THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JANUARY 4, 2010 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 announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

SPATZ Having been appointed to read the minutes of the City Council proceedings of December 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.

COUNCIL RULES WAIVED

COOK Moved to waive the rules on the following bills numbered 10R-17, 10R-21, 10R-22 and 10R-23 to have public hearing and action on this date.

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

PUBLIC HEARING

APPLICATION OF HONG’S INC. IV DBA CHINA BUFFET FOR THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 11 FEET BY 60 FEET TO THE SOUTH OF ITS PRESENTLY LICENSED PREMISES GENERALLY LOCATED AT 126 NORTH 66TH STREET - Hong Zheng, 120 N. 66th St., came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF WHITEHEAD INC. DBA U STOP 4 FOR A CLASS D LIQUOR LICENSE AT 6600 NORTH 84TH STREET; MANAGER APPLICATION OF MD MAHMUDUL AMIN FOR WHITEHEAD INC. DBA U STOP 4 AT 6600 NORTH 84TH STREET - Md Mahmudul Amin, 6600 N. 84th St., came forward to take oath and answer questions.

Doug Larkins, 4436 Witherbee Blvd., came forward to take oath and answer questions.

This matter was taken under advisement.

APPROVING THE AMENDED AND RESTATED SITE LEASE FROM THE CITY AND THE COUNTY TO THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION; THE AMENDED AND RESTATED LEASE AGREEMENT FROM THE COMMISSION TO THE COUNTY AND THE CITY; AND THE ISSUANCE OF NOT TO EXCEED $4,750,000 OF THE COMMISSION’S TAX SUPPORTED LEASE RENTAL REVENUE BUILDING AND REFUNDING BONDS, SERIES 2010 - Don Herz, City Finance Director, came forward to state the purpose of this ordinance is to provide funding for about $2 million of new money and $2.2 million of refunding to refinance existing debt.

Lauren Wismer, Gilmore & Bell Bond Counsel, was on hand for questioning. Scott Keene, Ameritas Investment Corp., came forward to explain the funding analysis. In an effort to realize a significant interest savings of approximately $192,000, Mr. Keene said 1998 Bonds were issued with an average coupon of about 5.05% and can be replaced today with rates of about 3.05%. This action is on a fast time line to take advantage of the low interest rate market as it is right now.

This matter was taken under advisement.

AUTHORIZING THE SALE OF SURPLUS PROPERTY DESCRIBED AS PORTIONS OF LOTS 11 AND 12, WESLEYAN HEIGHTS ADDITION, GENERALLY LOCATED NORTHWEST OF NORTH 41ST STREET AND GREENWOOD STREET TO DENNIS WOHLERS - Charli Meinberg, 1083 364th Road, Seward, NE, came forward in opposition. She explained that as owner of the adjoining property on 3127 N. 41st Street, she would like the opportunity to purchase the vacant lots. She said she inquired four or five years ago if the City would ever sell
the property but the response was negative. Ms. Meinberg expressed concern about the lack of notification on the City’s part and the potential buyers’ business intentions which might affect her current property’s value. Pete Kosmos, address not given, came forward to present his research finding that a planning commissioner suggested that the property be put on the market for acceptance of bids. Clint Thomas, Urban Development Real Estate Agent, came forward to answer questions about the property which has been City owned for about 40 years. He said following an individual’s request to purchase the property, internal departments were notified and it was declared surplus in June 2009.

Terry Genrich, Parks & Recreation Dept., came forward to answer questions about the green space property as it related to trail use. Marvin Krout, Planning Director, came forward to answer questions regarding surplus property. He said Planning Commission and City Council hearings of surplus action is advertised in the newspaper. Mr. Krout reported although written notification was not required in the past, a revised policy within the last month now requires written notification to property owners within a 200 feet perimeter. Mr. Thomas came forward to respond to questions about the possibility of Council’s action to deny the surplus sale, not because of the prospective buyer but rather because of the process. He requested that Council consider continuing public hearing next week. David Landis, Director of Urban Development, came forward to suggest a fair process to follow. Mr. Landis said while price is a dominant aspect, he stated that there is civic value in knowing the intended property use. This matter was taken under advisement.

**APPROVING FUNDING AGREEMENTS BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL HIGHWAY INFRASTRUCTURE INVESTMENT FUNDS PROVIDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR THE FOLLOWING ELIGIBLE PROJECTS:**

- CITYWIDE DURABLE PAVEMENT MARKINGS (PROJECT NO. LCLC-5239(8)); AND CITYWIDE CONTINENTAL PEDESTRIAN CROSSWALKS (PROJECT NO. LCLC-5221(3)) - Roger Figard, Public Works & Utilities City Engineer, came forward to express appreciation to Council for allowing the Highway Funding Projects to move forward sooner than normal order especially since they do not require public input. He said it is a proactive move to secure available stimulus funds for use in these two projects in a short time frame. Mr. Figard said if funds are received, they would apply to general citywide projects; no dollar amount was given for these projects. This matter was taken under advisement.

- COMP. PLAN CONFORMITY 09012 - APPROVING AMENDMENTS TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE “13TH AND L REDEVELOPMENT PROJECT” TO INCLUDE CONSTRUCTION OF A NEW COMMERCIAL COMPLEX WITH RETAIL AND OFFICE SPACE ON PROPERTY GENERALLY BOUNDED BY 13TH, 14TH, K AND L STREETS - David Landis, Director of Urban Development, came forward to explain the plan to replace two structures: a one-story commercial building; and a 27-unit apartment building next door in an effort to further the downtown comprehensive plan goals in an underutilized area. Hallie Salem, Urban Development, stated the vacated alley will still have a sanitary sewer easement and vehicular easement.
Frank Sidles, Owner/Developer, came forward to share that generations of his family have been in business in Downtown Lincoln for 108 years. He stated his commercial complex proposal will strengthen Downtown as the employment center of the City, remove blighted & substandard conditions, make a positive contribution to the continued revitalization of Downtown, be consistent with the Lincoln Center Redevelopment Plan and not interfere with the Capitol Environments requirements. Mr. Sidles responded to questions regarding parking issues, $830,000 TIF guarantees and finding a lead tenant before moving ahead in the next few months.

Mr. Landis came forward in closing to describe this development process as one in which the City participates in taking steps forward just as the private sector moves forward as well.

This matter was taken under advisement.

APPROVING A SUPPLEMENTAL AGREEMENT NO. 2 BETWEEN THE CITY AND STATE DEPT. OF ROADS FOR THE JAMAICA NORTH TRAIL PHASE 2(B), MDOR PROJECT NO. ENH-55(168) CONTROL NO 12879, PROVIDING FOR THE STATE TO ADVERTISE, CONTRACT LETTING AND REVIEW BIDS FOR THE JAMAICA NORTH TRAIL, PAY ALL ELIGIBLE PROJECT COSTS DIRECTLY TO THE CONSULTANTS AND CONTRACTS, EXTENDS THE DEADLINE FOR SECURING A CONSTRUCTION CONTRACT AND APPROVES TERRY GENRICH AS THE CITY’S RESPONSIBLE CHARGE - Terry Genrich, Parks & Recreation Dept., came forward to describe the trail development which will pick up at Calvert on the northern end of Wilderness Park and continue down along the old abandoned UP Line. Upon completion, a trail that begins at 4th & J Street will continue all the way down to Beatrice. Mr. Genrich said match money for this project is coming from the Great Plains Trails Network.

This matter was taken under advisement.

APPROVING THE CITY OF LINCOLN CONTRACT AGREEMENT BETWEEN THE CITY AND REPUBLIC PARKING SYSTEM, INC. FOR THE MANAGEMENT OF THE CITY OF LINCOLN PARKING FACILITIES FOR A TERM OF SEPTEMBER 1, 2009 THROUGH AUGUST 30, 2013 - David Landis, Director of Urban Development, came forward stating that the renewal contract came about following four national bids and the subsequent review process. Mr. Landis requested that public hearing be held over to next week.

This matter was taken under advisement.

TO RE-ADOPT THE WATER SYSTEM IMPACT FEE SCHEDULE, WATER DISTRIBUTION IMPACT FEE SCHEDULE, WASTEWATER IMPACT FEE SCHEDULE, ARTERIAL STREET IMPACT FEE SCHEDULE, AND NEIGHBORHOOD PARK AND TRAIL IMPACT FEE SCHEDULE WITHOUT ANY ADJUSTMENT FOR INFLATION FOR 2010 - Council Member Camp spoke on behalf of this resolution to stabilize the rate due to the economy.

Perry Haralson, 3100 Denver Court, Head of the Impact Fee Task Force Committee with the Homebuilders Association of Lincoln, came forward in support as home construction permits have declined and the industry is suffering. He suggested looking at other avenues to fill the infrastructure gap.

Mike Rezac, President-Elect of the Lincoln Home Builders Association and 33-year builder with Rezac Construction, came forward in support suggesting that additional funding options be found to lessen the burden on the housing industry.

Russell Miller, 341 S. 52nd St., came forward representing Lincoln Neighborhood alliance requesting that the impact fee rate be frozen at the current level. He said that lost revenue of $200,000 since 2007 should have been applied to growth infrastructure needs. Mr. Miller said established neighborhoods are paying more than their fair share for infrastructure requirements due to growth.

Lois Haupt, 4212 Knox, representing the University Place Community Organization (UPCO), came forward in opposition requesting that Council restore the original intent of the legislation. She said hard times are evident in older neighborhoods who pay the same in water taxes but see nothing in return, such as the replacement of 80-100 year old mains.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING MARIA PRENDER-LINTEL TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 1, 2012 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85632 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Maria Prendes-Lintel to the Community Health Endowment Board of Trustees for a term expiring September 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.

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED NOVEMBER 30, 2009 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That during the month ended November 30, 2009, $565,939.71 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund on a pro-rata basis for each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

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

AUDIT REPORTS PERFORMED BY BKD, LLP OF LINCOLN WATER & WASTEWATER SYSTEMS FOR FISCAL YEAR 2008-2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71A)

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON DECEMBER 7, 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 DECEMBER 14, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

FORMAL PETITION FOR ALLEY RE-PAVING DISTRICT NO. 49 IN THE EAST-WEST ALLEY FROM 10TH TO 11TH STREETS, BETWEEN G AND H STREETS AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITED PROPERTIES, SUBMITTED BY JOHN C. BALL OF LOYA, LLC - CLERK presented said petition which was referred to the Law Department.

THE FOLLOWING HAVE BEEN PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:
Administrative Amendment No. 09071 to Pre-Existing Use Permit No. 13C approved by the Planning Director on December 18, 2009 requested by Earl May Seed & Nursery to expand the greenhouse at the northwest corner of the center and to provide the additional required parking by leasing 22 parking spaces off-site from the Briarpark Plaza office building located at 5631 S. 48th Street.

Administrative Amendment No. 09074 to Special Permit No. 06048 approved by the Planning Director on December 18, 2009 requested by Larry Chilese to modify the site plan to include a drive-through facility at the east side of the licensed premises on property generally located at N. 48th Street and Cornhusker Highway.

Administrative Amendment No. 09058 to Special Permit No. 1999A approved by the Planning Director on December 22, 2009 requested by Engineering Design Consultants to remove 6.77 acres from the northeast corner of the Wilderness Hills Community Unit Plan and to reduce the number of units, which was originally approved for a total of 881 units to a total of 501 units on property generally located at S. 33rd Street and Yankee Hill Road.

Administrative Amendment No. 09076 to Use Permit/Special Permit No. 19A approved by the Planning Director on December 23, 2009 requested by Robert Findley to revise the building layout by increasing the area of the overnight stay component by 5,000 sq. ft. while reducing the area of the clinic addition by 5,000 sq. ft. and amending the notes accordingly on property generally located at S. 70th Street and Lincolnshire Road.

Administrative Amendment No. 09078 approved by the Planning Director on December 23, 2009 requested by Realty Trust Group to rescind Special Permit No. 130 originally approved to allow a parking lot on property generally located at the northwest corner of 50th and O Streets. Special Permit No. 130 is no longer in force and effect.
LIQUOR RESOLUTIONS

APPLICATION OF HONG’S INC. IV DBA CHINA BUFFET FOR THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 11 FEET BY 60 FEET TO THE SOUTH OF ITS PRESENTLY LICENSED PREMISES GENERALLY LOCATED AT 126 NORTH 66TH - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:
A-85634

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 Hong’s Inc. IV dba China Buffet to expand its licensed premises by the addition of a sidewalk café area measuring 11 feet by 60 feet to the south of the presently licensed premises located at 126 North 66th Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that 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, Hormung, Snyder, Spatz; NAYS: None.

APPLICATION OF WHITEHEAD INC. DBA U STOP 4 FOR A CLASS D LIQUOR LICENSE AT 6600 NORTH 84TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:
A-85635

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 Whitehead Oil Company dba U-Stop #4 for a Class "D" liquor license at 6600 North 84th 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, Hormung, Snyder, Spatz; NAYS: None.

MANAGER APPLICATION OF MD MAHMUDUL AMIN FOR WHITEHEAD INC. DBA U STOP 4 AT 6600 NORTH 84TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:
A-85636

WHEREAS, Whitehead Oil Company dba U-Stop #4 located at 6600 North 84th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Md Mahmudul Amin be named manager;
WHEREAS, Md Mahmudul Amin 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 Md Mahmudul Amin 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, Hormung, Snyder, Spatz; NAYS: None.

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

APPROVING THE AMENDED AND RESTATED SITE LEASE FROM THE CITY AND THE COUNTY TO THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION; THE AMENDED AND RESTATED LEASE AGREEMENT FROM THE COMMISSION TO THE COUNTY AND THE CITY; AND THE ISSUANCE OF NOT TO EXCEED $4,750,000 OF THE COMMISSION’S TAX SUPPORTED LEASE RENTAL REVENUE BUILDING AND REFUNDING BONDS, SERIES 2010 - CLERK read an ordinance, introduced by Jane Snyder, of the City of Lincoln, Nebraska approving (A) an amended and restated site lease among the Lincoln-Lancaster County Public Building Commission, as lessee, and the City and the County of Lancaster, Nebraska, jointly, as lessor, (B) an amended and restated lease agreement among
the City and the County, jointly, as lessee, and the Commission, as lessor, and (C) the issuance of not to exceed $4,750,000 in principal amount of the Commission’s tax supported lease rental revenue building and refunding bonds Series 2010; and related matters, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE VILLAGE OF FIRTH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 311 NEMAHA STREET, FIRTH, NEBRASKA FROM SEPTEMBER 1, 2009 TO AUGUST 31, 2010 - CLERK read an ordinance, introduced by Jane Snyder, accepting and approving a Lease Agreement between the City of Lincoln and the Village of Firth for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center Program at 311 Nemaha Street, Firth, NE 68358 for a term beginning September 1, 2009 through August 31, 2010, the second time.

AUTHORIZING THE SALE OF SURPLUS PROPERTY DESCRIBED AS PORTIONS OF LOTS 11 AND 12, WESLEYAN HEIGHTS ADDITION, GENERALLY LOCATED NORTHWEST OF NORTH 41ST STREET AND GREENWOOD STREET TO DENNIS WOHLERS - PRIOR to reading:


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, authorizing the sale of a surplus tract of land legally described as a portion of Lots 11 and 12, Wesleyan Heights Addition, Lincoln, Lancaster County, Nebraska, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING FUNDING AGREEMENTS BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL HIGHWAY INFRASTRUCTURE INVESTMENT FUNDS PROVIDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR THE FOLLOWING ELIGIBLE PROJECTS: CITYWIDE DURABLE PAVEMENT MARKINGS (PROJECT NO. LCLC-5239(8)); AND CITYWIDE CONTINENTAL PEDESTRIAN CROSSWALKS (PROJECT NO. LCLC-5221(3)) - PRIOR to reading:

COOK Moved to waive the rules on Bill No. 10R-17 to have Public Hearing and Action on this date.

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

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

A-85637 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreements between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Highway Infrastructure Investment Funds provided by the American Recovery and Reinvestment Act of 2009 for the following eligible projects: City Wide Continental Crosswalk Markings (Project No. LCLC-5221[3]); and City Wide Durable Pavement Markings (Project No. LCLC-5239[8]), in accordance with the terms and conditions contained in said Agreements, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. The City Clerk is directed to return the executed copies of the Agreements to the Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads. Introduce by John Spatz

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

APPROVING THE SELECTION OF CONSTRUCTORS, INC. AND AUTHORIZING EXECUTION OF THE CONSTRUCTION CONTRACT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL HIGHWAY INFRASTRUCTURE INVESTMENT FUNDS PROVIDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR PROJECT LCLC-5220(3) - PRIOR to reading:

COOK Moved to waive the rules on Bill No. 10R-21 to have Public Hearing and Action on this date.

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

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

A-85638 WHEREAS, the City of Lincoln adopted Resolution No. A-85394 on June 8, 2009 approving an Agreement for the use of Federal Highway Infrastructure Investment Funds provided by the ARRA of 2009 for the construction of Arterial Street
Rehabilitation Package A (Project No. LCLC-5220(3)) for multiple locations including "A" Street from 70th Street to Imperial Drive, "A" Street from 63rd to 70th Street, and Van Dorn Street from Normal Boulevard to 70th Street; and
WHEREAS, the State and City received bids for the construction of the proposed work and selected Constructors, Inc. as the low bidder to whom the contract should be awarded.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the City concurs in the selection of the above mentioned contractor; that the City does not desire to perform the work with its own forces in lieu of performing the work by the contract method; and hereby authorizes the Mayor to execute the construction contract on behalf of the City.

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

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

APPROVING THE SELECTION OF PAVERS COMPANIES AND AUTHORIZING EXECUTION OF THE CONSTRUCTION CONTRACT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL HIGHWAY INFRASTRUCTURE INVESTMENT FUNDS PROVIDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR PROJECT LCLC-5250(3) - PRIOR to reading:

COOK Moved to waive the rules on Bill No. 10R-22 to have Public Hearing and Action on this date.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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

WHEREAS, the City of Lincoln adopted Resolution No. A-85444 on July 20, 2009 approving an Agreement for the use of Federal Highway Infrastructure Investment Funds provided by the ARRA of 2009 for the construction of Adams Street Rehabilitation, 57th to 62nd Streets (Project No. LCLC-5250(3)); and

WHEREAS, the State and City received bids for the construction of the proposed work and selected Pavers Companies as the low bidder to whom the contract should be awarded.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the City concurs in the selection of the above mentioned contractor; that the City does not desire to perform the work with its own forces in lieu of performing the work by the contract method; and hereby authorizes the Mayor to execute the construction contract on behalf of the City.

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

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

APPROVING THE SELECTION OF CRAMER AND ASSOCIATES, INC. AND AUTHORIZING EXECUTION OF THE CONSTRUCTION CONTRACT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL HIGHWAY INFRASTRUCTURE INVESTMENT FUNDS PROVIDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR PROJECT LCLC-5254(9) - PRIOR to reading:

COOK Moved to waive the rules on Bill No. 10R-23 to have Public Hearing and Action on this date.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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

WHEREAS, the City of Lincoln adopted Resolution No. A-85394 on June 8, 2009 approving an Agreement for the use of Federal Highway Infrastructure Investment Funds provided by the ARRA of 2009 for the construction of Superior Street Bridge Rehabilitation (Project No. LCLC-5254(9)) west of 40th Street; and

WHEREAS, the State and City received bids for the construction of the proposed work and selected Cramer and Associates, Inc. as the low bidder to whom the contract should be awarded.

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

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

Approved by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the City concurs in the selection of the above mentioned contractor;
that the City does not desire to perform the work with its own forces in lieu of performing the work by the contract method; and hereby authorizes the Mayor to execute the construction contract on behalf of the City.
The City Clerk is directed to return the executed copies of the Agreements to the Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

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

COMP. PLAN CONFORMITY 09012 - APPROVING AMENDMENTS TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE "13TH AND L REDEVELOPMENT PROJECT" TO INCLUDE CONSTRUCTION OF A NEW COMMERCIAL COMPLEX WITH RETAIL AND OFFICE SPACE ON PROPERTY GENERALLY BOUNDED BY 13TH, 14TH, K AND L STREETS; CLEERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

WHEREAS, the City Council on October 22, 1984, adopted Resolution No. A-62973 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 "13th and L Redevelopment Project Area" generally bounded by 13th, 14th, K and L Streets, to include construction of a new commercial complex with retail and office space; 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 13th and L 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 November 6, 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 November 18, 2009 before the Lincoln City - Lancaster County Planning Commission regarding the proposed 13th and L 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 December 4, 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 January 4, 2010, regarding the proposed 13th and L Redevelopment Project, a copy of said notice having been attached hereto as Attachment "D"; and
WHEREAS, on December 11, 2009 and December 18, 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 January 4, 2010 regarding the proposed 13th and L 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 13th and L Redevelopment Project has been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and said Planning Commission on November 18, 2009 found the Plan Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and
WHEREAS, on January 4, 2010 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 13th and L 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 13th and L 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 13th and L 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 13th and L 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 13th and L Redevelopment Project" attached hereto as Attachment "A", establishing and adding the 13th and L 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 13th and L 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: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING A SUPPLEMENTAL AGREEMENT NO. 2 BETWEEN THE CITY AND STATE DEPT. OF ROADS FOR THE JAMAICA NORTH TRAIL PHASE 2(B), MDOT PROJECT NO. BHN-55(160) CONTROL NO. 12879, PROVIDING FOR THE STATE TO ADVERTISE, CONDUCT LETTING AND REVIEW BIDS FOR THE JAMAICA NORTH TRAIL, PAY ALL ELIGIBLE PROJECT COSTS DIRECTLY TO THE CONSULTANTS AND CONTRACTORS, EXTENDS THE DEADLINE FOR SECURING A CONSTRUCTION CONTRACT AND APPROVES TERRY GENRICH AS THE CITY’S RESPONSIBLE CHARGE - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85642
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Supplemental Agreement No. 2 between the City of Lincoln and the State of Nebraska Department of Roads for Project No. BHN-55(160), State CN-12879, to construct the Jamaica North Trail - Phase 2 (B) providing for the State to advertise, conduct letting and review bids for the Jamaica North Trail,
pay all eligible project costs directly to the consultants and contracts, extend the deadline for securing a construction contract and approve Terry Geneich as the City’s Responsible Charge, in accordance with the terms and conditions contained in said Supplemental Agreement No. 2, is hereby approved and the Mayor is authorized to execute same on behalf of the City of Lincoln.

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

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

APPROVING THE CITY OF LINCOLN CONTRACT AGREEMENT BETWEEN THE CITY AND REPUBLIC PARKING SYSTEM FOR THE MANAGEMENT OF THE CITY OF LINCOLN PARKING FACILITIES FOR A TERM OF SEPTEMBER 1, 2009 THROUGH AUGUST 30, 2013 - PRIOR to reading:

COOK Moved to continue Public Hearing on Bill No. 09R-226 with Action on 1/11/10.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

TO RE-ADOPT THE WATER SYSTEM IMPACT FEE SCHEDULE, WATER DISTRIBUTION IMPACT FEE SCHEDULE, WASTEWATER IMPACT FEE SCHEDULE, ARTERIAL STREET IMPACT FEE SCHEDULE, AND NEIGHBORHOOD PARK AND TRAIL IMPACT FEE SCHEDULE WITHOUT ANY ADJUSTMENT FOR INFLATION FOR 2010 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

WHEREAS, Lincoln Municipal Code Section 27.82.050 provides for the City Council to establish the amount of each required impact fee through the adoption of impact fee schedules; and
WHEREAS, the City Council has considered the Lincoln Impact Fee Study prepared by Duncan & Associates dated October, 2002; and
WHEREAS, pursuant to subsection (k) of Lincoln Municipal Code 27.82.110 beginning on January 1, 2005 and on January 1 of each following year unless and until the impact fee schedules are otherwise revised or replaced by the City Council, each amount set forth in each schedule shall be adjusted to reflect the effects of inflation on those costs set forth in the Impact Fee Study; and
WHEREAS, on November 17, 2008, the City Council adopted Resolution No. A-85142 adopting the Water System Impact Fee Schedule, Wastewater Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule beginning January 1, 2007, for calendar year 2009 without any adjustment for inflation; and
WHEREAS, pursuant to Resolution No. A-85142 beginning on January 1, 2010 and on January 1 of each following year, unless and until the impact fee schedules are otherwise revised or replaced by the City Council, each amount set forth in each schedule shall be adjusted to reflect the effects of inflation on those costs set forth in the Impact Fee Study; and
WHEREAS, the City Council has determined that the Water System Impact Fee Schedule, Water Distribution Impact Fee Schedule, Wastewater Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule beginning January 1, 2007 should be re-adopted for calendar year 2010 without any adjustment for inflation.

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

BE IT FURTHER RESOLVED that on January 1, 2011 and on January 1 of each following year, unless and until said re-adopted impact fee schedules beginning January 1, 2007 are otherwise revised or replaced, each amount set forth in each schedule shall be adjusted to reflect the effects of inflation on those costs as set forth in the Impact Fee Study.

Introduced by Jayne Snyder
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Emery, Hornung, Snyder, Spatz; NAYS: Cook.

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

CHANGE OF ZONE 09028 - APPLICATION OF LANCASTER COUNTY FOR A CHANGE OF ZONE FROM P-PUBLIC USE DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 10TH STREET AND SOUTH STREET - 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.

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

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 NOS. 1 AND NO. 2. (10/5/09 - Action Delayed Weekly to 1/4/2010) - PRIOR to reading:

Snyder Moved to delay action of Bill No. 09-132 to 1/11/2010.
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 - NONE

MISCELLANEOUS BUSINESS

PENDING -

Camp Moved to extend the Pending List to January 11, 2010.
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 January 11, 2010.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
CAMP    Moved to adjourn the City Council meeting of January 4, 2010.
        Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll,
        Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant