THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 8, 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

Hornung Having been appointed to read the minutes of the City Council proceedings of February 1, 2010 reported having done so, found same correct. Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

MAYOR’S AWARD OF EXCELLENCE - CANCELLED - TO BE RESCHEDULED

PUBLIC HEARING

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT RELATING TO FINANCE AND TAXATION, BY ADDING A NEW SECTION 26.B TO ALLOW THE CITY TO ESTABLISH AND ADOPT A BIENNIAL BUDGET

Cook Moved to Withdraw Bill No. 10R-37 and remove from Public Hearing. Seconded by Spatz & 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 - Jerry Hudgins, 3415 W. Cape Charles Rd., Department Chair of Electrical Engineering Department at University of Nebraska Lincoln for six years. He stated it was an honor to serve on this Board. He answered he thought nuclear energy is a safe form of energy on a large scale, but not for electricity. It is an option for the future.

This matter was taken under advisement.

APPLICATION OF MARTINSON ENTERPRISES LLC DBA CRESCENT MOON COFFEE FOR A CLASS I LIQUOR LICENSE AT 816 P STREET, SUITE 100;

Manager APPLICATION OF MELINDA J. MARTINSON FOR MARTINSON ENTERPRISES LLC DBA CRESCENT MOON COFFEE AT 816 P STREET, SUITE 100 - Melinda J. Martinson, 5204 Colby Street, took the oath and came forward to answer questions. This matter was taken under advisement.

APPLICATION OF BUGEATER INVESTMENTS INC. DBA LIBATIONS, TOO FOR A CLASS C LIQUOR LICENSE AT 5310 SOUTH 56TH STREET, SUITE 1;

Manager APPLICATION OF BRYAN A. MCFARLAND FOR BUGEATER INVESTMENTS INC. DBA LIBATIONS, TOO AT 5310 SOUTH 56TH STREET, SUITE 1 - Austin McKillip, Cline Williams, took the oath and came forward representing Libations and Bryan McFarland to answer any questions. This matter was taken under advisement.

APPLICATION OF SAM’S WEST, INC. DBA SAM’S CLUB 6413 FOR A CLASS C LIQUOR LICENSE AT 4900 NORTH 27TH STREET;

Manager APPLICATION OF ROLAND L. MEIROSE FOR SAM’S WEST, INC. DBA SAM’S CLUB 6413 AT 4900 NORTH 27TH STREET - Roland Meirose, 4920 N.W. 8th Street, took oath and came forward to answer questions. This matter was taken under advisement.

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, LINCOLN-LANCaster COUNTY PUBLIC BUILDING COMMISSION AND BECKER CONSTRUCTION INC. FOR GENERAL CONSTRUCTION PROJECTS LESS THAN $10,000.00 EACH ON AN AS-NEEDED BASIS - Bob Walla, Asst. Purchasing Agent, stated these multi-year contracts are less than $10,000 with two vendors which are needed soon.

Richard Esquivel, 733 W. Cuming, questioned what the benefit of awarding a contract was to someone who lives in Valparaiso instead of someone who lives and pays taxes in Lincoln.

This matter was taken under advisement.

AUTHORIZING THE EXECUTION AND DELIVERY OF THE LINCOLN HAYMARKET JOINT PUBLIC BUILDING COMMISSION AGREEMENT AND RELATED DOCUMENTS;

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED GENERAL OBLIGATION BOND ISSUE IN AN AMOUNT NOT TO EXCEED $25 MILLION FOR CONSTRUCTION OF A NEW LINCOLN HAYMARKET ARENA AND RELATED IMPROVEMENTS AT THE MAY 11, 2010 PRIMARY ELECTION;

APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LINCOLN AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA WITH RESPECT TO CONSTRUCTION OF THE LINCOLN HAYMARKET ARENA, UTILIZING THE JPA FOR FINANCING AND OTHER FINANCIAL AGREEMENTS RELATED TO PREMIUM SEATING, AND THE SUBSEQUENT LEASE OF THE LEASED IMPROVEMENTS TO ATHLETICS FOR THE USE OF ITS BASKETBALL TEAMS FOR A 30 YEAR TERM TO COMMENCE SEPTEMBER 1, 2013 - Mayor Beutler came forward stating this issue has been worked on for three years with lots of information gathered. This project could create job growth, more revenue, more taxes, keep young people in Lincoln and maintain vitality in the community. $32,000,000 will come from private donations. A high priority has been placed on transparency so the public can get information as needed.

This matter was taken under advisement.
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REGULAR MEETING

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Michelle Waite, Assistant to Chancellor of University of Nebraska Lincoln, read a letter for the record from Harvey Pearlman, Chancellor of the University of Nebraska in support of the arena. He stated important considerations in moving forward would create considerable employment, set the tone and level of vibrancy of the important in the city, which is important to Lincoln students and faculty, and is essential in building the basketball program to a consistent, competitive level.

Jack Weigert came forward representing Woodbury Corporation and Lincoln Traction Partners, 728 Q Street. WRK, the local partner and Woodbury Corporation, a national company in eleven states, makes a good combination to bring in local and national tenants to this project. Mr. Weigert is a great example of a great public, private partnership. Every single avenue and every single way of financing this project has been looked into very intensely over the past two years and this will create over 7,800 jobs in the area and add over 1,200 permanent jobs. Lincoln Traction is very excited about being a part of this great project.

Clifford Sibler, 5920 Spruce, came forward in support and questioned if the cost of environmental clean-up is included in the $340,000,000 or in addition to this cost.

Ed Swote, Chairman of the Downtown Lincoln Association, came forward in support as it will create jobs, revenue from sales tax to maintain infrastructure, won’t need increased property taxes, and will be more competitive in the marketplace in hopes to keep all Lincoln citizens in Lincoln, young and old alike. This will serve as an economic and entertainment catalyst for the surrounding area. DLA asked the Council to vote yes to place this on the ballot.

Connie Hilligas, Chair of the LIBA Board of Directors, came forward in support of the Arena and to ask the Council to place on the budget the $25,000,000 bond. LIBA believes this is a great opportunity with a low level of economic risk. They are optimistic that the City has established funding mechanisms to finance the back tax and the Joint Public Agency. There is a large number of public/private partnerships with ISG, UNL, 2015 Vision Group, the Railroad and the Breslow Ice Center that will provide sufficient funding to build, operate, and maintain the arena. With the loss of State volleyball and wrestling and the possibility of losing the State basketball tournament the City is losing sufficient sales tax revenue.

Coby Mach, 620 N. 48th St., President of LIBA, stated that with Pershing and the Devaney Center aging the City of Lincoln is falling behind their regional competitors in attracting talent. LIBA and the Board of Directors is endorsing the arena project and feels it is an important "next step" in the future of Lincoln. The issues LIBA will continue to follow and monitor are: 1. Ensuring reasonable management is in place to oversee the construction, maintenance and operation of the arena; 2. Oppose refurbishing Pershing Auditorium; 3. In the Memorandum of Understanding ask that the JPA be from the largest section of the City, District 1; 4. Monitor the cost of remediation expenses; 5. Establish a minimum three year reoccurring review of the occupation tax. The LIBA Board of Directors were asked to stand to be recognized as being in support of the arena.

Connie Hilligas, 1135 M St., President of the Lincoln Chamber of Commerce and President of the Lincoln Partnership for Economic Development, came forward to speak on behalf of these organizations plus the Convention and Visitors Bureau in favor of the arena project. This will create more opportunity for greater dollars generated by visitors. It is asked that this be placed on the ballot in May.

Nick Cusick, 6400 West Shore Drive, member of the Lincoln Chamber of Commerce and local manufacturing business owner came forward to state the Chamber of Commerce is 100% behind the West Haymarket project including not only the arena, but the private and public components that will happen if it is built. Economic growth is the engine that propels Lincoln’s ability to provide and pay for the services we expect. This is the right location and right plan for this project.

Garrett Mardock, 136 Nebraska Union, came forward representing the UNL ASUN Student Government in support of the Arena Project. He stated this will provide a basketball arena that can compete with other arenas in the Big XII and across the nation. It will also promote new development of housing, commercial, and entertainment venues that will help bring out-of-state students and young professionals to Nebraska.

Dick Campbell, 6111 Chartwell Lane, came forward in favor of the Haymarket Arena project being put on the ballot. There is an asset of infrastructure in the area to generate for it would gain greatly from it would expand the footprint going to the established network of restaurants, bars, and hotels as well as the arena. Moreno (2015 Vision Group), a private/public partnership is a plus for the public/private partnership community effort to move this forward. The committee of Citizens for Jobs was asked to stand to be recognized in support of the arena.

Michelle Waite, 1500 N. 15th St., came forward in neutral position. He feels this should be totally built with private funds. He expressed concern that land will be taken from the neighborhoods and the cleanup of the railroad area will be costly. He is in support of putting this on the ballot.

Jack Mitchell aka John Liesveld, 3110 Fox Hollow Rd., stated he was the host of a talk radio show. He has made several calls to understand the risk of
this project and always received the information he needed. He feels the quality of life in Lincoln is stable and there is nothing gained without some risk. He is in support.

Alan Anderson, 5950 Sunrise Rd., came forward in support of putting this on the ballot. He stated a concern in comparing centers in other cities that were two to three times bigger than Lincoln and most of the arenas were half to a third less in price than our arena is projected to be. He is also concerned as to whether local workers will get an opportunity to work on this project.

Stacy Brass, 5000 Country Hill Rd., Vice Chair of Lincoln's Young Professional Group (YPG), came forward in support of this resolution. The young professionals believe this is an investment to allow Lincoln to continue to be vibrant, competitive, and pro-growth. They will continue to actively promote this issue over the next three months.

Bob Vos, 7921 Reno Road, came forward in support of this resolution. He raised the question can we afford not to do this? He asked Dan Marvin to put in writing that he will not take a commission from the bond of this project.

Jim Partington, 2600 North 162nd St., Executive Director of the Statewide Restaurant Association, came forward representing the Lincoln members in support of the arena and that it would be worth the investment. The Association recommended: 1. To investigate options to broaden the tax base; 2. Consider a periodic review of the financial plan to revise as time goes on to bring down the rate for the length of the tax period; 3. Provide local businesses the opportunity to compete for the concessions.

Lynn Darling, 2601 S.W. 23rd St., came forward against the arena. She feels that it will put an enormous burden on the people who can't afford it.

Clint Burge, 5701 S. 112th St., Business Manager of IBEW Local 265 Electrical Workers, came forward in support of this resolution. This will create jobs over the three years of construction. He has several workers who are available at this time.

Richard Esquivel, 733 Cummings St., came forward to state he could not support it in its current form. The two factors are the location and the arena at a cost of $168,000,000. Why not just update the Devaney Center for less dollars? He felt the UNL contract should allow for the sale of alcohol at the events if the people want it.

Deb Johnson, 206 S. 13th St., Ste. 101, Executive Director of the Updowntowners, came forward in support. They feel the arena and festival site will provide an opportunity for more events and larger events will become real for the community.

Pat McGrane, 5433 S. 31st Street Court, came forward against putting this on the ballot. He feels the funding should come from private sources. He feels this should go on a later ballot and in the meantime do more public information activities through television, newspaper, public meetings, and neighborhood associations.

Joanne Elliott, 7652 Phares Dr., came forward in a neutral position at this time. She asked the Council to change the wording of the ballot so the voters can make an informed decision. The language should be clear and transparent so that if you vote yes it is not only for the arena and the $25,000,000 bond issue, but also for $319,000,000 of a 30 year debt liability and giving the JPA property taxing authority to raise property taxes should the arena revenue run short in the long-term.

Bradley Walker, 1800 High Street, came forward in support. He feels this is an outstanding public policy, a catalyst point for Lincoln, and can be a bookend corridor with Qwest in Omaha at one end and the arena in Lincoln at the other end.

Cathy Beecham, 3024 Stratford Avenue, came forward in support. Having an archetypal background she expressed the concern of preserving the Haymarket historic area if the arena should be built.

Tom Henning, 6015 The Knolls, President and CEO of Assurance Life came forward representing the group Vision 2015 as a strong supporter of the arena project.

Jeff Foley, 5727 The Knolls, came forward against putting this on the ballot at this time. He feels there are too many unanswered questions about this site. It is important to know what is underneath the ground in the proposed area.

John Skretta, 5601 Kess Dr., member of the Lincoln Ice Hockey Board of Directors came forward in support. More ice is needed in Lincoln for the youth to be able to practice more often and for the opportunity to have tournaments. The arena is key to the success of the ice rink and this opportunity must be embraced.

Wanda Caffrey, 2624 N. 70th St., came forward in support. Her concerns of parking and tilting have been answered. The opportunity for entertainment venues will help keep young people in Lincoln.

Charlie Meyer, 403 Line Drive Circle, President of Lincoln Salt Dogs, came forward in support. He stated this is a premier venue that will benefit the parking with an additional bridge and benefit the youth of Lincoln. This will benefit other facilities in the area as well.

Elegant Limousine, 7341 S. 39th St., came forward in support. She stated that the expenditures of this project have the ability to bring the revenue back into the community.

Beatty Brasch, 3303 S. 31st St., Executive Director of Center for People in Need came forward in support. She stated construction is the key to create jobs.

Rod Confer, City Attorney, came forward to state there are constraints about the Lincoln City Council’s ability to put an issue on the ballot. Charlie Meyer’s vote suggestion that goes on the ballot can only address one issue. The only issue before the people is the $25,000,000 bond issue. The voters of Lincoln cannot be asked
should the Joint Public Agency issue $319,000,000 worth of bonds because that would be an advisory opinion and the voters don’t have the ability to control the JPA.

Joe Hampton, 1660 S. 90th St., came forward in support. He stated there would be the growth of property taxes and that the increase in sales tax dollars will ensure a brighter future for the community.

Jim Linderholm, #25 J Street, HWS Consulting, came forward in support. He stated there have been conversations of railroads going across the area; the cleanup costs are in the budget with an estimate of $7,500,000 being the worst case scenario. The City may want to look at long-term environmental insurance for any unknowns that will come up. Three deep borings were drilled for multi-storage structures in July 2008. The borings were bedrock depth 60 to 80 feet below the surface. Petroleum products were detected, but the EPA has done testing and has pushed for converting this land into usable land.

Lucas Peterson, 2520 R St., came forward in support.

She suggested the 2015 Vision Group have another forum to answer questions.

John Austin, #26 S. 14th St., came forward in support of putting this on the ballot. He stated the proposed area was saturated with diesel fuel 66 years ago and wondered if it had been cleaned up.

Carla Waldbaum, 5019 Bunker Hill Rd., Home Real Estate, came forward in support.

Dan Marvin, came forward to answer questions. He stated they will be buying a lot of infrastructure to include roads and the wheel tax will not be used for this. The round-a-bout will be cleaned up. NDEQ will see if Title 22 funds can be used for the clean-up. There will be a complete swell removal and clean dirt will be put in the area. The environmental issue of the area will be included to help pay off the debt. Studies show that 13,000 to 16,000 seats is adequate for the area. They feel that local people should do the work for this project. The property tax will be utilized in the area. He stated he will not be involved in selling bonds. The JPA agreement is being tweaked and the operating agreement will be reviewed by the Council. Research has determined that locating an arena on the outside edge of the City does not do better. There may be a way to migrate into selling alcohol if need to eventually. The City has the ability to buy additional insurance to protect themselves. There is no decision yet on a food vendor. The cost of the arena will be $168,000,000 of which 20% is for the engineering cost. $139,000,000 is actual construction cost at $270 per sq. ft. for 365,000 sq. ft.

This matter was taken under advisement.

MISC. NO. 09010 - DECLARING THE STATE FAIR PARK REDEVELOPMENT AREA, CONSISTING OF APPROXIMATELY 251 ACRES GENERALLY BOUNDED BY 14TH STREET TO 27TH STREET, BETWEEN SALT CREEK AND BURLINGTON NORTHERN AND SANTA FE RAILROAD CORRIDORS, AS BLIGHTED AND SUBSTANDARD - David Landis, Director of Urban Development, stated that 56% of the buildings at State Fair Park are deteriorating. It would cost $30 to $40 million to refurbish. The project would be entitled to TIF funds.

This matter was taken under advisement.

APPROVING THE SELECTION OF A CONTRACTOR PURSUANT TO THE BIDS TO BE OPENED ON JANUARY 28, 2010 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 TO WIDEN, MILL AND OVERLAY 70TH STREET FROM VINE STREET TO 79TH STREET, PROJECT LCLC-5244(8);

APPROVING THE SELECTION OF A CONTRACTOR PURSUANT TO THE BIDS TO BE OPENED ON JANUARY 28, 2010 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 TO WIDEN, MILL AND OVERLAY 47TH STREET, PROJECT LCLC-5244(7);

APPROVING THE SELECTION OF A CONTRACTOR PURSUANT TO THE BIDS TO BE OPENED ON JANUARY 28, 2010 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 TO WIDEN, MILL AND OVERLAY 25TH STREET, O STREET FROM 29TH STREET TO 44TH STREET AND O STREET FROM WEDGEWOOD DRIVE TO 84TH STREET, PROJECT LCLC-5244(7);

APPROVING THE SELECTION OF A CONTRACTOR PURSUANT TO THE BIDS TO BE OPENED ON JANUARY 28, 2010 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 TO WIDEN, MILL AND OVERLAY 70TH STREET FROM SIERRA DRIVE TO ADAMS STREET, PROJECT LCLC-5247(11);
Works & Utilities Dept., came forward with six amendments that would strike "a contractor to be determined 1/28/2010" and insert the actual contractor. The bids are coming in a little under what was expected, around $5,000,000. This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING JERRY HUDGINS 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:

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

That the appointment of Jerry Hudgins 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 Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, MARCH 1, 2010, AT 3:00 P.M. FOR BOARD OF EQUILIZATION MEETING SPECIAL ASSESSMENT GROUP I - CLERK requested approval for Hearing date of Monday, March 1, 2010, at 3:00 p.m. for Special Assessment Group I.

CARROLL Moved approval.

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

CLERK’S LETTER AND MAYOR’S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON JANUARY 26, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FROM BLACK HILLS/NEBRASKA GAS UTILITY CO., LLC FOR THE MONTH OF DECEMBER 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FROM TIME WARNER CABLE FOR THE YEAR 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF LANCASTER COUNTY E911 TELECOMMUNICATION TAX FOR THE YEAR: JAN. 1, 2009 TO DECEMBER 31, 2009: BULLSEYE; OCT. 1, 2009 TO DEC. 31, 2009: ACN COMM., NOV. 2009: CHARTER FIBERLINK-NEBRASKA, INETWORKS GROUP, INETWORKS GROUP, DEC. 2009: GRANITE, TWC DIGITAL, AT&T OF MIDWEST, 8X8, QWEST, LEVEL 3, LEVEL 3, CONTIX, AT&T OF MIDWEST, ACN, BUDGET PREPAY, WINDESTREAM, INETWORKS GROUP, INETWORKS GROUP, VINAGE AMERICA, VINAGE AMERICA - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FOM CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR OCT. - DEC. 2009: DIGIPRI.COM, COMPTECH 21, OPEX, PNG, INETWORKS GROUP, SHAFFER, ENHANCED, THE SIENNA GROUP, ORBITCOM, AMERIVISION, NOV. 2009: USCC OF GREATER IOWA, QWEST, AT&T OF MIDWEST, VIRGIN MOBILE USA, TWC DIGITAL, VERIZON WIRELESS, WWC LICENSE, ALLTEL OF NE, OMAHA CELLULAR, NEW CINGULAR, CELLCO, SIoux CITY MSA, NORSTAR NETWORK, GLOBAL CROSSING, GLOBALSTAR USA, NETWORK BILLING, PUBLIC COMM., T OC SERVICES, UCM, TRANS NAT’L, WORKING ASSETS, XO, GRANITE, USCC OF NE/KS, TELECO, CNCT, ONSTAR, MCLEODUSA, PRIMUS, NORLIGHT, I-WIRELESS, TCG OMAHA, ARIZONA TELEPHONE, CINCINNATI BELL, TRACFONE, VOICECOM, BROADWING, NEW EDGE, CTI, INTELLICALL, KDI AMERICA, I BM GLOBAL, QUANTUM SHIPT, CIMCO; DEC. 2009: TR-M, ENHANCED, ZONO, I-WIRELESS, T-MOBILE CENTRAL, ATE MOBILE, NEXTEL WEST, LIGHTYEAR NETWORK, NECC, SBC, 800 RESPONSE, 36ONETWORKS, NOS, COVISTA, OCWORLD, NORWEST, FCC, GLOBECOM, FIRST COMM., SHAFFER, YESTEL USA, TOTAL HOLDINGS, IBFA ACQUISITIONS, TRU GLOBAL, PIONEER TELEPHONE, WSSALES CARRIER, B T AMERICAN, MCI, CRICKET, SPRINT, NEXTEL, SPRINT SPECTRUM, D&D, UNITE PRIVATE NETWORKS, J AN. - DEC. 2009: TALK AMERICA, ACCESS2GO - CLERK presented said report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.: Change of Zone 10001HP - requested by Karolyn and Michael Howard to designate as a historic landmark property at 3008 O Street (Tuttle-Schaupp House). Change of Zone 10002 - requested by Civil Design Group, amending Section 27.63.110 of the Lincoln Municipal Code relating to Special Permits for Garden Centers to clarify that garden centers are a permitted special use in the R-2 zoning district to include the 2-2, H-4, I-2 and I-3 districts to the list of districts the land for the garden center must be adjacent to; to clarify that the 100 foot setback for buildings and parking lots from all exterior lot lines is limited to the AG and AGR districts; to correct the districts listed in subsection (e) to correctly reflect the title of Section 7.5 in Chapter 3.50 of the City’s Design Standards for Zoning Regulations; and repealing Section 27.63.110 of the LMC. Special Permit 1988B - requested by Hausmann Development, LLC an amendment to the Tamarin Ridge Community Unit Plan to allow a percentage of parking spaces located on a driveway behind a garage attached to a dwelling unit to be considered as...
required parking stalls for the apartments on property located at S. 27th Street and Tamarin Ridge Road.

Special Permit 10001 - requested by Karolyn and Michael Howard, for Historic Preservation, for adjustments to parking and yard requirements of the Tuttle-Schaupp House on property located at 3008 O Street.

Special Permit 10002 - requested by Civil Design Group for a garden center facility on property located at Lucile Drive and Preserve Lane.

Special Permit 10004 - requested by North Bluff Employment Center, LLC for extraction of soil on property located at N. 56th Street/Highway 77 and Interstate 80. The Planning Commission action is final action, unless appealed to the City Council.

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

Administrative Amendment No. 10002 to Use Permit No. 105A, approved by the Planning Director on January 29, 2010, requested by Olsson Associates, to revise the location of the 13,000 sq. ft. commercial hotel from Lot 16 to Lot 6 and move the 24,000 sq. ft. commercial from Lot 6 to Lot 16, on property generally located southwest of the intersection of N. 84th and Holdrege St.

SETTING THE HEARING DATE OF MONDAY, MARCH 1, 2010 AT 3:00 P.M. FOR APPLICATION OF BWZ LLC DBA PLAYMAKERS FOR A CLASS C LIQUOR LICENSE LOCATED AT 640 W. PROSPECTOR COURT - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85709

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 1, 2010 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of BWZ LLC dba Playmakers for a Class C liquor license located at 640 W. Prospector Court.

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

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

SETTING THE HEARING DATE OF MONDAY, MARCH 1, 2010 AT 3:00 P.M. FOR APPLICATION OF BIN 105 INC DBA BIN 105 FOR A CLASS C LIQUOR LICENSE LOCATED AT 105 N. 8TH STREET, STE. 101 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85710

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 1, 2010 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of Bin 105 Inc. dba Bin 105 for a Class C liquor license located at 105 N. 8th Street, Ste. 101.

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

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

SETTING THE HEARING DATE OF MONDAY, MARCH 1, 2010 AT 3:00 P.M. FOR APPLICATION OF SHANGHAI KING LLC DBA SHANGHAI KING FOR A CLASS I LIQUOR LICENSE LOCATED AT 3940 VILLAGE DRIVE - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85711

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 1, 2010 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of Shanghai King LLC dba Shanghai King for a Class I liquor license located at 3940 Village Drive.

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

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

SETTING THE HEARING DATE OF MONDAY, MARCH 1, 2010 AT 3:00 P.M. FOR THE APPLICATION OF BARBARA JORDAN DBA OUTPOST TAVERN FOR A CLASS C LIQUOR LICENSE LOCATED AT 2834 POLSOm STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85712

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 1, 2010 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of Barbara Jordan dba Outpost Tavern for a Class C liquor license located at 2834 Polson Street.

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

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

LIQUOR RESOLUTIONS

APPLICATION OF MARTINSON ENTERPRISES LLC DBA CRESCENT MOON COFFEE FOR A CLASS I LIQUOR LICENSE AT 816 P STREET, SUITE 100 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-85713

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 Martinson Enterprises LLC dba Crescent Moon Coffee at 816 P Street, Suite 100, Lincoln, Nebraska, for the license period ending April 30, 2010, be approved with the condition that:
1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
2. The premise must comply in every respect with all city and state regulations.
3. The licensed area shall not include the courtyard identified in the application.

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

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

MANAGER APPLICATION OF MELINDA J. MARTINSON FOR MARTINSON ENTERPRISES LLC DBA CRESCENT MOON COFFEE AT 816 P STREET, SUITE 100 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-85714
WHEREAS, Martinson Enterprises LLC dba Crescent Moon Coffee located at 816 P Street, Suite 100, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Melinda J. Martinson be named manager;
WHEREAS, Melinda J. Martinson 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 Melinda J. Martinson 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 Eugene Carroll
Seconded by Spatz & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSTAINED: Camp.

APPLICATION OF BUGEATER INVESTMENTS INC. DBA LIBATIONS, TOO FOR A CLASS C LIQUOR LICENSE AT 5310 SOUTH 56TH STREET, SUITE 1 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-85715
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 Bugeater Investments Inc. dba Libations, Too for a Class "C" liquor license at 5310 South 56th Street, Suite 1, Lincoln, Nebraska, for the license period ending October 31, 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 Eugene Carroll
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

MANAGER APPLICATION OF BRYAN A. MCFARLAND FOR BUGEATER INVESTMENTS INC. DBA LIBATIONS, TOO AT 5310 SOUTH 56TH STREET, SUITE 1 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-85716
WHEREAS, Bugeater Investments Inc. dba Libations, Too located at 5310 South 56th Street, Suite 1, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Bryan A. McFarland be named manager;
WHEREAS, Bryan A. McFarland 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 Bryan A. McFarland 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 Eugene Carroll
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPLICATION OF SAM’S WEST, INC. DBA SAM’S CLUB 6413 FOR A CLASS C LIQUOR LICENSE AT 4900 NORTH 27TH STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-85717
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 Sam’s West, Inc. dba Sam’s Club 6413 for a Class "C" liquor license at 4900 North 27th Street, Lincoln, Nebraska, for the license period ending October 31, 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.

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

MANAGER APPLICATION OF ROLAND L. MEIROSE FOR SAM’S WEST, INC. DBA SAM’S CLUB 6413 AT 4900 NORTH 27TH STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval.

WHEREAS, Sam’s West, Inc. dba Sam’s Club 6413 located at 4900 North 27th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Roland L. Meirose be named manager;

WHEREAS, Roland L. Meirose 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 Roland L. Meirose 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.

Seconded by Eugene Carroll

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)

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 second time.

PUBLIC HEARING - RESOLUTIONS

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

A-85718

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 Becker Construction, Inc. for a fixed-price 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.

Seconded by Jonathan Cook

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

AUTHORIZING THE EXECUTION AND DELIVERY OF THE LINCOLN HAYMARKET JOINT PUBLIC AGENCY AGREEMENT AND RELATED DOCUMENTS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85720

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF THE WEST HAYMARKET JOINT PUBLIC AGENCY AGREEMENT.

WHEREAS, the Joint Public Agency Act (Chapter 13, Article 25, Reissue Revised Statutes of Nebraska, as amended, the "Act") permits local government units to make the most efficient use of their taxing authority and other powers by enabling them to cooperate with other governmental units on a basis of mutual advantage and to provide services and facilities by enabling them to cooperate with other governmental units on a basis of mutual advantage and to provide services and facilities. The Act provides for forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Lincoln, Nebraska (the "City"), finds and determines that there exists a need for the creation of a joint public agency (the "Agency") pursuant to the Act to facilitate land acquisition, relocation of existing businesses, environmental remediation, site preparation and the construction, equipping, furnishing and financing of parks and recreation facilities (including, but not limited to, parkways, playgrounds, sports facilities, athletic fields, parks and recreational areas, roads, streets, sidewalks, pedestrian overpass, public plaza space, sanitary and storm sewers, water mains, electric transmission lines, electric systems, flood control, parking garages and surface parking lots (the "West Haymarket Facilities") for the benefit of residents of the City as provided in the Act. The participants in the Agency will be the City and the Board of Regents of the University of Nebraska (the "University").

NOW THEREFORE, BE IT FURTHER RESOLVED that the form, terms and provisions of the Joint Public Agency Agreement (the "Agreement") between the West Haymarket Joint Public Agency (the "Agency") between the City and the University are, in all respects, hereby approved, authorized, ratified and confirmed, and the Mayor and
the Clerk are each separately and individually hereby authorized and directed to execute, acknowledge and deliver the Agreement, including counterparts thereof, in the name and on behalf of the City. The Agreement, as executed and delivered, shall be in substantially the same form, subject to such changes therein as shall be approved by the Mayor, such execution thereof to constitute conclusive evidence of the City's approval of any and all changes or revisions therein from the form of the Agreement now on file; and from and after the execution and delivery of the Agreement by the City, the officers, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Agreement.

NOW THEREFORE, BE IT FURTHER RESOLVED that (a) if any provision of this Resolution shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative or unenforceable to any extent whatsoever; (b) to the extent that the provisions of this Resolution conflict with provisions of prior resolutions, or parts thereof, the provisions of this Resolution shall control, to the extent of such conflicts; and (c) this Resolution shall be in full force and effect immediately upon its passage and approval.

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

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED GENERAL OBLIGATION BOND ISSUE IN AN AMOUNT NOT TO EXCEED $25 MILLION FOR CONSTRUCTION OF A NEW LINCOLN HAYMARKET ARENA AND RELATED IMPROVEMENTS AT THE MAY 11, 2010 PRIMARY ELECTION - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

WHEREAES, in order to fund the costs of acquiring, constructing, equipping and furnishing a sports/entertainment arena and related facilities and improvements (the "PROJECT") in the Lincoln Haymarket area of the City of Lincoln, Nebraska (the "CITY"), it is necessary to issue general obligation bonds pursuant to the Convention Center Facility Financing Assistance Act, as amended (the "Act"), and to secure such bonds by pledging the income, proceeds, and revenue of such Project, appropriations from the State of Nebraska (the "State") under the Act and other State sources, and other available revenue, income and receipts of the City, including certain sales, use, occupation and/or property tax revenue, fees or receipts sufficient to pay the principal of and the interest on said bonds as they become due and payable, and

WHEREAES, it is required by the Act, and it is in the best interests of the City, to present the question of the issuance of such bonds to the electors of the City at the statewide primary election to be held by on Tuesday, May 11, 2010.

NOW, THEREFORE, BE IT RESOLVED by the City Council (the "Council") of the City as follows:

Section 1. The Council hereby finds and determines that:

a. It is necessary, desirable, advisable and in the best interests of the City to acquire, construct, equip and furnish the Project within the City.

b. The estimated cost to the City of constructing the Project will be not less than $25,000,000, and a principal amount not to exceed $25,000,000, and bonds to be dated at the time of their issuance and to become due and payable on such dates, to bear interest at such rates and to have such other terms as may be fixed by the City at the time of their issuance.

c. It will be necessary to secure such bonds by pledging the income, proceeds, and revenue of such Project, any State appropriations received under the Act or other State source, and available revenue, income, and receipts of the City, including certain City sales, use, occupation and/or property tax revenue, fees or receipts, in an amount sufficient to pay the principal of and the interest on said bonds as they become due and payable; provided, however, that the City shall not levy property taxes in excess of its millage limit.

d. It is required by the Act, and it is in the best interests of the citizens of the City, to present the question of the issuance of such bonds to the duly qualified electors of the City at the statewide primary election to be held on Tuesday, May 11, 2010.

Section 2. The following proposition shall be submitted to the qualified electors of the City at the statewide primary election to be held on Tuesday, May 11, 2010.

(FORM OF BALLOT)
"SHALL THE CITY OF LINCOLN, NEBRASKA ISSUE ITS ARENA BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED $25,000,000 FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS INCIDENT TO ACQUIRING, CONSTRUCTING, EQUIPPING AND FURNISHING THE LINCOLN HAYMARKET ARENA AND RELATED FACILITIES AND IMPROVEMENTS, SUCH BONDS TO BE DATED AT THE TIME OF THEIR ISSUANCE, TO BECOME DUE AND PAYABLE ON SUCH DATES, TO BEAR INTEREST AT SUCH RATES AND TO HAVE SUCH OTHER TERMS AS MAY BE FIXED BY THE CITY AT THE TIME OF THEIR ISSUANCE, AND TO BE PAYABLE FROM THE INCOME, PROCEEDS AND REVENUE OF THE LINCOLN HAYMARKET ARENA AND RELATED FACILITIES AND IMPROVEMENTS, FROM STATE APPROPRIATIONS UNDER THE CONVENTION CENTER FACILITY FINANCING ASSISTANCE ACT AND/OR OTHER STATE SOURCES AND FROM OTHER AVAILABLE REVENUE, INCOME AND RECEIPTS OF THE CITY, INCLUDING CERTAIN CITY SALES, USE, OCCUPATION AND/OR PROPERTY TAX REVENUE FERS OR RECEIPTS, SUFFICIENT TO PAY THE PRINCIPAL OF AND THE INTEREST ON SAID BONDS, THEY BECOME DUE AND PAYABLE, PROVIDED, HOWEVER, THAT APPROVAL OF THIS BOND ISSUE WILL NOT CAUSE ANY INCREASE IN THE PROPERTY TAX LEVY MILLAGE LIMIT OF THE CITY?"

VOTE FOR or AGAINST

- FOR said proposition
- AGAINST said proposition

Voters desiring to vote in favor of the proposition shall mark in the square opposite the words "FOR said proposition". Voters desiring to vote against the proposition shall mark in the square opposite the words "AGAINST such proposition.”

Section 1. The Clerk shall cause a notice of such election to be given as provided by Article III, Section 1 of the Charter of the City; and the Mayor shall be and hereby is directed to proclaim and give notice that at the statewide primary election to be held on Tuesday, May 11, 2010, there will be submitted to the qualified electors of the City, for adoption or rejection, the bond authorization question set forth in Section 2 hereof; and the Clerk is further directed to publish said proclamation as provided by law.

Section 2. Such statewide primary election will be held in each election district within the City and at the polling places designated by the Election Commissioner of Lancaster County, Nebraska (the "Election Commissioner").

Section 3. The Clerk is further directed to notify the Election Commissioner for such statewide primary election and the bond authorization question set forth in Section 2 hereof, and to procure the necessary ballots and make all other necessary arrangements for the same.

Section 4. The polling places for such statewide primary election shall be open from 8:00 a.m. to 8:00 p.m. on Tuesday, May 11, 2010, and a copy of the bond authorization question to be submitted shall be posted at each place of voting during the hours said polls are open.

Section 5. Such statewide primary election shall be conducted in accordance with the laws of the State applicable to such elections for cities of the primary class, and the ballots shall be counted, the returns made, and the results canvassed as provided for by law, and all such steps shall be taken as are provided by law in the ascertainment of the results of said election.

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

APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LINCOLN AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA WITH RESPECT TO CONSTRUCTION OF THE LINCOLN HAYMARKET ARENA, UTILIZING THE JPA FOR FINANCING AND OTHER FINANCIAL AGREEMENTS RELATED TO PREMIUM SEATING, AND THE SUBSEQUENT LEASE OF THE LEASED IMPROVEMENTS TO ATHLETICS FOR THE USE OF ITS BASKETBALL TEAMS FOR A 30 YEAR TERM TO COMMENCE SEPTEMBER 1, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

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

That the Memorandum of Understanding between the City of Lincoln and the Board of Regents of the University of Nebraska which is attached hereto marked as Attachment "A" and made a part hereof by reference, setting forth the understandings of the Board of Regents and the City with respect to construction of the West Haymarket Arena, utilizing the creation of a Joint Public Agency for Financing the West Haymarket Arena, setting forth other financial agreements related to Premium Seating, and the subsequent lease of the Leased Improvements to Athletics for the use of its Basketball Teams, is hereby accepted and approved.

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

The City Clerk is directed to return the fully executed original Memorandum of Understanding to Kick Peo, Chief Assistant City Attorney, for transmittal and execution by the University of Nebraska.

Introduced by Jonathan Cook
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSTAINED: Camp.
WHEREAS, the Census is vital to our community in that it determines the apportionment of seats in the United States House of Representatives and the Nebraska Legislature, and is the basis for allocation of billions of dollars in Federal, State, and County funds for social and other programs; and
WHEREAS, the Census is also used to help determine where to locate schools, day care centers, senior citizen centers, hospitals, and other facilities and is used to make decisions concerning business growth and jobs; and the Federal law prohibits any public or private agency from gaining access to confidential Census data; and
WHEREAS, the City of Lincoln is committed to a full and accurate Census count and is placing special emphasis on enumerating members of population groups traditionally undercounted; and
WHEREAS, the City of Lincoln, Nebraska, will form a Census 2010 Complete Count Committee composed of key stakeholders within our community, including elected officials, planners, community based organizations, business groups, religious institutions, and members of the media.
NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lincoln, Nebraska:
That on behalf of the community, the City Council hereby proclaims Census 2010 as a top priority for all departments and appointed officials of the City and encourages the community to place an emphasis of partnering together with the U.S. Census Bureau in achieving an accurate and complete count in Census 2010.
BE IT FURTHER RESOLVED that the citizens of Lincoln, Lancaster County, Nebraska are hereby encouraged to take 10 minutes to answer 10 questions for the 2010 Census.

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

MISC. NO. 09010 - DECLARING THE STATE FAIR PARK REDEVELOPMENT AREA, CONSISTING OF APPROXIMATELY 251 ACRES GENERALLY BOUNDED BY 14TH STREET TO 27TH STREET, BETWEEN SALT CREEK AND BURLINGTON NORTHERN AND SANTA FE RAILROAD CORRIDORS, AS BLIGHTED AND SUBSTANDARD - PRIOR to reading.

Moved to withdraw bill No. 10R-37 and to removed from Public Hearing.

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, having been withdrawn, was assigned the file No. 838-4600 & was placed on file in the Office of the City Clerk.

APPROVING A REQUEST OF THE U.S. CENSUS BUREAU TO ENCOURAGE THE COMMUNITY TO PARTNER WITH THE U.S. CENSUS BUREAU IN ACHIEVING AN ACCURATE AND COMPLETE COUNT IN CENSUS 2010 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85723
WHEREAS, the Census is vital to our community in that it determines the apportionment of seats in the United States House of Representatives and the Nebraska Legislature, and is the basis for allocation of billions of dollars in Federal, State, and County funds for social and other programs; and
WHEREAS, the Census is also used to help determine where to locate schools, day care centers, senior citizen centers, hospitals, and other facilities and is used to make decisions concerning business growth and jobs; and the Federal law prohibits any public or private agency from gaining access to confidential Census data; and
WHEREAS, the City of Lincoln is committed to a full and accurate Census count and is placing special emphasis on enumerating members of population groups traditionally undercounted; and
WHEREAS, the City of Lincoln, Nebraska, will form a Census 2010 Complete Count Committee composed of key stakeholders within our community, including elected officials, planners, community based organizations, business groups, religious institutions, and members of the media.
NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lincoln, Nebraska:
That on behalf of the community, the City Council hereby proclaims Census 2010 as a top priority for all departments and appointed officials of the City and encourages the community to place an emphasis of partnering together with the U.S. Census Bureau in achieving an accurate and complete count in Census 2010.
BE IT FURTHER RESOLVED that the citizens of Lincoln, Lancaster County, Nebraska are hereby encouraged to take 10 minutes to answer 10 questions for the 2010 Census.

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

MISC. NO. 09010 - DECLARING THE STATE FAIR PARK REDEVELOPMENT AREA, CONSISTING OF APPROXIMATELY 251 ACRES GENERALLY BOUNDED BY 14TH STREET TO 27TH STREET, BETWEEN SALT CREEK AND BURLINGTON NORTHERN AND SANTA FE RAILROAD CORRIDORS, AS BLIGHTED AND SUBSTANDARD - PRIOR to reading.

Moved to amend Bill No. 10R-39 as follows: 1. On page 3, line 12, delete the year "2009" and insert in lieu thereof the date 2010. 2. On page 3, line 16, delete the year "2008" 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 resolution, introduced by Jonathan Cook, who moved its adoption:

A-85724
WHEREAS, it is desirable and in the public interest that the City of Lincoln, Nebraska, a municipal corporation and a city of the primary class, undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and
WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1943, as amended, known as the Community Development Law, is the urban renewal and redevelopment law for the State of Nebraska and prescribes the requirements and procedures for the planning and implementation of urban redevelopment projects; and
WHEREAS, the City, in accordance with its Home Rule Charter and the laws of the State of Nebraska applicable to cities of the primary class, has duly prepared and approved a general plan for the development of the City known as its Comprehensive Plan, all as required by Section 18-2110, R.R.S. 1943; and
WHEREAS, this Council has received and duly considered evidence relating to the present condition of the State Fair Park Redevelopment Area, generally bounded by 14th Street to 27th Street, between the Salt Creek and Burlington Northern and Santa Fe Railroad corridors, as shown and described on Attachment "A" (entitled State Fair Park Redevelopment Area Blight and Substandard Determination Study); and
WHEREAS, this Council has received and duly considered other evidence, including evidence relating to the scope and limitations of the nearby redevelopment plans in the area, and the inability of the other plans to effectively remedy the substandard and blighted conditions; and
WHEREAS, Article 8, Section 12 of the Constitution of the State of Nebraska requires that said area must be found to be both substandard and blighted in order for tax increment financing to be used in said area; and
WHEREAS, Section 18-2119, R.R.S. 1943, as amended, requires that prior to the preparation by the City of an urban redevelopment plan for a redevelopment project for the State Fair Park Redevelopment Area, this Council as governing body of the City, by resolution, after reviewing a recommendation from the review committee of the City Lancaster County Planning Commission, find and determine that said area is both a substandard and blighted area as defined in said Community Development Law, and in need of redevelopment; and
WHEREAS, on December 31, 2009, notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing bodies of county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within a 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 January 13, 2010, before the Lincoln County-Lancaster County Planning Commission regarding the proposed determination that the State Fair Park Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C", respectively; and

WHEREAS, the Lincoln County-Lancaster County Planning Commission on January 13, 2009 recommended that the State Fair Park Redevelopment Area be found to be both a substandard and blighted area as defined in said Community Development Law and the evidence demonstrates that said State Fair Park Redevelopment Area as shown and described on Attachment "A" constitutes both a substandard and blighted area as defined in said Community Development Law, which area is in need of redevelopment.

WHEREAS, on January 22, 2010 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing to be held on February 8, 2010 regarding the proposed determination that the State Fair Park Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on January 22, 2010 and January 29, 2010 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on February 8, 2010 regarding the proposed determination that the State Fair Park Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of such notice having been attached hereto as Attachment "E"; and

WHEREAS, on February 8, 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 determination that the State Fair Park Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

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

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

1. That it is hereby found and determined that substandard and blighted conditions exist as set forth and discussed in Attachment "A" (entitled State Fair Park Redevelopment Area Blight and Substandard Determination Study) attached hereto and incorporated herein as though fully set forth verbatim.

2. That it is hereby found and determined that the State Fair Park Redevelopment Area as shown and described on Attachment "A", constitutes both a substandard and blighted area as defined by subsections (10) and (11), respectively, of Section 18-2103, R.R.S. 1943, as amended, and that said area is in need of redevelopment.

3. That it is hereby found and determined that said area is an eligible site for urban redevelopment projects under the provision of Chapter 18, Article 21, Nebraska Revised Statutes of 1943, as amended.

4. That the 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 such substandard and blighted conditions 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 aid provided by the Community Development Law, specifically including Tax Increment Financing.

6. BE IT FURTHER RESOLVED that the Department of Urban Development as the duly designated community development agency for the City of Lincoln is hereby authorized and directed to immediately proceed with the preparation of a new redevelopment plan and associated projects for the State Fair Park Redevelopment Area, which project shall be in accordance with the procedures of said Chapter 18, Article 21, for ultimate review and consideration by this Council.

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

APPROVING THE SELECTION OF A CONTRACTOR PURSUANT TO THE BIDS TO BE OPENED ON FEBRUARY 8, 2010 AND AUTHORIZING EXECUTION OF 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 THE MILL AND OVERLAP OF Y STREET FROM 27TH STREET TO 27TH STREET, P STREET FROM 17TH STREET TO 27TH STREET, AND N.W. 1ST STREET FROM W. HIGHLAND BLVD. TO W. FLETCHER AVE., PROJECT LCLC-5236(2) - PRIOR to reading:

Cook

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
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 mill and overlay of O Street from 18th Street to 27th Street, P Street from 17th Street to 27th Street, and N.W. 1st Street from W. Highland Blvd. to W. Fletcher Ave. (Project No. LCLC-5236(2)); and

WHEREAS, the State and City received bids for the construction of the proposed work and selected a contractor to be determined 1/28/2010 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 Jonathan Cook

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

APPROVING THE SELECTION OF A CONTRACTOR PURSUANT TO THE BIDS TO BE OPENED ON JANUARY 28, 2010 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 THE MILL AND OVERLAY OF HOLDREGE STREET FROM 19TH STREET TO 25TH STREET, CORNHUSKER HIGHWAY FROM RUSSELL DRIVE TO 70TH STREET, 70TH STREET FROM AYLESWORTH AVENUE TO ADAMS STREET, VINE STREET FROM 70TH STREET TO SIERRA DRIVE AND ADAMS STREET FROM 1-180 TO 14TH STREET, PROJECT LCLC-5247(11)-PRIOR to reading:

Cook

Moved to amend Bill No. 10R-41 as follows: On page 1, line 8, strike "a contractor to be determined 1/28/2010" and insert in lieu thereof "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 Jonathan Cook

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

APPROVING THE SELECTION OF A CONTRACTOR PURSUANT TO THE BIDS TO BE OPENED ON JANUARY 28, 2010 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 THE MILL AND OVERLAY OF O STREET FROM 15TH STREET TO 25TH STREET, O STREET FROM 29TH STREET TO 44TH STREET AND O STREET FROM WEDGEWOOD DRIVE TO 84TH STREET, PROJECT LCLC-5247(11)-PRIOR to reading:

Cook

Moved to amend Bill No. 10R-42 as follows: On page 1, line 7, strike "a contractor to be determined 1/28/2010" and insert in lieu thereof "Constructors Inc.

NOW, THEREFORE, BE IT RESOLVED by the State Department of Roads.

To the Department of Public Works & Utilities, for transmittal and execution by 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 Jonathan Cook

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

APPROVING THE SELECTION OF A CONTRACTOR PURSUANT TO THE BIDS TO BE OPENED ON JANUARY 28, 2010 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 THE MILL AND OVERLAY OF O STREET FROM 15TH STREET TO 25TH STREET, O STREET FROM 29TH STREET TO 44TH STREET AND O STREET FROM WEDGEWOOD DRIVE TO 84TH STREET, PROJECT LCLC-34-6(140); and

WHEREAS, the State and City received bids for the construction of the proposed work and selected a contractor to be determined 1/28/2010 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:
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: Jonathan Cook
SECONDED BY: Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING THE SELECTION OF A CONTRACTOR PURSUANT TO THE BIDS TO BE OPENED ON JANUARY 28, 2010 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 TO WIDEN, MILL AND OVERLAY HOLLAND STREET FROM 33RD STREET TO 47TH STREET, PROJECT LCLC-5244(7) - PRIOR to reading:

CWOOK
moved to amend Bill No. 10R-43 as follows: On page 1, line 6, strike "a contractor to be determined 1/28/2010" and insert in lieu thereof Pavers Companies.

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

CLERK
read the following resolution, introduced by Jonathan Cook, who moved its adoption:
A-85724
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 to widen, mill and overlay Holdrege Street from 33rd Street to 47th Street (Project No. LCLC-5244(7)); 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: Jonathan Cook
SECONDED BY: Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING THE SELECTION OF A CONTRACTOR PURSUANT TO THE BIDS TO BE OPENED ON JANUARY 28, 2010 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 TO WIDEN, MILL AND OVERLAY HOLDREGE STREET FROM 70TH STREET TO 79TH STREET, PROJECT LCLC-5244(8) - PRIOR to reading:

CWOOK
moved to amend Bill No. 10R-45 as follows: On page 1, line 6, strike "a contractor to be determined 1/28/2010" and insert in lieu thereof Pavers Companies.

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

CLERK
read the following resolution, introduced by Jonathan Cook, who moved its adoption:
A-85729
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 to widen, mill and overlay Holdrege Street from 70th Street to 79th Street (Project No. LCLC-5244(8)); 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: Jonathan Cook
SECONDED BY: Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
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 ARA of 2009 to widen, mill, and overlay 70th
Street from Vine Street to Fiesleworth Avenue (Project No. 5247(12)); and
WHEREAS, the State and City received bids for the construction of the proposed
work and selected a contractor to be determined 7/22/2010. Favors
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 thereby authorizes the Mayor to
execute the contract on behalf of the City.

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

Introduced by Jonathan Cook

(Copies)

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

CHANGE OF ZONE 09030 - APPLICATION OF CONTINENTAL PROPERTIES FOR A CHANGE OF
ZONE FROM R-3 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY
GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 91ST STREET AND HERITAGE
LAKES DRIVE - CLERK read an ordinance, introduced by Adam Hornung, for a Change of
Zone from R-3 Residential District to R-5 Residential District on property
generally located northeast of the intersection of South 91st Street and Heritage
Lakes Drive, the first time.

SPECIAL PERMIT 09029 - APPLICATION OF CONTINENTAL PROPERTIES TO DEVELOP THE
HERITAGE LAKES DRIVE MULTI-FAMILY COMMUNITY UNIT PLAN FOR UP TO 270 DWELLING
UNITS, WITH ADJUSTMENTS TO THE PARKING REQUIREMENT AND TO ALLOW ENTRANCE SIGNS TO
BE LOCATED AT ALTERNATE LOCATIONS, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE
INTERSECTION OF SOUTH 91ST STREET AND HERITAGE LAKES DRIVE.

AMENDING SECTION 9.16.250 OF THE LINCOLN MUNICIPAL CODE RELATING TO RESIDENCY
RESTRICTIONS FOR SEXUAL PREDATORS TO AMEND REFERENCED DATES WITHIN THE SECTION TO
CONFORM WITH STATE STATUTE - CLERK read an ordinance, introduced by Adam Hornung, amending Section 9.16.250 of the Lincoln Municipal Code relating to Residency
Restrictions for Sexual Predators to amend referenced dates within the section to
conform with state statute, and repealing Section 9.16.250 of the Lincoln
Municipal Code as hitherto existing, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND LINCOLN MEDICAL EDUCATIONAL
PARTNERSHIP FOR A LEASE OF SPACE FOR A THREE-YEAR TERM FOR USE BY THE LINCOLN
POLICE DEPARTMENT - CLERK read an ordinance, introduced by Emery Hornung, accepting
and approving a Lease Agreement between Lincoln Medical Educational Partnership
and the City of Lincoln for a lease of space for a term of February 1, 2010
through January 31, 2013, for use by the Lincoln Police Department, the first time.

AMENDING TITLE 21 OF THE LINCOLN MUNICIPAL CODE BY CREATING A NEW CHAPTER
21.05 TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE,
WITH AMENDMENTS, ADDITIONS AND DELETIONS THERETO, TO REGULATE AND GOVERN THE
CONDITIONS AND MAINTENANCE OF RESIDENTIAL PROPERTY, BUILDINGS, AND STRUCTURES; TO
PROVIDE THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL
THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND
FIT FOR OCCUPATION AND USE, AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT
FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES WITHIN
THE CITY OF LINCOLN AND WITHIN THREE MILES THEREOF AND OUTSIDE THE LIMITS OF ANY
OTHER INCORPORATED CITY OR VILLAGE; AND TO PROVIDE FOR THE ISSUANCE OF PERMITS AND
COLLECTION OF FEES THEREFOR AND REPEALING CHAPTER 21.01 OF THE LINCOLN MUNICIPAL
CODE (THE LINCOLN HOUSING CODE); AND ESTABLISHING THE OPERATIVE DATE FOR THIS
ORDINANCE AS 45 DAYS AFTER PASSAGE - CLERK read an ordinance, introduced by Adam Hornung, amending Title 21 of the Lincoln Municipal Code by creating a new Chapter
21.05 to adopt the 2009 edition of the International Property Maintenance Code,
with amendments, additions and deletions thereto, to regulate and govern the
conditions and maintenance of residential property, buildings, and structures; to
provide the standards for supplied utilities and facilities and other physical
things and conditions essential to ensure that structures are safe, sanitary and
fit for occupation and use, and the condemnation of buildings and structures unfit
for human occupancy and use, and the demolition of such existing structures within
the City of Lincoln and within three miles thereof and outside the limits of any
other incorporated city or village; and to provide for the issuance of permits and
collection of fees therefor and repealing Chapter 21.01 of the Lincoln Municipal
Code (the Lincoln Housing Code); and establishing the operative date for this
ordinance as 30 days after passage, the first time.

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

FEBRUARY 8, 2010
REGULAR MEETING
Page 325
ORDINANCES - 3rd 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 - PRIOR to reading:

COOK Moved to amend Bill No. 10-5 on page 1, line 23, delete the phrase "flat roof," and insert in lieu thereof the following: "the roof pitch is less than 2.5:12;"

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

CLERK Read an ordinance, introduced by Eugene Carroll, amending Section 27.26.080 of the 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 third time.

CARROLL Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19342, is recorded in Ordinance Book #26, Page 9.

COMP. PLAN CONFORMANCE 09014 - DECLARING APPROXIMATELY 1.8 ACRES OF PROPERTY GENERATEDLY LOCATED NORTHWEST OF NORTH 10TH ST 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 third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered #19343, is recorded in Ordinance Book #26, Page 13.

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 third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered #19344, is recorded in Ordinance Book #26, Page 18.

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 WEEKLY TO 2/1/2010) - PRIOR to reading:

Snyder Moved to delay action of Bill No. 09-132 to 2/22/2010.

Seconded by Carroll & 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; 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

Mike Morosin, 1500 N. 15th St., came forward about wheel tax information; how much in fund? What is it used for?

This matter was taken under advisement.

John Austin, 826 S. 14th Street, came forward to say thank you for the information received from the Parks and Recreation Department and the City Clerk. This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to February 22, 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 22, 2010. Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT  6:39 P.M.

CAMP Moved to adjourn the City Council meeting of February 8, 2010. Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant