THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, NOVEMBER 22, 2010 AT 5:30 P.M.

The Meeting was called to order at 5:30 p.m. Present: Vice Chair Carroll; Council Members: Camp, Carroll, Cook, Emery, Hornung, Snyder; City Clerk, Joan E. Ross; Absent: Spatz.

Vice Chair Carroll announced that a copy of the Open Meetings Law is posted on the back of the Chamber doors. He also 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 November 15 reported having done so, found same correct. Seconded by Cook and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Spatz.

PUBLIC HEARING

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO ASSURE CONSISTENCY WITH FEDERAL AND STATE AIR QUALITY REGULATIONS - Scott Holmes, Environmental Health Division Manager, stated this is an update to the Air Pollution Control and Standards, a Clean Air Act Program, to operate the federal program at the local level. This sets a very high limit of greenhouse gas emissions and thereby reduces the number of sources that would be subject to these regulations. It reduces it down to about two in the entire County instead of hundreds that would fall subject to it. There are also changes to the incinerator regulations by updating the definitions throughout the State. Passing this resolution would ensure local control to a certain extent. This has been approved by the State Board of Health. This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND NEBRASKA CENTRAL COMMUNITY COLLEGE TO PROVIDE CLINICAL TRAINING FOR HEALTH INFORMATICS STUDENTS AT THE HEALTH DEPARTMENT FOR A TERM OF NOVEMBER 1, 2010 THROUGH OCTOBER 31, 2013 - Scott Holmes, Environmental Health Division Manager, stated this agreement allows interns in Health Informatics to work with the Health Department. It is a three year contract. This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND AMERICAN COURIER CORP. FOR THE ANNUAL REQUIREMENTS FOR LIBRARY VAN DELIVERY SERVICES, PURSUANT TO BID NO. 10-176, FOR A FOUR-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND LINCOLN WINWATER WORKS COMPANY FOR THE ANNUAL REQUIREMENTS FOR FABRICATED TAPPING SLEEVES, PURSUANT TO BID NO. 10-163, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND LINCOLN WINWATER WORKS COMPANY FOR THE ANNUAL REQUIREMENTS FOR CLOW FIRE HYDRANT PARTS, PURSUANT TO BID NO. 10-160, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND EMPIREWEST, INC. FOR THE ANNUAL REQUIREMENTS FOR NEPTUNE WATER METER PARTS, PURSUANT TO BID NO. 10-161, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND LINCOLN MINKWATER WORKS COMPANY FOR THE ANNUAL REQUIREMENTS FOR MUELLER FIRE HYDRANT PARTS, PURSUANT TO BID NO. 10-157, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND HD SUPPLY WATERWORKS FOR THE ANNUAL REQUIREMENTS FOR MAN FIRE HYDRANT PARTS, PURSUANT TO BID NO. 10-158, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND HD SUPPLY WATERWORKS FOR THE ANNUAL REQUIREMENTS FOR STAINLESS STEEL REPAIR CLAMPS, PURSUANT TO BID NO. 10-161, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND MUELLER SYSTEMS FOR THE ANNUAL REQUIREMENTS FOR HERSEY WATER METER PARTS, PURSUANT TO BID NO. 10-165, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND BADGER METER, INC. FOR THE ANNUAL REQUIREMENTS FOR 6-10" FIRE SERVICE COLD WATER METERS, PURSUANT TO BID NO. 10-167, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND AMERICAN COURIER CORP. FOR THE ANNUAL REQUIREMENTS FOR KENNEDY HYDRANT PARTS, PURSUANT TO BID NO. 10-162, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND AMERICAN COURIER CORP. FOR THE ANNUAL REQUIREMENTS FOR CLOW FIRE HYDRANT PARTS, PURSUANT TO BID NO. 10-163, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND AMERICAN COURIER CORP. FOR THE ANNUAL REQUIREMENTS FOR LIBRARY VAN DELIVERY SERVICES, PURSUANT TO BID NO. 10-176, FOR A FOUR-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND LINCOLN WINWATER WORKS COMPANY FOR THE ANNUAL REQUIREMENTS FOR FABRICATED TAPPING SLEEVES, PURSUANT TO BID NO. 10-163, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND LINCOLN WINWATER WORKS COMPANY FOR THE ANNUAL REQUIREMENTS FOR CLOW FIRE HYDRANT PARTS, PURSUANT TO BID NO. 10-160, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND EMPIREWEST, INC. FOR THE ANNUAL REQUIREMENTS FOR NEPTUNE WATER METER PARTS, PURSUANT TO BID NO. 10-161, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND LINCOLN MINKWATER WORKS COMPANY FOR THE ANNUAL REQUIREMENTS FOR MUELLER FIRE HYDRANT PARTS, PURSUANT TO BID NO. 10-157, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND HD SUPPLY WATERWORKS FOR THE ANNUAL REQUIREMENTS FOR MAN FIRE HYDRANT PARTS, PURSUANT TO BID NO. 10-158, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND HD SUPPLY WATERWORKS FOR THE ANNUAL REQUIREMENTS FOR STAINLESS STEEL REPAIR CLAMPS, PURSUANT TO BID NO. 10-161, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND MUELLER SYSTEMS FOR THE ANNUAL REQUIREMENTS FOR HERSEY WATER METER PARTS, PURSUANT TO BID NO. 10-165, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND BADGER METER, INC. FOR THE ANNUAL REQUIREMENTS FOR 6-10" FIRE SERVICE COLD WATER METERS, PURSUANT TO BID NO. 10-167, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;
ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2011, TO BECOME EFFECTIVE JANUARY 1, 2011;  
ADOPTING THE LINCOLN ELECTRIC SYSTEM RATE SCHEDULE, SERVICE REGULATIONS, AND COST ANALYSIS SUMMARY PROVIDING FOR A SYSTEM AVERAGE INCREASE OF 2.5 PERCENT, TO BE EFFECTIVE JANUARY 1, 2011;  
ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2011, TO BECOME EFFECTIVE JANUARY 1, 2011 - Kevin Wailes, CEO of Lincoln Electric System, talked about the challenges from the renewable energy perspective such as climate change and carbon legislation monitoring being a lot of potential risk. 80% of the energy used to serve the community is from coal resources which has a higher carbon profile. He continued to site what items are involved in the LES budget. The renewable energy options which play into their strategy, electric liability standards and compliance are extraordinarily difficult, and ramifications of not complying results in fines up to a million dollars per offense. The aging workforce is going to higher expense. Information adding to higher infrastructure is the process of replacing a very old, 40 year old system, that provides a customer information system, billing and human relation functions, which currently prevents from being able to do smart metering which could be an advantage to the system and customers. The construction of a new data center will have a security impact as well as a reliability impact for the customers. They are looking at the best way to replace the mobile radio system because of Federal Communications order. The compliance audit includes 700 different requirements they are responsible for to include providing an expansion to the Guaranteed Rate Stabilization Fund which is currently at $4,000,000 going to $10,000,000 with a goal of $26,000,000. The target is about $28,000,000 to support a utility of our size and to address catastrophic events as well as potential weather events, generation events, high rate due to fuel, different types of things that cannot be coped with without these additional funds. Replacing aging transmission and distribution infrastructure. There will be an incorporation of 10 megawatts with an operating impact of $1,000,000 per year in next year's budget. The budget request for the operating budget is $233,000,000 which is a 3.5% increase. Seven additional positions are budgeted to support the challenges mentioned with two of those for the North America Electric Reliability Corporation (NERC) compliance, two are for District Energy Corporation (DEC) which will be billed through the DEC, two line tech apprentices to address the aging workforce issue and succession planning and one Information Technology corporate records position. There are 458 employees at the present with a proposed increase of 465 serving 6% more customers.

Todd Hall, Vice President of Consumer Services, stated the Capital Outlay in terms of it’s effect on the rates is the debt service or the principal and interest value of the $4,060,000 spread over the next 30 years. The 1.5% that is forecasted to impact rates does include a basis of calculation against all energy over the period or total value of that change. The cost of service does have an immediate impact on the fixed cost because that’s a fixed cost component not a variable cost component like energy which rises and falls with consumption. The net impact has not been calculated or determined as to what it will be. Mr. Wailes stated probably the rates in the future are not going to be like they are today. There will be different types of rate structures to include time of use rates to make sure the customers have an opportunity to use the energy more efficiently.  

Richard Evesvel, 733 Cumings St., came forward to question the retirement match of 10% and the $2.8 million depreciation?  

John Austin, 826 S. 14th Street, came forward to question why there is going to be a rate increase? He stated the wind energy projects are too costly to maintain.

Doug Kreifel, Vice President of Action Plumbing and Heating, came forward representing the Lincoln Heating and Air Conditioning Contractors Assn. to speak in favor of the new energy efficiency standards and the North American Electric Reliability Corporation (NERC) compliance with the Sustainable Energy Program and feel it will pay dividends in reduced energy losses. The installation of energy efficient systems will result in reducing the need for increases in power production. The total energy savings in 2010 is the equivalent of 1300 fewer homes on the grid. The estimated 10 year energy savings program is equal to 17,000 homes on the grid. This will help keep energy rates down for everyone. The $2.8 million used to date has produced $1,000,000 in business for local contractors who provided jobs in high times and provided tax income for the City of Lincoln. This program helped

This matter was taken under advisement.
promote the removal of heat exchangers from furnaces that were emitting high levels of carbon monoxide by making it more affordable for the consumers and reducing the potential risk of carbon monoxide poisoning.

Coby Mach, LIBA, came forward representing LIBA to state they are pleased that the LES customers are not going to be experiencing major rate increases. They feel that one million dollars could have been saved if 10 megawatts of electricity were purchased from local coal fired power plants instead of the wind energy source. It is suggested that going to 16 megawatts should be put off for one year. The increase of seven staff is in question and suggested they just maintain the present staff level. Instead of the credit card e-processing fee maybe go to receiving electric bills via e-mail which would not have an e-processing fee. The $2,000,000 sustainable energy program could be reduced back to the original $1,000,000 investment for this year.

Todd Hall came forward for rebuttal to comment the intent is to reduce the paper cost, the postage cost, and the personnel cost by encouraging payment through electronic means.

This matter was taken under advisement.

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR LINCOLN DOWNTOWN STREET RESURFACING PROJECT (PROJECT NO. LCLC-5230(2));
APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR LINCOLN CITYWIDE STREET RESURFACING PROJECT (PROJECT NO. LCLC-5228(4));
APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR THE 27TH STREET VIADUCT (AT LEIGHTON) (PROJECT NO. LCLC-5231(13));
APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR LINCOLN CITYWIDE STREET MICROSURFACING PROJECT (PROJECT NO. LCLC-5249(7)) - Tom Shafer, Public Works & Utilities Dept., stated that whenever federal funds are used one of the requirements is to sign a program agreement with the State to authorize the use of those federal funds. Federally eligible streets have to be used and what they would call a collector or arterial does not match what the Lincoln Municipal Code would refer to as an arterial. They go by a functional class based on a study how the road functions. Most all federal money comes with an 80/20 match so 80% is federally funded and 20% locally funded through wheel tax, state gas tax, and the like. It was explained that microsurfacing is taking a road that is starting to show some cracks or a few other defects then placing a sealant less than an inch on the street to keep the water out, keeping an already good road good. Fixing the road before it gets so bad it has to be ground down two inches and resurfaced, taking about two weeks, will instead take approximately 60 minutes to open the road back up after it is sealed. The equipment for microsurfacing is specialized equipment which the City contracts out for as it figures out to be more cost effective to do so. It is going to be a challenge to resurface the downtown area, but will coordinate the services so as not to tie up the downtown traffic.

John Austin, 826 S. 14th Street, stated in his opinion the Public Works Department should work on the roads at night and to not depend on federal money. Build the roads so they last.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK’S LETTER AND MAYORS APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON NOVEMBER 8, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

REFERRED TO PLANNING DEPARTMENT:
CHANGE OF ZONE NO. 10022, requested by the Director of Public Works & Utilities, Amending Title 29 of the Lincoln Municipal Code relating to Zoning by amending Sections 27.52.010, 27.52.020, 27.53.010, and 27.53.020 to adopt the February 18, 2011, Flood Insurance Rate Map (FIRM) and the Flood Insurance Study (FIS), as required by the Federal Emergency Management Agency; and repealing Sections 27.52.010, 27.52.020, 27.53.010, and 27.53.020 of the Lincoln Municipal Code as hitherto existing.
SPECIAL PERMIT NO. 531G, requested by Wilderness View Townhomes, LLC., to amend the Wilderness View Townhomes subarea of the Salt Valley View Community Unit Plan, to add 4.77 acres and increase the number of dwelling units in the Wilderness View Townhomes subarea from 152 to 174, on property legally described as all of Wilderness View Townhomes Addition and Lot 45 I.T., located in the NE 1/4 of Section 14-9-6, Lancaster County, Nebraska, generally located at Creekside Trail and Warlick Boulevard. The Planning Commission action is final action, unless appealed to the City Council.
MISCELLANEOUS

SETTING THE HEARING DATE OF MONDAY, DECEMBER 13, 2010 AT 3:00 P.M. FOR THE APPLICATION OF COUNTRYVIEW STUDIOS, INC. DBA ART & SOUL FOR A CLASS C LIQUOR LICENSE LOCATED AT 5740 HIDCOTE DR. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86117

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 13, 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 Countryview Studios, Inc. dba Art & Soul for a Class C liquor license located at 5740 Hidcote Dr. If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jonathan Cook

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

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required) - NONE

PUBLIC HEARING - RESOLUTIONS

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO ASSURE CONSISTENCY WITH FEDERAL AND STATE AIR QUALITY REGULATIONS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86118

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

A-86119

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

APPROVING AN AGREEMENT BETWEEN THE CITY ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND NEBRASKA CENTRAL COMMUNITY COLLEGE TO PROVIDE CLINICAL TRAINING FOR HEALTH INFORMATICS STUDENTS AT THE HEALTH DEPARTMENT FOR A TERM OF NOVEMBER 1, 2010 THROUGH OCTOBER 31, 2013 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86120

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND AMERICAN COURIER CORP. FOR THE ANNUAL REQUIREMENTS FOR LIBRARY VAN DELIVERY SERVICES, PURSUANT TO BID NO. 10-176, FOR A FOUR-YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86121

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND LINCOLN WINWATER WORKS COMPANY FOR THE ANNUAL REQUIREMENTS FOR FABRICATED TAPPING SLEEVES, PURSUANT TO BID NO. 10-163, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86122

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND LINCOLN WINWATER WORKS COMPANY FOR THE ANNUAL REQUIREMENTS FOR FABRICATED TAPPING SLEEVES, PURSUANT TO BID NO. 10-163, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86123

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND LINCOLN WINWATER WORKS COMPANY FOR THE ANNUAL REQUIREMENTS FOR FABRICATED TAPPING SLEEVES, PURSUANT TO BID NO. 10-163, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86124

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND LINCOLN WINWATER WORKS COMPANY FOR THE ANNUAL REQUIREMENTS FOR CLOW FIRE HYDRANT PARTS, PURSUANT TO BID NO. 10-160, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86122

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

That the attached multi-year Contract between the City of Lincoln and Lincoln Winwater Works Company for the annual requirements for Clow Fire Hydrant Parts, pursuant to Bid No. 10-160, effective upon execution by both parties through August 1, 2012, with option to renew for one additional two-year term, upon the terms as set forth in said contracts, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND EMPIREWEST, INC. FOR THE ANNUAL REQUIREMENTS FOR KENNEDY HYDRANT PARTS, PURSUANT TO BID NO. 10-159, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86123

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

That the attached multi-year Contract between the City of Lincoln and EmpireWest, Inc. for the annual requirements for Kennedy Hydrant Parts, pursuant to Bid No. 10-159, effective upon execution by both parties through August 1, 2012, with option to renew for one additional two-year term, upon the terms as set forth in said contracts, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND LINCOLN WINWATER WORKS COMPANY FOR THE ANNUAL REQUIREMENTS FOR MUELLER FIRE HYDRANT PARTS, PURSUANT TO BID NO. 10-157, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86124

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

That the attached multi-year Contract between the City of Lincoln and Lincoln Winwater Works Company for the annual requirements for Mueller Fire Hydrant Parts, pursuant to Bid No. 10-157, effective upon execution by both parties through August 1, 2012, with option to renew for one additional two-year term, upon the terms as set forth in said contracts, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND HD SUPPLY WATERWORKS FOR THE ANNUAL REQUIREMENTS FOR M & H FIRE HYDRANT PARTS, PURSUANT TO BID NO. 10-158, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86125

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

That the attached multi-year Contract between the City of Lincoln and HD Supply Waterworks for the annual requirements for M & H Fire Hydrant Parts, pursuant to Bid No. 10-158, effective upon execution by both parties through August 1, 2012, with option to renew for one additional two-year term, upon the terms as set forth in said contracts, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND MUNICIPAL SUPPLY, INC. OF NEBRASKA FOR THE ANNUAL REQUIREMENTS FOR STAINLESS STEEL REPAIR CLAMPS, PURSUANT TO BID NO. 10-161, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86126

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

That the attached multi-year Contract between the City of Lincoln and Municipal Supply, Inc. of Nebraska for the annual requirements for Stainless Steel Repair Clamps, pursuant to Bid No. 10-161, effective upon execution by both parties through August 1, 2012, with option to renew for one additional two-year term, upon the terms as set forth in said contracts, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Spatz.
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

A-86127. APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND M & H VALVE CO, FOR THE ANNUAL REQUIREMENTS FOR BUTTERFLY VALVES, PURSUANT TO BID NO. 10-166, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption.

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

A-86128. APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND BADGER METER, INC. FOR THE ANNUAL REQUIREMENTS FOR INVENASYS METER PARTS FOR LWS AMR PROGRAM, PURSUANT TO BID NO. 10-164, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption.

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

A-86129. APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND HERSEY METERS COMPANY, LLC, DBA MUELLER SYSTEMS FOR THE ANNUAL REQUIREMENTS FOR HERSEY WATER METER PARTS, PURSUANT TO BID NO. 10-165, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption.

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

A-86130. APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND HD SUPPLY WATERWORKS FOR THE ANNUAL REQUIREMENTS FOR INVENSYS METER PARTS FOR LWS AMR PROGRAM, PURSUANT TO BID NO. 10-163, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption.

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

A-86131. APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND M & H VALVE CO. FOR THE ANNUAL REQUIREMENTS FOR BUTTERFLY VALVES, PURSUANT TO BID NO. 10-162, EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH AUGUST 1, 2012, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption.

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

ADOPTING THE LINCOLN ELECTRIC SYSTEM RATE SCHEDULE, SERVICE REGULATIONS, AND COST ANALYSIS SUMMARY PROVIDING FOR A SYSTEM AVERAGE INCREASE OF 2.5 PERCENT, TO BE EFFECTIVE JANUARY 1, 2011. (Action Date: 12/6/10)
ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2011, TO BECOME EFFECTIVE JANUARY 1, 2011. (Action Date: 12/6/10)

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR LINCOLN CITYWIDE STREET RESURFACING PROJECT (PROJECT NO. LCLC-5230(2)) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:
A-86134 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Surface Transportation Program Funds for Lincoln Citywide Street Resurfacing Project No. LCLC-5230(2), in accordance with the terms and conditions contained in said Agreements, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

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

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE use of FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR LINCOLN CITYWIDE STREET RESURFACING PROJECT (PROJECT NO. LCLC-5228(4)) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:
A-86135 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Surface Transportation Program Funds for Lincoln Citywide Street Resurfacing Project No. LCLC-5228(4), in accordance with the terms and conditions contained in said Agreements, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

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

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR THE 27TH STREET VIADUCT (AT LEIGHTON) (PROJECT NO. LCLC-5231(13)) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:
A-86136 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Surface Transportation Program Funds for the 27th Street Viaduct (at Leighton) Project No. LCLC-5231(13), in accordance with the terms and conditions contained in said Agreements, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

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

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR LINCOLN CITYWIDE STREET MICROSURFACING PROJECT (PROJECT NO. LCLC-5249(7)) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:
A-86137 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Surface Transportation Program Funds for the Lincoln Citywide Street Microsurfacing Project No. LCLC-5249(7), in accordance with the terms and conditions contained in said Agreements, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

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

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

AUTHORIZING THE EXECUTION AND DELIVERY OF (1) A LEASE AGREEMENT, (2) A TRUST INDENTURE, (3) A DEED OF TRUST, SECURITY AGREEMENT AND ASSIGNMENT OF RENTS AND LEASES AND (4) A TAX COMPLIANCE AGREEMENT IN CONNECTION WITH THE ISSUANCE OF NOT TO EXCEED $1,000,000.00 PRINCIPAL AMOUNT INDUSTRIAL DEVELOPMENT REVENUE BONDS (TURBINE FLATS PROJECT) SERIES 2010 - CLERK read an ordinance, introduced by Jonathan Cook, authorizing and approving the issuance of a not to exceed $1,000,000 principal amount Industrial Development Recovery Zone Facility Revenue Bond, Series 2010 (Ventre A Terre, LLC Project); approving and authorizing the execution and delivery of a lease agreement, a deed of trust and security agreement and closing documentation; delegating, authorizing and directing the Mayor, Finance Director
WHEREAS, Assurity Life Insurance Company has submitted an application in
USE PERMIT NO. 15D - AMENDING THE USE PERMIT FOR SOUTHWOOD CENTER TO CHANGE
A-86132
EMERY Moved to amend Bill No. 10R-271 by replacing it with the Substitute
The ordinance, being numbered
EMERY Moved to pass the ordinance as amended.
EMERY Moved to amend Bill No. 10-133 by replacing it with a Substitute
CHANGE OF ZONE 10019 - APPLICATION OF ASSURITY LIFE INSURANCE CO. FOR A CHANGE OF ZONE
AN ORDINANCE AMENDING CHAPTERS 3.26, 3.28, AND 3.30 OF THE LINCOLN MUNICIPAL CODE
RELATING TO CAR RENTAL, HOTEL, AND RESTAURANT OCCUPATION TAXES, RESPECTIVELY, BY
IMPOSITION OF SUCH TAXES SHALL BEGIN ON JANUARY 1, 2011; AMENDING SECTIONS 3.26.070, 3.28.070, 
AND 3.30.070 TO CLARIFY THE PENALTY AND INTEREST ASSESSED FOR NON-PAYMENT OR 
DELAYED PAYMENT OF SUCH TAXES; AMENDING SECTION 3.30.020 TO ADD THE 
DEFINITIONS OF "DRINKING PLACE" AND "RESTAURANT" TO REMOVE THE CONDITION THAT 
THE TAX IS IMPOSED ONLY ON ESTABLISHMENTS OPEN TO THE PUBLIC; AMENDING SECTIONS 
3.30.040 TO DELETE THE PROVISION THAT A PERSON SUBJECT TO THE RESTAURANT 
OCCUPATION TAX MAY, UPON WRITTEN APPLICATION TO AND WITH THE WRITTEN CONSENT OF 
THE CITY FINANCE DIRECTOR, MAKE REPORTS AND REMITTANCES ON A MONTHLY BASIS;
and 3.30.070 of the Lincoln Municipal Code as hitherto existing, the first time.

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

CHANGE OF ZONE 10019 - APPLICATION OF ASSURITY LIFE INSURANCE CO. FOR A CHANGE OF ZONE
FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, ON 
PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH 27TH STREET AND OLD 
CHENBY ROAD (Related Items 10-133, 10R-271, 10-134) (10/25/10 - 2nd Reading w/P.H. 
con't. to 11/15/10) - PRIOR to reading:
EMERY Moved to amend Bill No. 10-133 by replacing it with a Substitute 
Ordinance, Bill No. 10-133S.
EMERY Moved to pass the ordinance as amended.
CLERK Read a substitute ordinance, introduced by Doug Emery, amending the 
Lincoln Zoning District Maps adopted by reference, which made a part of Title 27 
of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln 
Municipal Code, by changing the boundaries of the districts established and 
shown thereon, the third time.
The ordinance, being numbered #19471, is recorded in Ordinance Book #27, Page 

USE PERMIT No. 15D - AMENDING THE USE PERMIT FOR SOUTHWOOD CENTER TO CHANGE 
APPROXIMATELY 33,020 SQ. FT. OF OFFICE USES TO RETAIL USES, WITH A REQUEST TO 
REDUCE THE FRONT YARD SETBACK ON SOUTH 27TH STREET AND OLD CHENBY ROAD, ON 
PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH 27TH STREET AND OLD 
CHENBY ROAD. (Related Items 10-133, 10R-271, 10-134) (10/25/10 - 2nd Reading w/P.H. 
con't. to 11/15/10) - PRIOR to reading:
EMERY Moved to amend Bill No. 10R-271 by replacing it with the Substitute 
Resolution, Bill No. 10R-271S.
EMERY Moved to pass the ordinance as amended.
CLERK Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, 
Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Spatz.
CLERK Read an ordinance, introduced by Jonathan Cook, amending Chapters 3.26, 
3.28, and 3.30 of the Lincoln Municipal Code relating to Car Rental, Hotel, and 
Restaurant Occupation Taxes, respectively, by amending Sections 3.26.030, 
3.26.070, 3.28.030, 3.28.070, and 3.30.030 to clarify the imposition of such 
taxes; amending Sections 3.26.030 to delete the provision that a person subject 
to the restaurant occupation tax may, upon written application to and with the 
written consent of the City Finance Director, make reports and remittances on 
a monthly basis; and repealing Sections 3.26.030, 3.26.070, 3.28.030, 3.28.070, 

WHEREAS, Assurity Life Insurance Company has submitted an application in 
accordance with Section 27.31.100 of the Lincoln Municipal Code designated as 
Use Permit No. 15D to amend the use permit for Southwood Center to change 
approximately 33,020 square feet of approved office use to retail uses, 
including a request to waive the front yard setback on South 27th Street and on 
Old Cheney Road, generally located at the northwest corner of South 27th Street and Old Cheney Road, legally described as follows:
Lot 6, Block 14, Southwood 1st Addition, and Lots 1-5, Southwood Center, Lincoln, Lancaster County, Nebraska 
("Premises");
WHEREAS, the real property adjacent to the area included within the site 
plan for this retail space will be adversely affected unless the Premises is 
developed in accordance with terms and conditions hereinafter set forth; and
WHEREAS, the associated Change of Zone 10019 and Variation 10019 have been 
approved on the basis that the Premises will be developed in accordance 
with the terms and conditions hereinafter set forth, and
WHEREAS, said site plan together with the terms and conditions hereinafter set 
forth are consistent with the intent and purpose of Title 27 of the Lincoln 
Municipal Code to promote the public health, safety, and general welfare. 
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, 
Nebraska:
That the application of Assurity Life Insurance Company, hereinafter referred 
to as ‘Permittee’, to change and develop approximately 33,020 square 
feet of approved office use to retail uses, including a request to waive the 
front yard setbacks on South 27th Street

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and Clerk to exercise their own independent discretion and judgment in 
determining and finalizing the terms, provisions, and contents of each of 
such documents; providing for the publication of this ordinance and the time 
when this ordinance shall take effect; and related matters, the first time.
and Old Cheney Road for signs from 20 feet to 25' feet, be and the same is hereby granted under the provisions of Section 37.31.100 of the Lincoln Municipal Code upon condition that construction and operation of said retail space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the conversion of 33,020 square feet of approved office uses to retail uses including a restaurant and pharmacy, as well as a waiver to the front yard setback for signs on South 27th Street and Old Cheney Road from 20 feet to 25' feet.

2. The City Council must approve the associated requests, Change of Zone 10019 and Vacation 10015.

3. Before receiving building permits for the buildings in the B-2 area, the Permittee shall:
   a. Cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions listed below:
      i. Show the delivery vehicle movement path to verify the drive width openings.
      ii. Show how the proposed lots will be served with sewer and water.
      iii. Add a note to the site plan that says a connection from Lots 5 and 6 to Lot 1 will be made at the time of building permit for Lots 5 and 6.
      iv. Revise the drive off of Old Cheney Road to be no more than two lanes and 25' wide, unless it can be shown that additional width is necessary. If the drive remains wider than 25' it shall be striped as a two-lane drive.
      v. Remove the middle driveway to Canterbury Lane. Note on the site plan that medial islands designed to discourage truck traffic will be installed and maintained in the two driveways off of Canterbury Lane, that each driveway shall be no wider than 25' feet, and that signs in the B-2 and O-3 areas will prohibit through traffic at both driveway entrances off of Canterbury Lane.
      vi. Remove the note “Limits of Existing Building to be Removed from Use Permit 15C” on Lot 4 and Lot 1 that refer to building envelopes not constructed buildings.
      vii. Add a note that says alcohol sales is permitted in the B-2 zoning district (except in the western 1/3 of the building on Lot 7) as long as all conditions under 27.31.040 are met. Alcohol sales for consumption on the premises shall be limited to restaurants which meet all of the requirements for restaurants in Section 27.63.680(D) except for the hours of operation in Subsection (b)(6) which are modified to provide that the hours of operation shall not commence before 6:00 A.M. and shall end no later than 11:59 P.M. Alcohol sales for consumption off the premises shall be limited to one premises located on Lot 6.
      viii. Correct the land use table to show a 45 foot maximum height in the O-3 zoning district
      ix. Add a note stating Design Standards for Pedestrian Circulation in Commercial and Industrial Area will be met at the time of building permit.
      x. Show existing trees on the site plan and indicate which ones are to be removed. Street trees and parking lot trees in the B-2 area shall be planted or preserved as generally shown on the tree planting plan attached to Use Permit 15D. Note that all new street trees and parking lot trees must be shade trees, minimum 6 1/2 inch caliber at planting, and any existing trees on the attached tree-planting plan must be replaced if they die or are destroyed with minimum 4 inch caliper trees.
      xi. Show the front yard setback for buildings and parking along S. 27th Street and Old Cheney Road is at least 25' measured from the new right-of-way line after the dedication. The front yard setback for all freestanding signs shall be at least 5 feet measured from the new right-of-way line and any sign west of the driveway on Old Cheney must be set back at least 25 feet from the new right-of-way line.
      xii. Add a note stating: reconstruct the driveway off of 27th Street and protect the median opening for the Fire Station from being utilized for north bound movements.

b. Submit storm water detention calculations to the satisfaction of the Planning Department.

c. Dedicate appropriate right-of-way so that Old Cheney and S. 27th Street are to the subdivision standard 60' from centerline on both 27th and Old Cheney Road.

d. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the use permit has been recorded.

e. Submit documentation from the Register of Deeds that the requested right-of-way dedication has been recorded.
f. Provide a site traffic study to show entering and exiting trips at the site driveways.

4. In the B-2 area at least 80 percent of the exterior cladding on all building façades must be brick, stone, or glass. All buildings must use the same style and color of exterior cladding. Bicycle racks shall be installed in proximity to each of the buildings.

5. In the B-2 area no "mobile" signs are permitted on the site. A maximum of three freestanding signs are permitted. Of said freestanding signs shall have a maximum height of 15 feet, a maximum sign area of 100 sq. ft., and may have an electronic changeable message board that is not larger than 45 sq. ft. Freestanding signs must be located within 50 feet of the southernmost driveway to 27th St. or Old Cheney Road, provided that the largest freestanding shall be located on the 27th Street frontage. The base of all these signs must be constructed with the same style and color of brick or stone as the buildings.

6. All construction traffic to and from the site, and all service/delivery by trucks over 6 tons, must use the driveways on 27th or Old Cheney Road for ingress and egress and shall not use the driveways in the B-2 and O-3 areas on Canterbury.

7. At such time as the building and associated parking on Lot 7 are constructed:
   a. Place a combination of landscaping and fence, to be evenly distributed horizontally; however, it may vary in height so as to screen at least sixty percent (60%) of the surface area of a vertical plane extending along the entire length of the property line and from the ground elevation to a height of ten feet (10') above the adjacent ground elevation.
   b. Prepare and implement a landscape plan for the area along the west property line on the Assurity side of the fence which exceeds minimum City standards.
   c. In the area between the SW corner of the Assurity property and the parking lot, plant a grouping of shrubs which will deter pedestrians from traversing the site from south to north between the parking lot and Canterbury (i.e. barberry bushes).
   d. In the area immediately abutting the west side of the parking lot, provide a 100% screen from ground level to 3 feet to prevent car headlights from shining in windows of the fourplex. This could be accomplished by a low fence, or even green bushes such as yews, or junipers.
   e. Cause parking lot lighting to have cutoff fixtures, directed away from the west property line (as required by City Design Standards).
   f. Cause any licensed alcohol sales in the building on Lot 7 to be located in the east two-thirds of the building.

8. No gasoline sales, service station, or automobile washing facility are permitted.

9. Conditions 3(a)(v), (vii), (x), (xii), 4, 5, 6, 7 and 8 shall not be administratively amended but may be amended by Planning Commission.

10. The construction plans shall substantially comply with the approved plans.

11. Before occupying buildings all development and construction is to substantially comply with the approved plans. All privately-owned improvements, including landscaping are to be permanently maintained by the Permittee or an appropriately established association approved by the City. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

12. Except as modified above, all the provisions and regulations pertaining to the B-2 Planned Neighborhood Business District shall apply to the B-2 area.

13. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

14. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

15. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all future site plans/ordinances approving previous permits remain in force unless specifically amended by this resolution.

f. Cause any licensed alcohol sales in the building on Lot 7 to be located in the east two-thirds of the building.

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

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

VACATION 10015 - VACATING THE RIGHT-OF-WAY STUB ON THE NORTH SIDE OF OLD CHENEY ROAD LOCATED APPROXIMATELY 480 FEET WEST OF THE CENTERLINE OF SOUTH 27TH STREET - (Related Items 10-133, 10R-271, 10-134) (2nd Reading w/P.H. con’t. to 11/15/10) - PRIOR to reading.

Introduced by Doug Emery

Moved to amend Bill No. 10-134 by replacing it with a Substitute Ordinance, Bill NO. 10-134B

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Emery, Hornung, Snyder; NAYS: None; ABSENT: Spatz.
EMERY Moved to pass the ordinance as amended.

CLERK Read an ordinance, introduced by Doug Emery, vacating the right-of-way on the north side of Old Cheney Road located approximately 480 feet of the centerline of South 27th Street and retaining title thereto in the City of Lincoln, Lancaster County Nebraska, the third time.

The ordinance, being numbered #19472, is recorded in Ordinance Book #27, Page 41.

APPROVING THE BLOCK 38 REDEVELOPMENT AGREEMENT BETWEEN BLOCK 38, LLC AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED ON THE NORTH HALF OF BLOCK 38, BETWEEN 13TH AND 14TH STREETS AND P AND Q STREETS. (RELATED ITEMS: 10R-290, 10-141, 10-142, 10R-299) (ACTION DATE: 11/22/10) - PRIOR to reading:

HORNUNG Moved #1 to amend Bill No. 10R-290 by amending the Block 38 Redevelopment Agreement which is attached to the resolution with the Block 38 Redevelopment Agreement.

CAMP Moved #5 to amend Bill No. 10R-290 by amending the Block 38 Redevelopment Agreement which is attached to Motion to Amend No. 1 in the following manner:

1. On page 31, on the second line of Section 403, delete the word "thirty" and insert in lieu thereof the word "three".
2. On page 31, on the third line of Section 403, delete "and C.Mutual Agreement."
3. On page 37, within Section 403, delete paragraph C. Mutual Agreement.
4. On pages 37 and 38, within Section 403, renumber the subsequent paragraphs "D" and "E" as "C" and "D".

Snyder Moved #2 to amend Bill No. 10R-290 by amending the Block 38 Redevelopment Agreement which is attached to Motion to Amend No. 1 with Page 78 attached hereto.

CAMP Moved #4 to amend Bill No. 10R-290 by amending the Block 38 Redevelopment Agreement which is attached to Motion to Amend No. 1 in the following manner:

1. On page 31, within Section 403.B.1., line 5 of subparagraph 2., after the words "issued by the City", delete "equal to the standard unreserved monthly rate the City is then currently charging monthly parkers in the Parking Garage."
2. On page 31, on the second line of Section 403, delete the words "ninety percent (9%)", insert the words up to.

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

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

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

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

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

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

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

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

Seconded by Emery & LOST by the following vote: AYES: Camp; NAYS: Cook, Emery, Hornung, Snyder; ABSENT: Spatz.
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CLERK  Read the following resolution, introduced by Jayne Snyder, who moved its adoption:
A-86133  BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
1. That the attached Block 38 Redevelopment Agreement between the City of Lincoln and Block 38, LLC relating to the acquisition of Lot 6, Block 38, Original Plat, Lincoln, Lancaster County, Nebraska and redevelopment of said Lot 6 and other property generally located on the north half of Block 38, between 13th and 14th Street, and P and Q Streets, upon the terms and conditions set forth in said Redevelopment 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.
2. That, pursuant to Neb. Rev. Stat. § 18-2122 the City Council has found and determined that the acquisition of Lot 6, Block 38, Original Plat, Lincoln, Lancaster County, Nebraska is necessary for the initiation of the Catalyst One/Civic Plaza Redevelopment Project or its purposes under the provisions of Neb. Rev. Stat. §§ 18-2101 to 18-2144.

The ordinance, being numbered A-86133, is recorded in Ordinance Book #27, Page 139474.

Snyder  Moved to pass the ordinance as amended.

Seconded by Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Spatz.

The ordinance, being numbered A-86133, is recorded in Ordinance Book #27, Page 139474.
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

The ordinance, being numbered SNYDER Moved to pass the ordinance as read.

The ordinance, being numbered

HORNUNG Moved to amend Bill No. 10R-299 by replacing the CMR Agreement to the resolution with the CMR Agreement attached hereto.

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

HORNUNG Moved to amend Bill No. 10R-299 by amending the CMR Agreement in the following manner:

(a) On page 18, in the first line of § 6.11.2 delete "zero point two five percent (0.25%)" and insert in lieu thereof one point zero percent (1.0%).

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

CLERK Read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-86138 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Construction Manager at Risk Contract between the City of Lincoln and Sampson Construction Company and Block 38 LLC for construction of the mixed use facility, including a city parking garage, private residential and commercial space, on property generally located on the north half of Block 38, between 13th and 14th Streets and P and Q Street, which is attached hereto and upon the terms and conditions as set forth in said Contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one copy of the executed original Contract to Rick Peo, Chief Assistant City Attorney, for transmittal to the parties.

Introduced by Jayne Snyder

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

AUTHORIZED THE EXECUTION AND DELIVERY OF (1) A LEASE AGREEMENT, (2) A TRUST INDENTURE, (3) A DEED OF TRUST, SECURITY AGREEMENT AND ASSIGNMENT OF RENTS AND LEASES AND (4) A TAX COMPLIANCE AGREEMENT IN CONNECTION WITH THE ISSUANCE OF NOT TO EXCEED $10,000,000 PRINCIPAL AMOUNT OF THE CITY’S RECOVERY ZONE FACILITY INDUSTRIAL DEVELOPMENT REVENUE BONDS (TMCO, INC. PROJECT) SERIES 2010 - CLERK read an ordinance, introduced by Jayne Snyder, authorizing and approving the issuance of a not to exceed $10,000,000 principal amount Industrial Development Recovery Zone Facility Revenue Bond, Series 2010 (TMCO, Inc. Project); approving and authorizing the execution and delivery of a lease agreement, a deed of trust and construction security agreement and a tax compliance agreement and closing documentation; delegating, authorizing and directing the Mayor, Finance Director and Clerk to exercise their own independent discretion and judgment in determining and finalizing the terms, provisions, form and contents of each of such documents; providing for the publication of this ordinance and the time when this ordinance shall take effect; and related items, the third time.

SNYDER Moved to pass the ordinance as read.

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

The ordinance, being numbered #19475, is recorded in Ordinance Book #27, Page

AUTHORIZED THE EXECUTION AND DELIVERY OF (1) A LEASE AGREEMENT, (2) A TRUST INDENTURE, (3) A DEED OF TRUST, SECURITY AGREEMENT AND ASSIGNMENT OF RENTS AND LEASES AND (4) A TAX COMPLIANCE AGREEMENT IN CONNECTION WITH THE ISSUANCE OF NOT TO EXCEED $14,000,000 PRINCIPAL AMOUNT OF THE CITY’S RECOVERY ZONE FACILITY INDUSTRIAL DEVELOPMENT REVENUE BONDS (BLOCK 21, L.L.C. PROJECT) SERIES 2010 - CLERK read an ordinance, introduced by Jayne Snyder, authorizing and approving the issuance of a not to exceed $14,000,000 principal amount Industrial Development Recovery Zone Facility Revenue Bond, Series 2010 (Block 21 L.L.C. Project); approving and authorizing the execution and delivery of a lease agreement, a deed of trust and construction security agreement and a tax compliance agreement and closing documentation; delegating, authorizing and directing the Mayor, Finance Director and Clerk to exercise their own independent discretion and judgment in determining and finalizing the terms, provisions, form and contents of each of such documents; providing for the publication of this ordinance and the time when this ordinance shall take effect; and related items, the third time.

SNYDER Moved to pass the ordinance as read.

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

The ordinance, being numbered #19476, is recorded in Ordinance Book #27, Page

COMP. PLAN CONFORMITY 10008 - APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE "TELESIS MEADOWGOLD REDEVELOPMENT PROJECT" TO REDEVELOP THE FORMER MEADOWGOLD MANUFACTURING COMPLEX INTO MIXED-USE INDUSTRIAL FACILITY, INCLUDING A CITY PARKING GARAGE, PRIVATE RESIDENTIAL AND COMMERCIAL SPACE, ON PROPERTY GENERALLY LOCATED ON THE NORTH HALF OF BLOCK 38, BETWEEN 13TH AND 14TH STREETS AND P AND Q STREETS. (RELATED ITEMS: 10R-290, 10-141, 10-142, 10R-299) (ACTION DATE: 11/22/10) - PRIOR to reading:

HORNUNG Moved to amend Bill No. 10R-299 by replacing the CMR Agreement to the resolution with the CMR Agreement attached hereto.

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

WHEREAS, the City Council on October 22, 1984, adopted Resolution No. A-71701 finding an area generally bounded by "R" Street, 17th Street, 16th Street, and 7th Street to be blighted and substandard as defined in the Nebraska Community Development Law (Neb.Rev.Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and
WHEREAS, the City Council has previously adopted the Lincoln Center Redevelopment Plan (hereinafter the "Plan") including a description of the plan for redevelopment projects within said area in accordance with the requirements and procedures of the Nebraska Community Development Law, and now desires to modify said Plan by establishing the "Telesis Meadowgold Redevelopment Project" for the redevelopment of the former Meadowgold manufacturing complex into a complex of mixed-use industrial building and a residential/commercial building in an area generally bounded by 7th and 8th Streets and L and M Streets; and

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

WHEREAS, on October 9, 2010, a notice of public hearing was mailed postage prepaid to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place and purpose of the public hearing to be held on October 20, 2010 before the Lincoln City - Lancaster County Planning Commission regarding the proposed Telesis Meadowgold Redevelopment Project, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, on October 29, 2010 a notice of public hearing was mailed postage prepaid to all registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on November 15, 2010, regarding the proposed Telesis Meadowgold Redevelopment Project, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on October 29, 2010 and November 5, 2010 a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place and purpose of the public hearing to be held on November 15, 2010 regarding the proposed Telesis Meadowgold Redevelopment Project for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "B"; and

WHEREAS, said proposed Amendments to the Lincoln Center Redevelopment Plan to add the Telesis Meadowgold Redevelopment Project has been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and said Planning Commission on October 20, 2010 found the Plan Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on November 15, 2010 in the City Council chambers of the County-City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed modifications to the Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed modifications to the redevelopment plan; and

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

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

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

2. That incorporating the Telesis Meadowgold Redevelopment Project into the Redevelopment Plan is feasible and in conformity with the general purpose of accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will promote the general health, safety and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight. The Plan Amendments to the Redevelopment Plan are in conformity with the legislative declarations and determinations set forth in the Community Development Law.

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

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

5. That the Telesis Meadowgold Redevelopment Project would not be economically feasible without the use of tax-increment financing.

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

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

1. That the document entitled "Proposed Amendments to the Lincoln Center Redevelopment Plan for the Telesis Meadowgold Redevelopment Project" attached hereto as Attachment "A", and the "Telesis Meadowgold Redevelopment Project to the Lincoln Center Redevelopment Plan, is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.
2. That the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan as they relate to the above-described modifications.

3. That the Redevelopment Project Area for the Telesis Meadowgold Redevelopment Project as described and depicted in the Plan Amendments is the Redevelopment Project Area comprising the property to be included in the area subject to the tax increment provision authorized in the Nebraska Community Development Law.

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

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

CHANGE OF ZONE 10020 - APPLICATION OF THE DAIRY HOUSE LLC FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 8TH STREET AND M STREET (RELATED ITEMS: 10R-295, 10-144, 10-147) (ACTION DATE: 11/22/10) - CLERK read an ordinance, introduced by Jayne Snyder, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown therein, the third time.

Snyder
Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Spatz.

The ordinance, being numbered #19477, is recorded in Ordinance Book #27, Page AUThORIZING THE EXECUTION AND DELIVERY OF (1) A LEASE AGREEMENT, (2) A TRUST INDENTURE, (3) A DEED OF TRUST, SECURITY AGREEMENT AND ASSIGNMENT OF RENTS AND LEASES AND (4) A TAX COMPLIANCE AGREEMENT IN CONNECTION WITH THE ISSUANCE OF NOT TO EXCEED $2,800,000 PRINCIPAL AMOUNT OF THE CITY’S RECOVERY ZONE FACILITY INDUSTRIAL DEVELOPMENT REVENUE BONDS (TELESIS, INC. PROJECT) SERIES 2010. (RELATED ITEMS: 10R-295, 10-144, 10-147) (ACTION DATE: 11/22/10) - CLERK read an ordinance, introduced by Jayne Snyder, authorizing and approving the execution and delivery of a Lease Agreement, a Deed of Trust and Construction Security Agreement and a Tax Compliance Agreement in connection with the issuance of not to exceed $2,800,000 principal amount Industrial Development Recovery Zone Facility Revenue Bond, Series 2010 (Telesis, Inc. Project); approving and authorizing the execution and delivery of a Lease Agreement, a Deed of Trust and Construction Security Agreement and a Tax Compliance Agreement and Closing Documentation; delegating, authorizing and directing the Mayor, Finance Director and Clerk to exercise their own independent discretion and judgment in determining and finalizing the terms, provisions, form and contents of each of such documents; providing for the publication of this ordinance and the time when this ordinance shall take effect; and related matters, the third time.

Snyder
Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Spatz.

The ordinance, being numbered #19478, is recorded in Ordinance Book #27, Page OPEN MICROPHONE

Richard Esquivel, 731 Cumings St., came forward to question the JPA project that has allocated $7.2 million for waste removal and environmental concerns in the Haymarket area then JPA spends $260,000 for an insurance policy to cover if the project goes over the allocated amount with a $50,000 deductible. He commented on the LES project for $42,000,000 that he was concerned the city should not need a subsidy. He feels that TIF is an open checkbook based on promises. If they are good projects they should not need a subsidy. He feels the Mayor is spending too much money on TIF projects.

This matter was taken under advisement.

Rodney Vlcek, 1631 Benton St., member of the United Steel Workers Local 286 and the Department of Commerce and Commerce of Industrial Organizations in the state of Nebraska. He came forward to comment that there was misleading information quoted in the Omaha newspaper on the Commission of Industrial Relations. This organization was intended to prevent public labor union strikes and job actions and to provide an alternative dispute resolution process. The CIR has legislative authority to resolve labor management disputes which is subject to jurisdictional review by the Nebraska State Supreme Court. Salaries and benefits of public employees are not set by the CIR, but are determined through good faith negotiations between public employers and public employees such as cities and municipalities; such as agreeing to contract settlements considering only the issues and evidence presented by both parties in the hearing. The CIR has no bearing on what services are cut or if there are worker furloughs or layoffs. He expressed concern with the limited hours of the swimming pools, senior centers, the loss of State Wrestling tournaments, State Volleyball tournaments, State Fair, and a real concern of the potential loss of Horse racing.

This matter was taken under advisement.
John Austin, 826 S. 14th St., stated he feels the ambulance service needs to be put back into the hands of the private sector as the Fire Dept. does not have room for all their ambulances because he saw one under a tent on Van Dorn Street. He says too much money is spent on parking lots. The race track is an $80,000,000 income and he feels somebody with business knowledge should invest in this to keep it in Lincoln. This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to December 6, 2010.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Spatz.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on December 6, 2010.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Spatz.

ADJOURNMENT 7:30 P.M.

CAMP Moved to adjourn the City Council meeting of November 22, 2010.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Spatz.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant