

THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, NOVEMBER 2, 2009 AT 3:00 P.M.

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

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

SPATZ Having been appointed to read the minutes of the City Council proceedings of October 26, 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.

PUBLIC HEARING

APPLICATION OF GOKIE PETROLEUM INC. DBA FAST MART FOR A CLASS D LIQUOR LICENSE AT 3293 A STREET;

MANAGER APPLICATION OF TERRANCE L. GOKIE FOR GOKIE PETROLEUM INC. DBA FAST MART AT 3293 A STREET - Terrance Gokie, 6233 Blackstone Rd., came forward to take oath and answer questions. He said they currently have a Class B and want to upgrade to a class D liquor license.

This matter was taken under advisement.

APPLICATION OF STOP 'N SHOP INC. DBA STOP 'N SHOP #7 FOR A CLASS D LIQUOR LICENSE AT 5640 SOUTH 16TH STREET;

MANAGER APPLICATION OF JASON K. LAESSIG FOR STOP 'N SHOP INC. DBA STOP 'N SHOP #7 AT 5640 SOUTH 16TH STREET - Kay Laessig, address not given, came forward to take oath and answer questions in place of his son, Jason Laessig, who was out of the country.

This matter was taken under advisement.

APPLICATION OF STRONG ISLAND ENTERPRISE, INC. DBA BRICKTOP FOR A CLASS C LIQUOR LICENSE AT 1427 O STREET;

MANAGER APPLICATION OF DAVID R. MARLBOROUGH FOR STRONG ISLAND ENTERPRISE, INC. DBA BRICKTOP AT 1427 O STREET - David Marlborough, 940 Rutland Drive #301, came forward to take oath and answer questions about his first offense DUI in 2008.

Inv. Russ Fosler, LPD, came forward being under oath to answer questions. He responded to Council's concerns by stating that Mr. Marlborough has corrected his problem and that the resolution includes a condition stating that there be no business or personal alcohol related offenses by the applicant within the first year after approval.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER M BY CHANGING THE TITLE OF DEPUTY FIRE CHIEF TO BATTALION CHIEF, BY CHANGING THE TITLE OF DEPUTY FIRE CHIEF OF TRAINING TO DIVISION CHIEF OF TRAINING AND BY CHANGING THE TITLE OF AND REVISING THE CLASSIFICATION OF DEPUTY FIRE CHIEF OF MAINTENANCE TO DIVISION CHIEF OF MAINTENANCE - Mark A. Koller, Director of Personnel, came forward to state the renaming of the positions are a reflection of the industry standard.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER C BY CHANGING THE PAY RANGE FOR THE JOB CLASSIFICATION OF URBAN SEARCH AND RESCUE SPECIALIST - Mark A. Koller, Director of Personnel, came forward to state that as this position is 100% federally funded, it will have no financial impact to the City. He said in job description comparability, it is within the range of compensation.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS ASSIGNED TO THE PAY RANGES WHICH ARE PREFIXED BY THE LETTERS N AND C BY CHANGING THE TITLE AND PAY RANGE FOR THE JOB CLASSIFICATION OF RADIO SYSTEM LEAD TECHNICIAN (N20) TO RADIO SYSTEM SPECIALIST (C27) AND BY CHANGING THE TITLE AND PAY RANGE FOR THE JOB CLASSIFICATION OF RADIO SYSTEM LEAD TECHNICIAN (N21) TO RADIO SYSTEM LEAD SPECIALIST (C28) - Mark A. Koller, Director of Personnel, came forward to state that the financial impact of these changes is minimal. He said for example, the pay range for C27 goes up .05/hour for a total of \$100/annually; C28 goes up .50/hour. Mr. Koller said both Unions, Personnel, and the affected employees were in agreement with these changes.

This matter was taken under advisement.

CHANGE OF ZONE HP 09020 - AMENDING ORDINANCE NO. 19305, PASSED BY THE CITY COUNCIL ON SEPTEMBER 14, 2009, TO ACCEPT A CORRECTED EXHIBIT "A", GUIDELINES FOR PRESERVATION FOR RICKETTS MANSION, ATTACHED TO THE ORDINANCE - Rodney Confer, City Attorney, clarified that a legal description was corrected.

This matter was taken under advisement.

COMP. PLAN CONFORMITY 09010 - APPROVING AMENDMENTS TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE "HAYMARKET HOTEL AND TOOL HOUSE REDEVELOPMENT PROJECT AREA" TO INCLUDE REDEVELOPMENT OF TWO EXISTING BUILDINGS, AN ADDITION TO THE EXISTING BUILDINGS AND CONSTRUCTION OF A NEW BUILDING THAT TOGETHER WILL HOUSE HOTEL, RESIDENTIAL AND OTHER COMMERCIAL USES, ON PROPERTY GENERALLY BOUNDED BY 8TH, 9TH, Q AND R STREETS - David Landis, Director of Urban Development, came forward to answer questions about the conceptual stage of the multi-use project which includes a 105 room hotel, 60 residential units, and mixed-use retail at a total estimated cost of \$18 million (\$2.9 million TIF). The technical aspects include the movement of utilities from down the alley to the perimeter of the project and adding a skywalk connector to the Haymarket Garage. He said to meet parking needs for retail & residential, the developer is considering transferring parking rights he already has. Mr. Landis said there is serious consideration of providing a new parking garage in the Haymarket area. Out of various possible locations, the consultant has identified a preferred site for a parking garage and the City has resources in its bonding capacity to build one. Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward on behalf of B&J Partnership to answer questions. Keeping within historic preservation guidelines, he presented photos to make use of underutilized existing buildings. He clarified that the resolution is simply a change in the plan to allow for the project; it is not the agreement that will be binding on either party. Upon plan approval, an agreement will eventually follow with details included. In response to Council questioning, Mr. Hunzeker said parking issues should not be decided on a case-by-case basis but rather with a fair respect to a City policy in any redevelopment or TIF project.

This matter was taken under advisement.

AUTHORIZING THE ACCEPTANCE OF A TOUR DE LINCOLN BICYCLE SCULPTURE IN MEMORY OF GREG DUNBAR FOR INCLUSION IN THE CITY'S PUBLIC ART COLLECTION AND FOR DISPLAY ON PUBLIC PROPERTY NEAR THE TEACHERS FOUNTAIN AT 27TH AND CAPITOL PARKWAY - Terry Genrich, Parks & Recreation came forward to answer questions.

This matter was taken under advisement.

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY UNIVERSITY OF NEBRASKA-LINCOLN TO PLACE TWO CONDUITS IN VINE STREET TO PROVIDE TELEPHONE AND FIBER OPTIC SERVICE TO A NEW UNL PARKING STRUCTURE AT 19TH AND VINE STREETS - Steve Huggenberger, Asst. City Attorney, came forward to clarify corrections. This matter was taken under advisement.

ADOPTING THE LINCOLN ELECTRIC SYSTEM RATE SCHEDULE, SERVICE REGULATIONS, AND COST ANALYSIS SUMMARY PROVIDING FOR A SYSTEM AVERAGE INCREASE OF 2.9 PERCENT, TO BE EFFECTIVE JANUARY 1, 2010. (REQUEST ACTION ON 11/16/09); ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2010, TO BECOME EFFECTIVE JANUARY 1, 2010 - Douglas Curry, Administrator of LES, came forward to review the budget and request favorable approval.

Doug Bantam, COO of LES, came forward to present budget details. He said significant challenges may restructure the way electrical energy is generated and delivered to customers. Eventually they will be in a position to re-double their conservation and efficiency programs. He said this budget provides for continued reliable service to the customers, continued maintenance of the system and the first steps in starting to address some of the challenges. Mr. Bantam noted the following key points: capital authorization has come down with completion of the Walter Scott #4 generating unit at Council Bluffs & the 345kv transmission line around north Lincoln; capital construction is expected to remain fairly stable until the next major generation resource is required in or around 2018; debt service has been structured to remain steady; and yet operating expenses have continued to increase.

Mr. Curry clarified they propose to increase the rate stabilization fund by \$2-4 million. He said LES operates on a thin margin for non-profit, so unless budgeted for, the needed funds won't be available.

Todd Hall, VP Consumer Services of LES, came forward to state that national utility costs are increasing but the Midwest/Northern Plains have a lower price comparative to other states. The residential average cost for Nebraska as a whole is \$77 compared to LES which is \$69.

Coby Mach, LIBA, came forward to clarify that when the LES Administrative Board (members who represent Lincoln citizens) voted on a rate increase, 5-3 is far from unanimous. With that in mind, he encouraged Council to eliminate as much of the rate increase as is possible because not only are these times tough, but horrible. Mr. Mach recounted that businesses are closing, employers are laying off workers, job holders are not seeing an increase in pay and homeowners are struggling. He suggested LES to set aside (not eliminate) the Sustainable Energy Program for one year; therefore saving \$2 million.

André Mick, LIBA, was on hand for questioning.

Mitch Paine, UNL student, came forward in support of the proposed rate increase as he is in favor of the Sustainable Energy Program to focus on energy efficiency and lessen the financial burden that his generation will have to bear to build a new power plant.

David Barga, Rembolt Ludtke LLP, came forward representing the Lincoln Employers' Coalition in opposition to the rate increase. He stated businesses who comprise the coalition are a group of heavy power users employing many people in the City of Lincoln. Mr. Barga stated that electrical rates to run a business in Iowa are more competitive. He cited this as a primary factor in Linweld's decision to build a new plant in Grimes, Iowa, which opened this year. While the Rate Stabilization Fund, Sustainable Energy Program, and Reserve Fund are necessary programs, the Coalition asserts that increases could be deferred until economic conditions improve.

Andrea Davis, 2144 S. 13<sup>th</sup> St., came forward to question how much total power cost is spent on administration and expressed a need for that figure to be made available to the public.

Roger Massey, 4130 Taliesin Dr., came forward representing Homebuilders of Lincoln as the Government Affairs person, reporting that the underground service fee is proposed to increase 18% from \$400 to \$472 for a vacant new home lot. As new home construction is at its

lowest number in 20 years, Mr. Massey requested LES to follow its mission statement which promotes job creation & new economic development by freezing the fee for one year, at least.

Eric Foster, 1920 J Street #7, came forward in support of a rate increase. Having previously lived in Portland, Oregon, he feels his electricity bill in Lincoln is reasonable & affordable.

Mike Morosin, 1500 N. 15<sup>th</sup> St., came forward to comment on rates and to question the availability of the energy efficiency programs.

Mr. Curry came forward in rebuttal to address issues with regard to labor costs, industrial concerns and the LES Board majority vote.

Mr. Bantam came forward in rebuttal explaining their process in controlling labor expenses despite continued customer & load growth.

Mr. Hall came forward in rebuttal to explain the proportionate cost share as it pertains to residential consumers and the large power consumers. He said the LES business plan in 2010 is scheduled to engage the community in a rate construction discussion over a ten-month period. In answer to Mr. Morosin's question about available sustainable energy programs, he said nearly 5,000 customers participated but as funds were quickly allocated, he did not know how many applicants were turned away.

This matter was taken under advisement.

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

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON OCTOBER 19, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON OCTOBER 26, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REAPPOINTING ROBERT SMITH AND LARRY ANDERSON TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING AUGUST 17, 2012 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85558 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Robert Smith and Larry Anderson to the Community Forestry Advisory Board for three-year terms expiring August 17, 2012, is hereby approved.

Introduced by Jayne Snyder

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

REAPPOINTING ART ZYGIELBAUM, LAURIE THOMAS LEE AND MARY HERRES TO THE CABLE ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING JULY 1, 2012 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85559 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Art Zygielbaum, Laurie Thomas Lee and Mary Herres to the Cable Advisory Board for three-year terms expiring July 1, 2012, is hereby approved.

Introduced by Jayne Snyder

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

APPOINTING REBECCA GARRETT-FERGUSON TO THE POLICE AND FIRE PENSION PLAN INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2014 - PRIOR to reading:

COOK Moved to Withdraw Bill No. 09R-193.

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

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4597 & was placed on file in the Office of the City Clerk.

REAPPOINTING DEBRA DAILY TO THE KENO ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING JULY 1, 2012 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85560 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Debra Daily to the Keno Advisory Board for a three-year term expiring July 1, 2012, is hereby approved.

Introduced by Jayne Snyder

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

APPROVING THE ASSESSMENT RESOLUTION FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION, MONDAY, NOVEMBER 9, 2009 AT 3:00 P.M. - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85561 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Business Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, 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 Downtown Business Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$328,844.49; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that 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; that 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 Downtown Business 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.

AND BE IT FURTHER RESOLVED that the City Council shall sit as Board of Equalization for the purpose of equalizing said assessments on the 9th day of November, 2009, at 3:00 p.m., and on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, at \_\_\_\_\_ p. m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by John Spatz

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

APPROVING THE ASSESSMENT RESOLUTION FOR DOWNTOWN MAINTENANCE IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION, MONDAY, NOVEMBER 9, 2009 AT 3:00 P.M. - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85562 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Maintenance Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, 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 Downtown Maintenance Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$219,980.00 that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that 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; that 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 Downtown 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.

AND BE IT FURTHER RESOLVED that the City Council shall sit as Board of Equalization for the purpose of equalizing said assessments on the 9th day of November, 2009, at 3:00 p.m., and on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, at \_\_\_\_\_ p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by John Spatz

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

APPROVING THE ASSESSMENT RESOLUTION FOR DOWNTOWN CORE BUSINESS IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION, MONDAY, NOVEMBER 9, 2009 AT 3:00 P.M. - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85563 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Core Business Improvement District Overlay including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, 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 Core Business Improvement District Overlay", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$147,795.10; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that 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; that 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 Core Business Improvement District Overlay.

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.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 9<sup>TH</sup> day of November, 2009, at 3:00 p.m., and on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, at \_\_\_\_\_ p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by John Spatz

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

#### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 16, 2009 AT 3:00 P.M. FOR THE APPLICATION OF THE GROVE BLDG., INC. DBA THE GROVE FOR A CLASS C LIQUOR LICENSE LOCATED AT 340 WEST CORNHUSKER - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85564 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 16, 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 the application of The Grove Bldg., Inc. dba The Grove for a Class C liquor license located at 340 West Cornhusker.

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

Introduced by John Spatz

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 16, 2009 AT 3:00 P.M. FOR THE APPLICATION OF HONG'S, INC. IV DBA CHINA BUFFET FOR A CLASS I LIQUOR LICENSE LOCATED AT 120 N. 66TH STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85565 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 16, 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 the application of Hong's Inc. IV dba China Buffet for a Class I liquor license located at 120 North 66th Street.

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

Introduced by John Spatz

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 16, 2009 AT 3:00 P.M. FOR THE APPLICATION OF SPEAKEASY MANAGEMENT GROUP, LLC DBA SPEAKEASY FOR A CLASS C LIQUOR LICENSE LOCATED AT 3233 1/2 S. 13TH STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85566 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 16, 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 the application of Speakeasy Management Group, LLC dba Speakeasy for a Class C liquor license located at 3233 1/2 S. 13th Street.

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

Introduced by John Spatz

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 16, 2009 AT 3:00 P.M. FOR THE APPLICATION OF MMG NEBRASKA F & B, INC. DBA CHILI'S GRILL & BAR FOR A CLASS I LIQUOR LICENSE LOCATED AT 6730 S. 27TH STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85567 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 16, 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 the application of MMG Nebraska F & B, Inc. dba Chili's Grill & Bar for a Class I liquor license located at 6730 S. 27th Street.

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

Introduced by John Spatz

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

#### LIQUOR RESOLUTIONS

APPLICATION OF GOKIE PETROLEUM INC. DBA FAST MART FOR A CLASS D LIQUOR LICENSE AT 3293 A STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85568 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 Gokie Petroleum, Inc. dba Fast Mart for a Class "D" liquor license at 3293 A Street, Lincoln, Nebraska, for the license period ending April 30, 2010, be approved with the condition that the premise complies 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 Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.



MANAGER APPLICATION OF TERRANCE L. GOKIE FOR GOKIE PETROLEUM INC. DBA FAST MART AT 3293 A STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85569 WHEREAS, Gokie Petroleum, Inc. dba Fast Mart located at 3293 A Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Terrance L. Gokie be named manager;

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

APPLICATION OF STOP 'N SHOP INC. DBA STOP 'N SHOP #7 FOR A CLASS D LIQUOR LICENSE AT 5640 SOUTH 16TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85570 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 Stop 'N Shop, Inc. dba Stop 'N Shop #7 for a Class "D" liquor license at 5640 South 16th Street, Lincoln, Nebraska, for the license period ending April 30, 2010, be approved with the condition that the premise complies 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 Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

MANAGER APPLICATION OF JASON K. LAESSIG FOR STOP 'N SHOP INC. DBA STOP 'N SHOP #7 AT 5640 SOUTH 16TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85571 WHEREAS, Stop 'N Shop, Inc. dba Stop 'N Shop #7 located at 5640 South 16th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Jason K. Laessig be named manager;

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

APPLICATION OF STRONG ISLAND ENTERPRISE, INC. DBA BRICKTOP FOR A CLASS C LIQUOR LICENSE AT 1427 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85572 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 Strong Island Enterprise, Inc. dba Bricktop for a Class "C" liquor license at 1427 O Street, Lincoln, Nebraska, for the license period ending October 31, 2010, be approved with the condition that:

1. There be no business or personal alcohol related offenses by the applicant within the first year after approval.

2. 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.

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

MANAGER APPLICATION OF DAVID R. MARLBOROUGH FOR STRONG ISLAND ENTERPRISE, INC. DBA BRICKTOP AT 1427 O STREET - CLERK read the following resolution.

HORNUNG Moved its adoption for denial.

Motion **died** for lack of a second.

CAMP Moved its adoption for approval:

A-85573 WHEREAS, Strong Island Enterprise, Inc. dba Bricktop located at 1427 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that David R. Marlborough be named manager;

WHEREAS, David R. Marlborough 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 David R. Marlborough 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 Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Snyder, Spatz; NAYS: Hornung.

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

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER M BY CHANGING THE TITLE OF DEPUTY FIRE CHIEF TO BATTALION CHIEF, BY CHANGING THE TITLE OF DEPUTY FIRE CHIEF OF TRAINING TO DIVISION CHIEF OF TRAINING AND BY CHANGING THE TITLE OF AND REVISING THE CLASSIFICATION OF DEPUTY FIRE CHIEF OF MAINTENANCE TO DIVISION CHIEF OF MAINTENANCE - CLERK read an ordinance, introduced by Jayne Snyder, amending Section 1 of Ordinance No. 18971 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 "M," by changing the current job classification titles of "Deputy Fire Chief" to "Battalion Chief"; "Deputy Fire Chief of Training" to "Division Chief of Training"; and "Deputy Fire Chief of Maintenance" to "Division Chief of Maintenance," the second time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER C BY CHANGING THE PAY RANGE FOR THE JOB CLASSIFICATION OF URBAN SEARCH AND RESCUE SPECIALIST - CLERK read an ordinance, introduced by Jayne Snyder, amending Section 3 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 "C," by changing the pay range of the job classification "Urban Search and Rescue Specialist" from C17 to C23, the second time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS ASSIGNED TO THE PAY RANGES WHICH ARE PREFIXED BY THE LETTERS N AND C BY CHANGING THE TITLE AND PAY RANGE FOR THE JOB CLASSIFICATION OF RADIO SYSTEM LEAD TECHNICIAN (N20) TO RADIO SYSTEM SPECIALIST (C27) AND BY CHANGING THE TITLE AND PAY RANGE FOR THE JOB CLASSIFICATION OF RADIO SYSTEM LEAD TECHNICIAN (N21) TO RADIO SYSTEM LEAD SPECIALIST (C28) - CLERK read an ordinance, introduced by Jayne Snyder, amending Section 1 of Ordinance No. 18972 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 "N," and amending Section 3 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 "C," by changing the current job classification title of "Radio System Technician" to "Radio System Specialist" and changing the related pay range from N20 to C27, and changing the current job classification title of "Radio System Lead Technician" to "Radio System Lead Specialist" and changing the related pay range from N21 to C28, the second time.

CHANGE OF ZONE HP 09020 - AMENDING ORDINANCE NO. 19305, PASSED BY THE CITY COUNCIL ON SEPTEMBER 14, 2009, TO ACCEPT A CORRECTED EXHIBIT "A", GUIDELINES FOR PRESERVATION FOR RICKETS MANSION, ATTACHED TO THE ORDINANCE - CLERK read an ordinance, introduced by Jayne Snyder, amending Ordinance No. 19305 passed by the City Council of the City of Lincoln, Nebraska on September 14, 2009, to adopt the correct Exhibit "A", Preservation Guidelines for Ricketts Mansion, 400 South 33<sup>rd</sup> Street, the second time.

#### PUBLIC HEARING RESOLUTIONS

COMP. PLAN CONFORMITY 09010 - APPROVING AMENDMENTS TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE "HAYMARKET HOTEL AND TOOL HOUSE REDEVELOPMENT PROJECT AREA" TO INCLUDE REDEVELOPMENT OF TWO EXISTING BUILDINGS, AN ADDITION TO THE EXISTING BUILDINGS AND CONSTRUCTION OF A NEW BUILDING THAT TOGETHER WILL HOUSE HOTEL, RESIDENTIAL AND OTHER COMMERCIAL USES, ON PROPERTY GENERALLY BOUNDED BY 8TH, 9TH, Q AND R STREETS - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85574 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 (hereinafter the "Plan") including plans for various redevelopment projects within said area in accordance with the requirements and procedures of the Nebraska Community Development Law; and now desires to modify said plan by establishing the "Haymarket Hotel and Tool House Redevelopment Project Area" generally bounded by 8th and 9th Streets and Q and R Streets, for the redevelopment of two existing buildings, an addition to the existing buildings and construction of a new building for a hotel, residential and other commercial uses; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk modifications to the Redevelopment Plan contained in the document entitled "Proposed Amendments to the Lincoln Center Redevelopment Plan for the Haymarket Hotel and Tool House Redevelopment Project" which is attached hereto, marked as Attachment "A", and made a part hereof by reference, and has reviewed said plan and has found that it meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 2007); and

WHEREAS, on September 25, 2009, a notice of public hearing was mailed postage prepaid 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 October 7, 2009 before the Lincoln City - Lancaster County Planning Commission regarding the proposed Haymarket Hotel and Tool House Redevelopment Project, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, on October 20, 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 November 2, 2009, regarding the proposed Haymarket Hotel and Tool House Redevelopment Project, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on October 16, 2009 and October 23, 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 November 2, 2009 regarding the proposed Haymarket Hotel and Tool House Redevelopment Project for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, said proposed Amendments to the Lincoln Center Redevelopment Plan to add the Haymarket Hotel and Tool House Redevelopment Project has been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and said Planning Commission on October 7, 2009 found the Plan Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on November 2, 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 modifications to the Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed modifications to the redevelopment plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed modifications to the redevelopment plan.

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

1. That the Haymarket Hotel and Tool House 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 Haymarket Hotel and Tool House 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 Haymarket Hotel and Tool House 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.

5. That the Haymarket Hotel and Tool House Redevelopment Project would not be economically feasible without the use of tax-increment financing.

6. 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 the document entitled "Proposed Amendments to the Lincoln Center Redevelopment Plan for the Haymarket Hotel and Tool House Redevelopment Project" attached hereto as Attachment "A", establishing and adding the Haymarket Hotel and Tool House Redevelopment Project to the Lincoln Center Redevelopment Plan, is 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 modifications.

3. That the Redevelopment Project Area for the Haymarket Hotel and Tool House Redevelopment Project as described and depicted in the Plan Amendments 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 other activities set forth in said Plan Amendment to the Lincoln Center Redevelopment Plan.

Introduced by Jayne Snyder

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

AUTHORIZING THE ACCEPTANCE OF A TOUR DE LINCOLN BICYCLE SCULPTURE IN MEMORY OF GREG DUNBAR FOR INCLUSION IN THE CITY'S PUBLIC ART COLLECTION AND FOR DISPLAY ON PUBLIC PROPERTY NEAR THE TEACHERS FOUNTAIN AT 27TH AND CAPITOL PARKWAY - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85575 WHEREAS, a bicycle sculpture, as a part of the Tour de Lincoln art project, has been offered to the City of Lincoln by Mark Tallman, in memory of Greg Dunbar, long-time owner of Deluxe Bicycle Shop, for display at the Teachers Fountain near 27th Street and Capitol Parkway, where it had previously been placed; and

WHEREAS, the City, through its Parks and Recreation Department, desires to accept the donation of the art work and to install it at said Teachers Fountain.

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

That the donation of a bicycle sculpture for display on public property, in memory of Greg Dunbar, owner of Deluxe Bicycle Shop, is hereby accepted.

Introduced by Jayne Snyder

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

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY UNIVERSITY OF NEBRASKA-LINCOLN TO PLACE TWO CONDUITS IN VINE STREET TO PROVIDE TELEPHONE AND FIBER OPTIC SERVICE TO A NEW UNL PARKING STRUCTURE AT 19TH AND VINE STREETS - PRIOR to reading:

COOK Moved to amend Bill No. 09R-197 in the following manner:

1. On page 3, line 6, delete the date "1999" and insert in lieu thereof the date 2010.

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

CLERK Read the following amended resolution, introduced by John Spatz, who moved its adoption:

A-85576 WHEREAS, the University of Nebraska-Lincoln has submitted an application for a permit to use the public right-of-way in Vine Street for the purpose of installing two conduits to provide telephone and fiber optic service to a new UNL parking structure at 19th and Vine Streets; and

WHEREAS, said applicant has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this resolution by reference, to use the public right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.53 of the Lincoln Municipal Code pertaining to such use.

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

That the aforesaid application of the University of Nebraska-Lincoln, hereinafter referred to as Permittee, to use the public right-of-way in Vine Street as shown on Exhibit "B", for the purpose of installing two conduits to provide telephone and fiber optic service be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.53 of the Lincoln Municipal Code except that the provisions relating to the posting of a continuing bond in the amount of \$5,000 and the filing of a certificate of insurance are waived since Permittee is a governmental entity.

2. That said use shall conform to the application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The Permittee, its successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

4. The work shall be constructed in accordance with plans and specifications approved by the Department of Public Works and Utilities. The facilities, where they are underground, shall be laid to a minimum depth of 3½ feet from the top of the cable to the surface of the ground. All land surfaces and all pavement shall be restored to their original condition after the work is completed on each segment of the project. "As built" drawings shall be furnished to the City by the Permittee to show the precise locations, depths, and nature of all materials installed in accordance with the permit. The City shall have the right at any time when, in its judgment, it becomes necessary or advisable to require a change of location of said facilities as a matter of safety, or on account of change of grade, resurfacing, repair, reconstruction of any street, alley, sidewalk, or other public ground, or the construction of any structure thereon, or for any other reason, all of which shall be done at the cost and expense of the Permittee in a good and workmanlike manner.

5. The Permittee shall pay to the City an annual rental for the use and occupancy of the space beneath said public street occupied by such use which rental is currently \$1.50 per lineal foot of space occupied underneath the public street, alley, sidewalk, or other public ground. Such rental is based upon the number of conduits being placed within the right-of-way.

All payments shall be made to the City Treasurer and shall be due and payable on the 1st day of October of each year; provided, however, the amount of the initial payment shall be prorated from the date of approval of this permit to the 1st day of October, ~~1999~~ 2010 and payment shall be due and payable on October 1st thereafter.

Any such rent shall become delinquent on the 1st day of December of each year and such delinquent rent shall bear interest at the rate of 1% per month until paid and if such rent is not paid for six months or more after such delinquent date, a penalty of 5% shall be added thereto in addition to said interest.

6. Any additions, changes, modifications, amendments of the uses permitted herein shall require a new permit or other authorization.

7. That all work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.

8. The terms and conditions of this resolution shall be binding and obligatory upon the above-named Permittee, its successors and assigns.

9. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the Permittee shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall terminate.

Introduced by John Spatz

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

ADOPTING THE LINCOLN ELECTRIC SYSTEM RATE SCHEDULE, SERVICE REGULATIONS, AND COST ANALYSIS SUMMARY PROVIDING FOR A SYSTEM AVERAGE INCREASE OF 2.9 PERCENT, TO BE EFFECTIVE JANUARY 1, 2010. (REQUEST ACTION ON 11/16/09) - PRIOR to reading:

COOK Moved to delay action on Bill No. 09R-198 to November 16, 2009.

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

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2010, TO BECOME EFFECTIVE JANUARY 1, 2010. (ACTION DATE: 11/16/09)

**ORDINANCE - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required)**

CHANGE OF ZONE 09025 - APPLICATION OF LINCOLN FEDERAL BANCORP FOR A CHANGE OF ZONE FROM R-5 RESIDENTIAL DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 33RD STREET AND YANKEE HILL ROAD - CLERK read an ordinance, introduced by John Spatz, 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 first time.

MISC. 09009-1 - AMENDING SECTION 26.23.140 OF THE LINCOLN MUNICIPAL CODE TO EXPAND THE EXCEPTIONS TO THE REQUIREMENT THAT EVERY LOT SHALL FRONT UPON AND TAKE ACCESS TO A PUBLIC STREET; AND REPEALING SECTION 26.23.140 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by John Spatz, amending Section 26.23.140 of the Lincoln Municipal Code to expand the exceptions to the requirement that every lot shall front upon and take access to a public street; and repealing Section 26.23.140 of the Lincoln Municipal Code as hitherto existing, the first time.

MISC. 09009-2 - AMENDING SECTION 26.31.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO MODIFICATION OF REQUIREMENTS TO GRANT THE PLANNING DIRECTOR AUTHORITY TO EXTEND THE TIME FOR INSTALLATION OF REQUIRED SUBDIVISION IMPROVEMENTS AND TO PROVIDE A PROCEDURE FOR APPEALS OF SUCH APPROVALS BY THE PLANNING DIRECTOR; AND REPEALING SECTION 26.31.010 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by John Spatz, amending Section 26.31.010 of the Lincoln Municipal Code relating to modification of requirements to grant the Planning Director authority to extend the time for installation of

required subdivision improvements and to provide a procedure for appeals of such approvals by the Planning Director; and repealing Section 26.31.010 of the Lincoln Municipal Code as hitherto existing, the first time.

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

CHANGE OF ZONE 09023 - AMENDING SECTION 27.51.030 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE USE REGULATIONS IN THE I-3 EMPLOYMENT CENTER DISTRICT TO ADD A PROVISION ALLOWING A BUILDING TO BE USED AS AN ACCESSORY USE FOR A RESIDENCE FOR RESIDENT WATCHMEN AND CARETAKERS OR SUPERVISORY PERSONNEL EMPLOYED AND RESIDING ON THE PREMISES; AND REPEALING SECTION 27.51.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Adam Hornung, amending Section 27.51.030 of the Lincoln Municipal Code relating to the Use Regulations in the I-3 Employment Center District to add a provision allowing a building to be used as an accessory use for a residence for resident watchmen and caretakers or supervisory personnel employed and residing on the premises; and repealing Section 27.51.030 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, Snyder, Spatz; NAYS: None.

The ordinance, being numbered **#19323**, is recorded in Ordinance Book #26, Page

VACATION 09005 - VACATING THE ENTIRE EAST-WEST ALLEY BETWEEN NORTH 41ST STREET AND NORTH 42ND STREET, NORTH OF Y STREET - CLERK read an ordinance, introduced by Adam Hornung, vacating the east-west alley between North 41<sup>st</sup> Street, north of Y Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, 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, Snyder, Spatz; NAYS: None.

The ordinance, being numbered **#19324**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 09026 - AMENDING SECTION 27.45.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERMITTED USES IN THE H-4 GENERAL COMMERCIAL DISTRICT TO ADD OFFICE BUILDINGS AS A PERMITTED USE; AND REPEALING SECTION 27.45.020 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Adam Hornung, amending Section 27.45.020 of the Lincoln Municipal Code relating to permitted uses in the H-4 General Commercial District to add office buildings as a permitted use; and repealing Section 27.45.020 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, Snyder, Spatz; NAYS: None.

The ordinance, being numbered **#19325**, is recorded in Ordinance Book #26, Page

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE ASIAN COMMUNITY & CULTURAL CENTER FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2615 O STREET, LINCOLN, NEBRASKA FROM SEPTEMBER 1, 2009 TO AUGUST 31, 2010 - CLERK read an ordinance, introduced by Adam Hornung, accepting and approving a Lease Agreement between the City of Lincoln and the Asian Community & Cultural Center for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2615 O Street, Lincoln, NE 68510 for a term beginning September 1, 2009 through August 31, 2010, 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, Snyder, Spatz; NAYS: None.

The ordinance, being numbered **#19326**, is recorded in Ordinance Book #26, Page



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. (10/5/09 - Action Delayed to 10/12/09) (10/12/09 - Action Delayed to 10/19/09) - PRIOR to reading:

COOK Moved to delay action of Bill No. 09-132 for one week to 11/09/09. Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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 third time.

**OPEN MICROPHONE SESSION - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to November 9, 2009. Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

**UPCOMING RESOLUTIONS**

CAMP Moved to approve the resolutions to have Public Hearing on November 9, 2009. Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

**ADJOURNMENT 5:26 P.M.**

CAMP Moved to adjourn the City Council meeting of November 2, 2009. Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant

REGULAR MEETING  
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