THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, FEBRUARY 1, 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; Deputy City Clerk, Teresa J. Meier. 

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  
CARROLL  
Having been appointed to read the minutes of the City Council proceedings of January 25, 2010 reported having done so, found same correct. Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None. 

PUBLIC HEARING  
APPLICATION OF SRRAM INC. DBA MILLS SQUEEGEE FILL STATION #1 FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS D LIQUOR LICENSE AT 2601 TICONDEROGA DRIVE;  
APPLICATION OF SRRAM INC. DBA MILLS SQUEEGEE FILL STATION #2 FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS D LIQUOR LICENSE AT 4445 SOUTH 70TH STREET - Stan Mills, 3400 Hanson Ct., came forward to take oath and answer questions. This matter was taken under advisement.  
APPLICATION OF L&M FOODS INC. DBA SAM & LOUIE’S FOR A CLASS I LIQUOR LICENSE AT 1332 P STREET, SUITE A;  
MANAGER APPLICATION OF LARRY J. JURGENS FOR L&M FOODS INC. DBA SAM & LOUIE’S AT 1332 P STREET, SUITE A - Mary Jurgens, 1332 P St., came forward to take oath and answer questions. This matter was taken under advisement.  
CHANGE OF ZONE 09029 - AMENDING SECTION 27.26.080 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEIGHT AND AREA REGULATIONS FOR THE O-2 SUBURBAN OFFICE DISTRICT TO PROVIDE THAT THE MAXIMUM HEIGHT OF BUILDINGS IN SAID DISTRICT SHALL NOT EXCEED 25 FEET IF THE BUILDING HAS A FLAT ROOF AND SHALL NOT EXCEED 28 FEET IF THE BUILDING HAS A ROOF TYPE OTHER THAN FLAT - Marvin Krout, Director of Planning, came forward to explain the amended height increase to accommodate flexibility in the O-2 Districts which are generally located in the older parts of the city adjacent to older commercial areas. This matter was taken under advisement.  
COMP. PLAN CONFORMANCE 09014 - DECLARING APPROXIMATELY 1.8 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF NORTH 10TH AND MILITARY ROAD AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF TO INDIAN CENTER, INC. - Rick Hoppe, Mayor’s Office, came forward to answer questions. He said this second step of the process follows the easement agreement on property north of the Indian Center which was given approval by Council several weeks ago. This matter was taken under advisement.  
STREET NAME CHANGE 06005 - RENAMING 38TH STREET COURT AND THAT PORTION OF SOUTH 38TH STREET NORTH OF P STREET AS SOUTH 38TH STREET COURT - Marvin Krout, Director of Planning, came forward to state that while street re-naming is rare, this change will clear up confusion for emergency services. He said a neighborhood meeting was set up for owners/residents but no one attended to protest or make suggestions. Following questioning, Mr. Krout said he would look into house number changes as they pertained to duplexes on that street. This matter was taken under advisement.  
ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 1 - 15, 2010 - Rod M. Confer, City Attorney, came forward to present findings on the Rex Jordan claim. He said since material evidence was brought to light, Law Department recommended that Mr. Jordan’s denied claim now be allowed. This matter was taken under advisement.
APPROVING AN AGREEMENT BETWEEN THE CITY AND THE UNIVERSITY OF NEBRASKA-LINCOLN TO
CONDUCT STORMWATER QUALITY MONITORING TO MEET THE REQUIREMENTS OF THE CITY’S
NPDES STORMWATER PERMIT FOR A ONE-YEAR PERIOD FROM JANUARY 1, 2010 THROUGH
DECEMBER 31, 2010 - Ben Higgins, Public Works & Utilities, came forward to
answer questions.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND THE OMAHA-
COUNCIL BLUFFS METROPOLITAN AREA PLANNING AGENCY TO OBTAIN DIGITAL MAP PRODUCTS
FOR THE REGION - Jeff McReynolds, Planning Department Geographic Information
Systems Program Manager, came forward to present an overview of the project
which will provide aerial photography, oblique imagery & elevation data to be
utilized by City and County departments for geographic information analysis in
flood & engineering studies. He said the agreement includes partial funding by
USGS to help with the effort. Mr. McReynolds said an amendment will correct
numerical figures.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND
CEDARS YOUTH SERVICES FOR THE HEALTH DEPARTMENT TO PROVIDE NURSING ASSESSMENT
SERVICES AT BOYS HOME AND TLC FOR A PERIOD OF JANUARY 1, 2010 THROUGH DECEMBER
31, 2012 - Judy Halstead, Health Department, came forward to answer questions
about the three-year contract. She said the department’s costs are covered for
the fewer than 50 assessments done annually.

This matter was taken under advisement.

COMP. PLAN CONFORMANCE 09015 - CREATING THE SOUTH STREET BUSINESS IMPROVEMENT DISTRICT
FOR THE PROVISION OF MAINTENANCE OF CERTAIN PUBLIC FACILITIES AND IMPROVEMENTS
IN THE AREA OF SOUTH STREET FROM THE ALLEY WEST OF 9TH STREET EAST TO 19TH
STREET - David Landis, Director of Urban Development, came forward to state that
in 2005, the area was identified as a project area with unsafe traffic patterns. He said because the area had no organized neighborhood
association, letters were sent to the four adjoining neighborhoods: South Salt
Creek, Near South, Everett and Irvingdale. Open house meetings were held, focus
groups were formed and notices were mailed to all neighbors who could be found
as well as business/property owners. Attendees were informed of the need to use
a business improvement district such as University Place and Downtown. Mr.
Landis said in 2005/06, the South Street Business Association was formed. He
said out of that formation, a volunteer panel was created to look into and
further the business improvement district idea. He said as the process
continued, the following steps progressed: notices were mailed; three public
meetings were held with invitations to interested parties; City Council public
notice & public hearing occurred; creation of the area map; and finally, sought
approval from Planning Commission CPC which also included public notice.

Ernie Castillo, Urban Development Department, was on hand for
questioning.

Jessie Gibson, former owner of the the Sun Tannery on South Street, came
forward in support of the BID. She recounted the last five years of
contact/commitment with neighbors, neighborhoods and business/property owners in
support of the construction, renovation & streetscape project.

Brett Richard, Co-Chair of the South Street Business & Civic Association,
Chairman of the BID District Committee, and owner of 9 South Chargrill, came
forward in support and stated he has seen great change in the neighborhood. He
felt there was adequate notice given to people that the BID was forthcoming.

Gwendell Hohensee, 1000 South St., came forward in opposition to the BID. He
shared the following concerns: he said he would be subject to double
taxation; that notification to property owners was inadequate; many were
misinformed about the projects; and they were given too little time to voice
opinions. He expressed fears that maintenance & snow removal costs would be bid
too high.

Emmett Krauel, Jr., 1496 Bluff Rd., Pleasant Dale, came forward as a
South Street property owner in opposition to the BID until more clarification is
given. He said he was under the misunderstanding that property owners would only
be responsible for plantings & irrigation. After receiving a recent mailing, he
discovered that costs would also include snow removal and maintenance of
sidewalks/lawn furniture and ornamental lighting.

Craig Johnson, business owner at 1720 South Street, came forward in
opposition. He shared his concerns of the improvement district; he felt he would be
paying extra for exempt properties; he said wider streets have allowed
vehicles to drive past businesses faster but have eliminated convenient patron parking; he said plantings require too much maintenance; and he requested contact numbers if snow removal is not done in a timely order.

Mr. Landis came forward in rebuttal. He clarified issues concerning sidewalk snow removal costs. He said it would be up to the BID leadership to pick from among the services that are being costed and bid out for prices. He said the open marketplace is a powerful tool to control costs.

Mr. Castillo came forward to answer questions. He further clarified snow removal stating that it can be put in the RFP as an alternate and listed as a separate number. In reference to the estimated 50 lots along South Street, he said there are 30-35 property owners but Mr. Hohensee was the only one who spoke to him in opposition.

Roger Figard, Public Works & utilities Engineering Services, came forward to answer questions. He said the construction cost alone to rebuild South Street amounted to $2.3 million and he followed up with a breakdown of the figures. This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING MARILYN MCNABB TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A THREE-YEAR TERM EXPIRING DECEMBER 31, 2012 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85695
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Marilyn McNabb to the Lincoln Electric System Administrative Board for a three-year term expiring December 31, 2012, is hereby approved.

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

APPOINTING JERRY HUDGINS TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A THREE-YEAR TERM EXPIRING DECEMBER 31, 2012 - PRIOR to reading: CAMP Moved to continue Public Hearing on Bill No. 10R-29 with Action on February 8, 2010.

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

REAPPOINTING STEVE MASTERS TO THE DISTRICT ENERGY CORPORATION FOR A TWO-YEAR TERM EXPIRING DECEMBER 31, 2011 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85696
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Steve Masters to the District Energy Corporation for a two-year term expiring December 31, 2011, is hereby approved.

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAS BEEN PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 10001 to Special Permit No. 1423I approved by the Planning Director on January 20, 2010 requested by Lewis Homes to adjust the front setback from 20 feet to 5 feet for the front yard adjacent to the west lot line for Lot 10, Block 1, HiMark Estates 12th Addition. The adjustment only affects the northern portion of the lot where it is adjacent to the cul-de-sac bulb since this is the only portion of the yard that was determined to be a front yard, though the intention was for it to be a side yard of 5 feet.

LIQUOR RESOLUTIONS

APPLICATION OF SRRAM INC. DBA MILLS SQUEEGEE FILL STATION #1 FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS D LIQUOR LICENSE AT 2601 TICONDEROGA DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:
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 ordinance, the City Council recommends that the application of SRRAM Inc. dba Mills Squeegee Fill Station #1 for the issuance of a Catering Permit to the existing Class D liquor license, located at 2601 Ticonderoga Drive, 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 a copy of this resolution be transmitted by the City Clerk 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 SRRAM INC. DBA MILLS SQUEEGEE FILL STATION #2 FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS D LIQUOR LICENSE AT 4445 SOUTH 70TH STREET - CLERK

read the following resolution, introduced by Jon Camp, who moved its adoption:

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 ordinance, the City Council recommends that the application of SRRAM Inc. dba Mills Squeegee Fill Station #2 for the issuance of a Catering Permit to the existing Class D liquor license, located at 4445 South 70th 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 a copy of this resolution be transmitted by the City Clerk 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 L&M FOODS INC. DBA SAM & LOUIE'S FOR A CLASS I LIQUOR LICENSE AT 1332 P STREET, SUITE A - CLERK

read the following resolution, introduced by Jon Camp, who moved its adoption:

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 L&M Foods Inc. dba Sam & Louie's for a Class "I" liquor license at 1332 P Street, Suite A, 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 LARRY J. JURGENS FOR L&M FOODS INC. DBA SAM & LOUIE'S AT 1332 P STREET, SUITE A - CLERK

read the following resolution, introduced by Jon Camp, who moved its adoption:

WHEREAS, L&M Foods Inc. dba Sam & Louie's located at 1332 P Street, Suite A, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Larry J. Jurgens be named manager;

WHEREAS, Larry J. Jurgens 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 Larry J. Jurgens 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.
ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

CHANGE OF ZONE 09029 - AMENDING SECTION 27.26.080 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEIGHT AND AREA REGULATIONS FOR THE O-2 SUBURBAN OFFICE DISTRICT TO PROVIDE THAT THE MAXIMUM HEIGHT OF BUILDINGS IN SAID DISTRICT SHALL NOT EXCEED 25 FEET IF THE BUILDING HAS A FLAT ROOF AND SHALL NOT EXCEED 28 FEET IF THE BUILDING HAS A ROOF TYPE OTHER THAN FLAT - CLERK read an ordinance, introduced by Eugene Carroll, amending Section 27.26.080 of the Lincoln Municipal Code relating to Height and Area Regulations for the O-2 Suburban Office District to provide that the maximum height of buildings in said district shall not exceed 25' if the building has a flat roof and shall not exceed 28' if the building has a roof type other than flat; and repealing Section 27.26.080 of the Lincoln Municipal Code as hitherto existing, the second time.

COMP. PLAN CONFORMANCE 09014 - DECLARING APPROXIMATELY 1.8 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF NORTH 10TH AND MILITARY ROAD AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF TO INDIAN CENTER, INC. - CLERK read an ordinance, introduced by Eugene Carroll, declaring approximately 1.8 acres of City owned property generally located northeast of North 10th Street and Military Road as surplus and authorizing the sale thereof to the Indian Center, Inc. the second time.

STREET NAME CHANGE 06005 - RENAMING 38TH STREET COURT AND THAT PORTION OF SOUTH 38TH STREET NORTH OF F STREET AS SOUTH 38TH STREET COURT - CLERK read an ordinance, introduced by Eugene Carroll, changing the name of 38th Street Court and that portion of South 38th Street north of F Street to South 38th Street Court, as recommended by the Street Name Committee, the second time.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 1 - 15, 2010 - PRIOR to reading:

CAMP Moved to amend Bill No. 10R-36 to reflect the recent recommendation of Law Department to change the claim of Rex Jordan from denied to allowed.

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

CLERK Read the following amended resolution, introduced by Eugene Carroll, who moved its adoption:

A-85701 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated January 19, 2010, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved.

<table>
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<th>DENIED CLAIMS</th>
<th>ALLOWED/SETTLED CLAIMS</th>
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<td>Jody Shalgren</td>
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<td>Marjory Whitlow</td>
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<td>Michael &amp; Stephanie Maas</td>
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<td>Evelina Schoneweis</td>
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<td>Derek Broman</td>
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<td>Ivan S. Karpyuk</td>
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<tr>
<td>* No Amount Specified</td>
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LITIGATION SETTLEMENT

Michael & Stephanie Maas | State Farm Insurance
Evelina Schoneweis | (Courtney Harrison, Insured)
Matt Spackman | $5,928.99
The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Eugene Carroll

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE UNIVERSITY OF NEBRASKA-LINCOLN TO CONDUCT STORMWATER QUALITY MONITORING TO MEET THE REQUIREMENTS OF THE CITY'S NPDES STORMWATER PERMIT FOR A ONE-YEAR PERIOD FROM JANUARY 1, 2010 THROUGH DECEMBER 31, 2010 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85702

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

That the Agreement which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and the University of Nebraska-Lincoln to conduct stormwater quality monitoring to evaluate urban stormwater-quality requirements under the City's National Pollutant Discharge Elimination System (NPDES) stormwater permit for a period of one year from January 1, 2010 through December 31, 2010 is approved.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Ben Higgins, Public Works and Utilities Department, and one fully executed copy of this Agreement to Julie Poytkko-Post, Office of Sponsored Programs, Alexander Building - West, 314 N. 14th Street, P.O. Box 880430, Lincoln, NE 68588-0430.

Introduced by Eugene Carroll

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

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND THE OMAHA-COUNCIL BLUFFS METROPOLITAN AREA PLANNING AGENCY TO OBTAIN DIGITAL MAP PRODUCTS FOR THE REGION - PRIOR to reading:

CAMP Moved MTA #1 to amend Bill No. 10R-18 by replacing page 2 of the Agreement between the Omaha-Council Bluffs Metropolitan Area Planning Agency, Lancaster County, City of Lincoln, and Lower Platte South Natural Resources District to obtain digital map products for the Region, attached to Bill No. 10R-18 as Attachment A, with the corrected page 2 attached to this motion.

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

CLERK Read the following amended resolution, introduced by Eugene Carroll, who moved its adoption:

A-85703

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

That the attached Agreement between the City of Lincoln, Lancaster County, the Lower Platte South Natural Resources District and the Omaha-Council Bluffs Metropolitan Area Planning Agency, to obtain digital map products for the region, upon the terms and conditions set forth in said Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to forward one fully executed original of said Agreement to Kick Peo, Chief Assistant City Attorney, for transmittal and execution by the parties.

Introduced by Eugene Carroll

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

APPROVING AN AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND CEDARS YOUTH SERVICES FOR THE HEALTH DEPARTMENT TO PROVIDE NURSING ASSESSMENT SERVICES AT BOYS HOME AND TLC FOR A PERIOD OF JANUARY 1, 2010 THROUGH DECEMBER 31, 2012 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85704

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

That the Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and Cedars Youth Services, to provide nursing assessment services at Boys Home and TLC for a period of January 1, 2010 through December 31, 2012, upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.
The City Clerk is directed to send a copy of this Resolution and one fully executed Agreement to Bruce Dart, Lincoln-Lancaster County Health Department Director for transmittal to Cedars Youth Services.

Introduced by Eugene Carroll.

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

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND AMSAN NEBRASKA, INC. FOR CUSTODIAL SUPPLIES/HARDGOODS - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85705

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

That the attached contract between the City of Lincoln, Lancaster County, the Lincoln Lancaster County Public Building Commission and AmSan Nebraska Inc., for all materials and equipment necessary to provide and deliver Custodial Supplies/Hardgoods for various departments in compliance with the prices as established by the University of Nebraska Proposal No. 48554 dated October 22, 2009, for a period of November 2, 2009 through November 1, 2012, upon the terms as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Eugene Carroll.

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

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, LINCOLN-LANCATER COUNTY PUBLIC BUILDING COMMISSION AND NGC GROUP INC. FOR GENERAL CONSTRUCTION PROJECTS LESS THAN $10,000.00 EACH ON AN AS-NEEDED BASIS - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85706

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

That the attached contract between the City of Lincoln, Lancaster County, the Lincoln Lancaster County Public Building Commission and NGC Group Inc., for Unit Price Construction Contract for General Construction, projects less than $10,000.00 each, pursuant to Bid No. 09-273, for a period of January 1, 2010 through December 31, 2011, upon the terms as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Eugene Carroll.

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

COMP. PLAN CONFORMANCE 09015 - CREATING THE SOUTH STREET BUSINESS IMPROVEMENT DISTRICT FOR THE PROVISION OF MAINTENANCE OF CERTAIN PUBLIC FACILITIES AND IMPROVEMENTS IN THE AREA OF SOUTH STREET FROM THE ALLEY WEST OF 9TH STREET EAST TO 19TH STREET - PRIOR to reading:

SPATZ Stated for the record that the evidence before Council today does not indicate that there is any proof that a majority, 51%, of the frontage, is in opposition to the BID.

HORNUNG Moved to delay action on Bill No. 10R-34 for one week to February 8, 2010.

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

CLERK Read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85727

RESOLUTION of intention to establish a Business Improvement District for the provision of maintenance of certain public facilities and improvements in the area of South Street from the alley west of 9th Street east to 19th Street to be known as the South Street Business Improvement District; and WHEREAS, the City Council of the City of Lincoln created the South Street Business Area Improvement Board by Resolution No. A-85495; and WHEREAS, the South Street Business Area Improvement Board, on August 31, 2009, recommended that the City Council create a new business improvement district within the area of South Street from the alley west of 9th Street east to 19th Street funded by special assessments levied on a front foot basis and fairly and equitably based on special benefits to the property within the district; and WHEREAS, the City of Lincoln intends to consider at public hearing an ordinance to establish the recommended business improvement district along South Street from the alley west of 9th Street to 19th Street, as more particularly described below.
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

Under the authority of the Business Improvement District Act, Neb. Rev. Stat. § 19-4015 – 19-4038 (Reissue 2007) and based upon the recommendations received from the duly appointed South Street Business Improvement Board and the Lincoln-Lancaster County Planning Commission, the City Council of the City of Lincoln hereby states its intention to create a Business Improvement District to be known as the South Street Business Improvement District for the purpose of providing maintenance of certain public facilities and improvements under the act for the betterment of the district and employing or contracting personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvement District Act as provided in the ordinance creating the district.

BE IT FURTHER RESOLVED that in accordance with the Business Improvement District Act, Neb. Rev. Stat. § 19-4015 et seq. (Reissue 2007) (the Act) the following information is provided regarding the creation of such business improvement district:

1. DESCRIPTION OF BOUNDARIES. The boundaries of the proposed South Street Business Improvement District shall generally extend along South Street from the alley west of 9th Street east to 19th Street including those properties abutting South Street as more specifically marked on the map and list of properties which is attached hereto marked as Attachment "A" and made a part hereof by reference. Commonly owned properties that are intersected by a boundary line establishing the district shall be considered as entirely within the district unless otherwise determined by the City Council when sitting as a Board of Equalization.

2. TIME AND PLACE OF HEARING ON CREATION OF THE DISTRICT. The City Council of the City of Lincoln will consider the establishment of such business improvement district at a public hearing on February 1, 2010, at the hour of 3:00 p.m., or as soon thereafter as possible in the City Council Chambers, first floor, County-City Building, 555 South 10th Street, Lincoln, Nebraska 68508.

3. WORK TO BE PERFORMED IN THE DISTRICT. The work to be performed in the proposed business improvement district shall include:

a. Maintenance of the irrigation system including Fall shut-off and Spring start-up.

b. Removal of litter from sidewalks, median planting beds, planting areas in the South Street right-of-way and the 14th Street plaza area.

c. Removal of trash from 14th Street plaza area trash receptacles.

d. Maintenance of street furniture, planters, ornamental lights and trash receptacles.

e. Care and maintenance, including replacement of all landscaping, including watering, fertilizing, weeding, spraying, mulching and removal of the replacement of dead plants and shrubs and trees.

f. Maintenance of sidewalks.

g. Snow Removal.

4. ESTIMATED COSTS. The estimated total annual costs and expenses for the work proposed to be performed within such district are $18,000.00 (first year estimate); provided that the maximum amount of the first year's annual assessment for the district would not exceed $18,000.00. In the subsequent nine years the maximum amount of the annual assessment for the district would not exceed the first year maximum assessment amount ($18,000.00), plus an increase equal to the amount of the Lincoln Consumer Price Index or 5%, whichever is less. The specific improvements for the first year are listed for purposes of estimating the costs and expenses of performing the proposed work and improvements. The assessments levied shall not exceed $18,000.00 for the first year. Although the district proposal is for an indefinite period, the City Council after public hearing shall approve an annual budget for specific work and improvements in each succeeding year consistent with the ordinance creating the district. The City Council retains the authority to change, modify and remove proposed improvements; however, the proposed improvements cannot exceed the scope of improvements and the annual assessment cannot exceed the maximum amounts of the annual assessment provided by the ordinance creating the district.

5. METHOD OF RAISING REVENUE. The costs and expenses for the work proposed to be performed within such business improvement district will be raised through special assessments based upon the special benefits to the property as fairly and equitably assessed by the City Council. The assessments will be levied annually on a front foot basis.
6. PROPERTY EXEMPT FROM AD VALOREM TAXES. Based on the recommendation of the South Street Business Improvement Board, all owners of property exempt from ad valorem taxes within the district will be invited to contribute annually to the City of Lincoln to support B.I.D. activities and improvements. Any contributions shall be allocated to reduce assessment rates in the district. 

Introduced by Eugene Carroll

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

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

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND SLICK GRAPHIX FOR THE LEASE OF OFFICE SPACE BY THE AGING PARTNERS (FORMERLY THE LINCOLN AREA AGENCY ON AGING/LIFE) FOR ITS AGING PARTNERS PERSONAL & FAMILY SERVICES PROGRAM AT 370 FIFTH STREET, DAVID CITY, NE 68632 FOR A TERM OF MARCH 1, 2010 THROUGH FEBRUARY 28, 2011 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Slick Graphix for the lease of office space by the Aging Partners for its Aging Partners Personal & Family Services program located at 370 Fifth Street, David City, NE 68632, for a term of March 1, 2010 through February 28, 2011, the first time.

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

AMENDING CHAPTER 4.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LIBRARY BOARD BY AMENDING SECTION 4.20.010 TO PROVIDE THAT NO LIBRARY BOARD DIRECTOR SHALL SERVE MORE THAN ONE CONSECUTIVE TERM OF SEVEN YEARS AND AMENDING SECTION 4.20.040 TO CHANGE THE CONTENT OF THE LIBRARY BOARD’S ANNUAL REPORT TO THE CITY COUNCIL AND THE DATE IT SHALL BE SUBMITTED - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 4.20 of the Lincoln Municipal Code relating to the Library Board by amending Section 4.20.010 to provide that no Library Board director shall serve more than one consecutive term of seven years; amending Section 4.20.040 to change the content of the Library Board’s annual report to the City Council and the date it shall be submitted; and repealing Sections 4.20.010 and 4.20.040 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP 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 #19340, is recorded in Ordinance Book #26, Page

AMENDING TITLE 14 OF THE LINCOLN MUNICIPAL CODE RELATING TO PUBLIC PROPERTY AND PUBLIC WAYS BY ADDING A NEW CHAPTER 14.42 TO PROVIDE FOR THE APPLICATION OF PAINTED ART ON LOCAL STREETS WITHIN THE PUBLIC RIGHT-OF-WAY IN RESIDENTIAL ZONING DISTRICTS - PRIOR to reading:

COOK Moved MTA #1 to amend Bill No. 10-3 in the following manner:

1. On page 4, line 19, following the period at the end of the line, insert the following: The Director of Public Works and Utilities may waive the petition requirements upon a showing that a good faith effort has been made to satisfy the requirements but, due to property vacancy or other factor, approval was unable to be obtained.

2. On page 5, line 13, before the period at the end of the line, insert the following: , except that the Director of Public Works and Utilities may allow an extension of an existing permit in unusual circumstances.

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

CLERK Read an ordinance, introduced by Jonathan Cook, amending Title 14 of the Lincoln Municipal Code relating to Public Property and Public Ways by adding a new Chapter 14.42 to provide for the application of painted art on local streets within the public right-of-way in residential zoning districts, the third time.

COOK Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19341, 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 NOS. 1 AND NO. 2. (10/5/09 - ACTION DELAYED WEEKLY TO 2/1/2010) - PRIOR to reading:

Seconded by Cook & 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 her compensation in excess of $4,800.00 plus 6% of his or her 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 February 8, 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 February 8, 2010.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT 4:56 P.M.

Camp: Moved to adjourn the City Council meeting of February 1, 2010.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Teresa J. Meier, Deputy City Clerk

Sandy L. Dubas, Senior Office Assistant