess of \$4,800.00; to adopt Interim Amendment No. 1 relating to final IRS regulations under Internal Revenue Code Section 415 and Section 411(d)(6); and to adopt Interim Amendment No. 2 relating to the plan qualification requirements under the Pension Protection Act of 2006 (PPA) and other I.R.S. guidance; and to repeal Ordinance No. 17685 as hitherto existing, the first time.

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

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF "CRIME ANALYSIS MANAGER" - CLERK read an ordinance, introduced by Adam Hornung, amending Section 1 of Ordinance No. 18967 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A," by creating the job classification of "Crime Analysis Manager", the third time.

HORNUNG Moved to pass the ordinance as read.

Seconded by Snyder & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, NAYS: None; ABSENT: Carroll, Spatz.
The ordinance, being numbered #19307, is recorded in Ordinance Book #26, Page

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to September 28, 2009.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Carroll, Spatz.

UPCOMING RESOLUTIONS

CAMP Moved to approve the remainder of the resolutions to have Public Hearing on September 28, 2009.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Carroll, Spatz.

ADJOURNMENT 4:02 P.M.

CAMP Moved to adjourn the City Council meeting of September 21, 2009.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Carroll, Spatz.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

