THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MARCH 28, 2011 AT 5:30 P.M.

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

Council Chair Spatz 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

EMERY Having been appointed to read the minutes of the City Council proceedings of March 21, 2011 reported having done so, found same correct.

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

PUBLIC HEARING

CREATING RE-PAVING DISTRICT NO. 157 FOR NEW STREET PAVEMENT IN 63RD STREET FROM GLADSTONE STREET TO FREMONT STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - Kathy Bullock, 3441 N. 63rd St., came forward with concerns about the assessment.

Thomas Shafer, Public Works & Utilities, came forward to answer questions. He provided Ms. Bullock’s assessment figure explaining that payments can be made over twenty-years. In answer to her other questions, Mr. Shafer explained any removed driveway will be reconstructed, curbs will be installed followed by grading and grass seeding. In answer to Council questions, he said 51% of the people who own frontage will have to agree to this before it happens. Council Member Cook further explained that if 51% is not achieved in a years’ time, the ordinance would be repealed.

Donald Scott, 6312 Hartley St., came forward in support of the re-paving district and said it was needed 20 years ago. In response to his question about a homeowners’ obligation after death, Council Member Emery said it would continue as a lien against the property.

Rhonda Stangel, 3420 N. 63rd St., came forward in support.

Steven Worster, 3505 N. 63rd St., came forward in support and was provided answers to his questions about project time frames and access to his driveway during construction.

Barb Poole, 3411 N. 63rd St., came forward in opposition to the assessment cost.

Mr. Shafer came forward to state the total cost of the re-paving district is estimated at being $255,000. The abutting/benefitting property owners are getting credit for the original paving; therefore, the cost is reduced to $97,000.

This matter was taken under advisement.

CHANGE OF ZONE NO. 11005 - APPLICATION OF PARK RIDGE APARTMENTS TOO, LLC, FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S.W. 8TH STREET AND WEST C STREET - Bob Stevens, 2829 Van Dorn St., came forward representing owners of Park Ridge Apartments Too, LLC, to answer questions.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 1 - 15, 2011 - Jason Chambers, 6030 Fremont St., came forward to speak on behalf of his denied claim. Stating that there was no snow to remove on the date of December 31, 2010, he and his neighbor felt the snowplow driver made a mistake in damaging the mailbox and must own up to the negligence.

Rod M. Confer, City Attorney, came forward to present his findings on the incident involving a snowplow spreading gravel. Citing LMC 14.80.020, he said the City is not liable for damage to property on the right-of-way. In response to Council questioning on two unrelated, allowed claims, Mr. Confer said street paint which did not dry in 75 seconds was not up to spec. or performance, therefore, those claims were allowed.

This matter was taken under advisement.
APPROVING THE NAMING OF THE PARK AREA GENERALLY BOUNDED BY SOUTH STREET, BNSF RAILROAD, PARK BLVD., AND VAN DORN STREET, WHERE SHERMAN FIELD AND MIDGET FOOTBALL FIELDS ARE LOCATED, AS SAMPSON PARK - Lynn Johnson, Director of Parks & Recreation, came forward to state that additional land on the south end of the park area could be developed for additional sports fields/parking in the future. This resolution recognizes a gift for the Sherman Field renovation project from Sampson Construction Company in the amount of $445,000.

AUTHORIZING THE MAKING OF A REQUEST TO THE STATE OF NEBRASKA, BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS, FOR RELAXATION OF STANDARDS TO ALLOW THE FOOT WIDE LANES FOR CITY PROJECT 701771, SOUTH 56TH STREET FROM A STREET TO RANDOLPH STREET - Thomas Shafer, Public Works & Utilities, came forward to answer questions. He said similar relaxed standard lanes are located on Vine Street from 70th to about 84th and O Street between 15th & 16th. This matter was taken under advisement.

APPROVING THE WORLD’S FOREMOST BANK PROJECT REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND WORLD’S FOREMOST BANK RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED IN THE UNIVERSITY OF NEBRASKA TECHNOLOGY PARK FOR CONSTRUCTION OF APPROXIMATELY 40,000 SQ. FT. OF COMMERCIAL SPACE - David Landis, Director of Urban Development, clarifying the site as being on 14.5 acres with possible completion in 18 months. He said key points are as follows: the amount of TIF generated is $852,000; private investment is $6.4 million; use of developer purchase bonds will allow all risk to fall on the developer. Mr. Landis said that although the redevelopment agreement does not create the following commitments, it is reported that World’s Foremost Bank is looking at 400 new jobs, an annual payroll of $12.4 million and personal property tax of $1 million. Usage of TIF will be as follows: $276,000 for land acquisition; $30,000 for utility line burial; $55,000 for NW 1st Street improvements; $570,000 water detention facility helping downstream users in flood control; finally, should any bidding efficiencies allow for remaining TIF, those funds could be used for energy conservation, environmental & water quality features.

Tom Huston, Cline Williams Law Firm, 233 S. 13th St., came forward on behalf of World’s Foremost Bank stating that last week he came before Council with the redevelopment plan amendment. He said the project is good for the City of Lincoln, the Technology Park and the community as a whole.

Steve Frayser, President of the University of Nebraska Technology Park, came forward to talk about Cabela’s endowment which will create 16 scholarships per year for low-income students who are Nebraska residents, ½ who are a major at UNL, the other ½ for majors associated with sustainable/environmental practices & planning.

Jason Smith, Lincoln Chamber of Commerce, 1135 M St., came forward to talk about economic development. He stated that over 80% of all new jobs in a community are created by existing companies so it is extremely important for a community to be perceived as pro-business and supportive of their existing companies. He feels that while this agreement with the World’s Foremost Bank is very modest and reasonable, it will be repaid many times over.

Jane Kinsey, 6703 Hawkins Bend, came forward with concerns that businesses who come forward with the prospect of creating jobs should be held accountable to their promises.

Mr. Landis came forward in rebuttal to state it is not a contractual exchange for the business to promise 400 jobs. He gave an example of a form of monitoring which was done on the Shoemaker Project to make sure standards were met. In an effort to help the community understand the tax increment financing tool, Mr. Landis shared his findings. He said the books are closed on the first seventeen TIF projects through their 15-year period and are operating and paying taxes. He said what started out as $15 million in total valuation of land/buildings has grown to be $213 million ($198 million of growth in the tax base). Mr. Landis said over time, those 15-year periods have continued to grow and are leading sources of growth in the community. He said building the WFB Project will pay handsome dividends for the City of Lincoln over time. This matter was taken under advisement.

APPROVING THE REQUEST OF DUNCAN AVIATION TO UTILIZE $150,000 FROM THE FAST FORWARD FUND TOWARD THE RELOCATION OF A 16” WATER MAIN TO SERVE THEIR EXPANDING FACILITY AT THE LINCOLN MUNICIPAL AIRPORT - Mike Lay, Economic Development Coordinator, came forward to identify that Duncan Aviation has significant facilities in other competitive locations. It was evident to City officials that a 16-inch public water main could impede their expansion at the Lincoln Airport.
He said the trend in the general aviation sector is a move from smaller to larger aircraft. In an opportunity to retain jobs and create growth, the Fast Forward Fund can be used as a mechanism to fund the relocation of the water main. In response to Council questions regarding jobs, Mr. Lang said the project entails hiring 5-10 painters initially. A broader scope would reveal that a potentially larger facility could handle additional maintenance/refurbishment of larger aircraft, thereby leading to other job creation.

Jeff Lake, Duncan Aviation, came forward to share company growth plans. He said this is just the first step in bringing in large aircraft jobs involving interior maintenance work and avionics installation. Mr. Lake said the Airport Authority is funding the ramp and taxiway which will be reflected in Duncan’s 20-year lease rates.

Council Member Camp expressed concern about wording and offered to clarify language in the resolution. Kyle Fischer, Lincoln Chamber of Commerce, 1135 M St., came forward in support of Duncan Aviation’s use of the Fast Forward Fund. He expressed appreciation to Administration, Council and Airport Authority to provide Duncan Aviation the ability to compete with other members of the aviation industry.

Mr. Lake responded affirmatively to Council Member Camp’s request to amend the resolution as it pertained to job creation. This matter was taken under advisement.

AMENDING THE RETIREMENT BENEFITS AVAILABLE TO THE MAYOR OF THE CITY OF LINCOLN COMMENCING WITH THE MAY, 2015 MAYORAL TERM - Jane Kinsey, 6703 Hawkins Bend, came forward to express appreciation for lowering the match. She said she testified at the State CIR hearing and testified that lower level people should not be laid off for reasons of high salary/retirement costs while department heads are kept. Because times are tough, Ms. Kinsey requested that Council do something to reduce costs now, regardless of the upcoming election or fear of confrontation.

Deena Winter, 2019 Lake Street, came forward to question why the resolution is proposed to be effective in the year 2015 and not immediately. Council Member Camp responded to Ms. Winter’s question. He said there were difficulties in getting the Mayor's done in time for this year's election. He said regardless of who is elected mayor in May, the situation would be the same. As far as it related to the directors and mayoral staff, he said legislation applies to any newly hired director or mayoral aide. All current directors & mayoral aides are not affected so they would continue to receive the 12% match. Finally, he explained that those individuals had negotiated their compensation packages and are hired at will.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS FEBRUARY 28, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MARCH 14, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 10028 - Requested by Mark Hunzeker from O-2 Suburban Office District to I-2 Industrial Park District, from AG Agricultural District to I-2 Industrial Park District and from R-3 Residential District to I-2 Industrial Park District on property legally described as Lots 4 and 20 I.T., located in Section 3-10-6; the remaining portion of Lot 1, Highland North and Lot 57 I.T., located at W. Fletcher Avenue and Highway 34.

Change of Zone No. 11008 - Requested by Assurity Life Insurance Company from B-4 Lincoln Center Business District to B-4 Lincoln Center Business District with a Special Sign District designation on property legally described as Lot 1 and Lot 2, Assurity Addition, located in the SE 1/4 of Section 24-10-6, Lancaster County, Nebraska, generally located at 2000 Q Street.
Special Permit No. 11005 - Requested by Regal Building Systems for a domiciliary care facility for up to 32 residents on property generally located at S. 27th Street and Wilderness Hills Boulevard.

MISCELLANEOUS

SETTING THE BOARD OF EQUALIZATION HEARING DATE ON MONDAY, APRIL 25, 2011 AT 5:30 P.M.
ON THE NORTH 27TH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT AND THE UNIVERSITY PLACE MAINTENANCE BUSINESS IMPROVEMENT DISTRICT - This item was approved by City Council.

LIQUOR RESOLUTIONS - NONE

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

CREATING RE-PAVING DISTRICT NO. 157 FOR NEW STREET PAVEMENT IN 63RD STREET FROM GLADSTONE STREET TO FREMONT STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITED PROPERTIES - CLERK read an ordinance, introduced by Doug Emery, creating Re-paving District No. 157, defining the limits thereof, establishing the width of the roadway to be re-paved and new curb, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND DITTMER & DITTMER OF CRETIE FOR THE LEASE OF OFFICE SPACE BY AGING PARTNERS FOR ITS PERSONAL & FAMILY SERVICES PROGRAM AT 1005 E. HIGHWAY 33, SUITE 6, CRETIE, NE 68333 FOR A TERM OF JUNE 1, 2011 THROUGH MAY 31, 2012 - CLERK read an ordinance, introduced by Doug Emery, accepting and approving a Lease Agreement between the City of Lincoln and Dittmer & Dittmer of Cretie for the lease of office space by the Aging Partners for its Aging Partners Personal & Family Services program located at 1005 E. Highway 33, Suite 6, Cretie, NE 68333, for a term of June 1, 2011 through May 31, 2012, the second time.

CHANGE OF ZONE NO. 11005 - APPLICATION OF PARK RIDGE APARTMENTS TOO, LLC, FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S.W. 8TH STREET AND WEST C STREET - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 1 - 15, 2011 - PRIOR to reading:

EMERY Moved to amend Bill No. 11R-65 by removing the claim of Jason Chambers. Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

CLERK Read the following amended resolution, introduced by Doug Emery, who moved its adoption:

A-86272

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

That the claims listed in the attached report, marked as Exhibit "A", dated March 1, 2011, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved.
DENIED CLAIMS
Harold & Martha Nelson $80.00
Shane & Kim Techmeier * No Amount Specified
Jason Chambers

ALLOWED/SETTLED CLAIMS
Mike Gabel/Gabel Construction & Nationwide Insurance $2,300.00
Walker Tire Co. 315.56
Ronald R. Patak 2,490.75

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

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

APPROVING APPROPRIATIONS IN THE AMOUNT OF $30,900.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES (ROUND 33) - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86273

WHEREAS, Resolution No. A-75378 provides that five percent of the gross proceeds realized by the City of Lincoln from the operation of a keno lottery shall be designated for such human services as may be recommended and approved by the Joint Budget Committee, City Council and Lancaster County Board of Commissioners; and

WHEREAS, the Joint Budget Committee has recommended that the City Council and Lancaster County Board of Commissioners approve the designation of $30,900.00 from said gross funds for the human services listed in Attachment "A" (Keno Prevention Fund Round 33) attached hereto and incorporated herein by reference.

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

The designation of the $30,900.00 from gross funds from the operation of keno lottery for the human services listed in Attachment "A" is hereby approved and the Mayor is authorized to enter into grant contracts with the respective agencies providing said human services.

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

APPROVING THE NAMING OF THE PARK AREA GENERALLY BOUNDED BY SOUTH STREET, BNSF RAILROAD, PARK BLVD. AND VAN DORN STREET, WHERE SHERMAN FIELD AND MIDGET FOOTBALL FIELDS ARE LOCATED, AS SAMPSON PARK - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86274

A RESOLUTION naming the park area generally bounded by South Street, BNSF Railroad, Park Blvd., and Van Dorn Street, where Sherman Field and Midget Football Fields are located, as "Sampson Park" in recognition of a leadership gift from Sampson Construction Company to the Sherman Field renovation project.

WHEREAS, Sampson Construction Company has committed to secure and provide in-kind donations to the Sherman Field renovation project with an estimated value of $445,000.00; and

WHEREAS, the endowment for Sherman Field is has been established at $400,000.00, which is less than the value of the Sampson Construction Company leadership gift; and

WHEREAS, John Sampson has indicated his family would like the naming of Sampson Park to be a tribute to his parents Morris "Sam" Sampson and Evelyn Sampson; and

WHEREAS, the Parks and Recreation Department recommends that the surrounding park area be named in recognition of the Sampsons as Sherman Field is a long-standing recognized name as a tribute to the sportscaster Cy Sherman; and

WHEREAS, the Parks and Recreation Advisory Board unanimously recommended approval of naming the subject park as Sampson Park at their March 10, 2011 meeting.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that the park area generally bounded by South Street, BNSF Railroad, Park Blvd. and Van Dorn Street, where Sherman Field and Midget Football Fields are located, be and hereby is named as "Sampson Park."

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

AUTHORIZING THE MAKING OF A REQUEST TO THE STATE OF NEBRASKA, BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS, FOR RELAXATION OF STANDARDS TO ALLOW TEN FOOT WIDE LANES FOR CITY PROJECT 701771, SOUTH 56TH STREET FROM A STREET TO RANDOLPH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:
WHEREAS, the State of Nebraska, Board of Public Roads Classifications and Standards has established a minimum lane width of 11 feet for Urban Arterial Streets; and
WHEREAS, the 10 foot wide lanes proposed for City Project 701771 - South 56th Street from A Street to Randolph Street, do not meet such minimum design standard for lane widths on Urban Arterial Streets; and
WHEREAS, the City of Lincoln desires to request a modification of the Standards by the Board of Public Roads Classification and Standards so as to not substantially affect adjacent properties through the proposed reconstruction of these projects; and
WHEREAS, the City of Lincoln believes that the granting of such an exception will not impair the safety of traffic within the limits of these projects;
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
Pursuant to Neb. Rev. Stat. § 39-2113(6) (Reissue 2008), the City of Lincoln does hereby request the Board of Public Roads Classifications and Standards to grant an exception to the above described minimum design lane width to allow a 10 foot wide street for the following City Project: 701771 - South 56th Street from A Street to Randolph Street.
BE IT FURTHER RESOLVED that the Director of Public Works and Utilities is hereby authorized and directed to forward a copy of this Resolution to the Board of Public Roads Classifications and Standards as a part of the City of Lincoln's request for the design exception.

APPROVING THE WORLD'S FOREMOST BANK PROJECT REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND WORLD'S FOREMOST BANK RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED IN THE UNIVERSITY OF NEBRASKA TECHNOLOGY PARK FOR CONSTRUCTION OF APPROXIMATELY 40,000 SQ. FT. OF COMMERCIAL SPACE - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

WHEREAS, pursuant to Resolution No. A-84988 there was established Fund No. 230, designated as the Fast Forward Fund, the purpose of which is to make funds available for economic development projects where there is a demonstrated benefit to the community and/or where an incentive or incentives can positively influence the outcome of a project; and
WHEREAS, Duncan Aviation, Inc., a well known employer of approximately 1,150 people in Lincoln, desires to expand its facilities in the City of Lincoln near the Lincoln Municipal Airport; and
WHEREAS, the project calls for the construction of a high tech aircraft painting facility costing approximately $10 million and is expected to create five to ten full time positions and an additional 40-45 full time positions at Duncan Aviation with a total annual compensation package for these employees of approximately $49,920.00 per employee ($20 per hour plus benefits); and

WHEREAS, Duncan Aviation, Inc. has requested assistance from the City in relocating a portion of a 16-inch water main in order to provide proper space for the painting facility with said assistance not to exceed $150,000.00.

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

1. The request by Duncan Aviation, Inc. meets, subject to the qualifications set forth in Section 4 below, the criteria necessary to expend funds from No. 230, the Fast Forward Fund.
2. Good cause has been shown for deviation from the guidelines in Budget Resolution #5490 requiring that new employees added as a result of a project meet a median wage that is 120% of the County average wage and derives 50% or more of its revenue from outside the County.
3. Based on the findings stated above, Duncan Aviation, Inc. is qualified and meets the criteria for assistance in relocating a portion of a 16-inch water main on or near property upon which Duncan Aviation, Inc. will construct its new high tech aircraft painting facility.

4. There is hereby authorized appropriated a sum not to exceed $150,000.00 from the Fast Forward Fund as reimbursement to Duncan Aviation, Inc., subject to the following terms and conditions:
   a. Duncan Aviation, Inc. shall post a performance bond or other surety in a form acceptable to the City Attorney in the estimated amount of the construction costs, not to exceed $150,000.00.
   b. The performance bond or other surety shall be released upon acceptance of the water main relocation project by the City.
   c. Upon acceptance of the project by the City, Duncan Aviation, Inc. shall submit appropriate invoices for the cost and reimbursement for the expenses and these expenses shall be paid at that time.
   d. Costs expended by the City herein shall not exceed $150,000.00 without Council approval.
   e. Verification that fifty or more new employees have been hired within three years of completion of the relocation of the water main as a result of this project, with total compensation packages for all such new employees of approximately $49,920.00 per employee per year. In the event Duncan Aviation, Inc. fails to complete or comply with any of its obligation hereunder, then Duncan Aviation shall repay to the City all monies advanced to or on behalf of Duncan Aviation related to the water main relocation project, with interest at the rate of 4% per annum beginning with the first advance or reimbursement hereunder.

AMENDING THE RETIREMENT BENEFITS AVAILABLE TO THE MAYOR OF THE CITY OF LINCOLN COMMENCING WITH THE MAY, 2015 MAYORAL TERM. (ACTION DATE: 3/28/11) - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86278

WHEREAS, the City Council for the City of Lincoln, Nebraska, on December 9, 2002, adopted Resolution No. A-81848 establishing the salary and various benefits available to the Mayor of the City of Lincoln; and

WHEREAS, the City Council for the City of Lincoln, Nebraska, on September 20, 2010, adopted Resolution No. A-86019 establishing the annual salary for the Mayor commencing with the Mayoral term of May 16, 2011 and clarified various benefits available to the Mayor of the City of Lincoln; and

WHEREAS, it is necessary to amend Resolution No. A-81848 with respect to the retirement benefits available to the Mayor of the City of Lincoln.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that the City Council does, by this Resolution, desire to establish the retirement benefits available to the Mayor commencing with the Mayoral term in May, 2015 to provide that the City shall contribute, on a monthly basis, a sum equal to 6% of the Mayor's base salary to the account of the Mayor in the "City of Lincoln Retirement Plan for Unclassified Department Heads" and further to provide that the Mayor shall be required to make a
mandatory employee contribution of 6% on a monthly basis of his or her base salary to be eligible to receive the City's 6% contribution to the City of Lincoln Retirement Plan for Unclassified Department Heads.

BE IT FURTHER RESOLVED that all other provisions of Resolution No. A-81848 and Resolution No. A-86019 shall remain in full force and effect.

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

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

CHANGE OF ZONE NO. 11003 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY ADDING A NEW SECTION NUMBERED 27.03.161 TO PROVIDE A DEFINITION FOR "COMMERCIAL WIND ENERGY CONVERSION SYSTEM/TURBINE (CWECS)"; AMENDING SECTION 27.07.040 TO ALLOW CWECS IN THE AG AGRICULTURE DISTRICT AS A SPECIAL PERMITTED USE AND PROVIDING CONDITIONS OF APPROVAL; AND AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW SECTION NUMBERED 27.63.425 TO PROVIDE CONDITIONS FOR GRANTING A SPECIAL PERMIT TO ALLOW A CWECS IN THE AG AGRICULTURE DISTRICT - CLERK read an ordinance, introduced by Adam Hornung, amending Title 27 of the Lincoln Municipal Code relating to Zoning by adding a new section numbered 27.03.161 to provide a definition for "Commercial Wind Energy Conversion System/Turbine (CWECS)"; amending Section 27.07.040 to allow CWECS in the AG Agriculture District as a special permitted use and providing conditions of approval; amending Chapter 27.63 of the Lincoln Municipal Code by adding a new section numbered 27.63.425 to provide conditions for granting a special permit to allow a CWECS in the AG Agriculture District, and repealing Section 27.07.040 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS AND P STREET FROM 7TH TO 8TH STREETS FROM MAY 7, 2011 THROUGH OCTOBER 15, 2011 AND ON 8TH STREET FROM P TO Q STREET FROM JUNE 4, 2011 THROUGH AUGUST 27, 2011 AND ALSO SEPTEMBER 3, 2011 AND SEPTEMBER 24, 2011 - CLERK read an ordinance, introduced by Adam Hornung, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public market in the Haymarket area, 7th Street from P to Q Streets and P Street from 7th to 8th Streets, from May 7, 2011 through October 15, 2011, and on 8th Street from P to Q Street from June 4, 2011 through August 27, 2011, and September 3, 2011 and September 24, 2011, and authorizing the Mayor to sign such Contract on behalf of the City, the first time.

APPROVING AN AMENDMENT TO THE FY 10/11 CIP TO AUTHORIZE AND APPROPRIATE $852,000.00 IN TIF FUNDS FOR THE WORLD’S FOREMOST BANK PROJECT GENERALLY LOCATED AT 4800 N.W. 1ST STREET IN THE UNIVERSITY OF NEBRASKA TECHNOLOGY PARK. (RELATED ITEMS: 11R-74, 11-33) (ACTION DATE: 4/11/11)

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF WORLD’S FOREMOST BANK REDEVELOPMENT PROJECT TAX ALLOCATION BONDS, IN ONE OR MORE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $852,000.00. (RELATED ITEMS: 11R-74, 11-33) (ACTION DATE: 4/11/11) - CLERK read an ordinance, introduced by Adam Hornung, authorizing and providing for the issuance of City of Lincoln, Nebraska Tax Allocation Bonds, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed $852,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the City’s World’s Foremost Bank Redevelopment Project Area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the Bonds; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the Bonds as the same become due; limiting payment of the Bonds to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the Finance Director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the Bonds not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the first time.
REGULAR MEETING  
March 28, 2011  
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ORDINANCES - 3rd READING & RELATED RESOLUTIONS (as required)

APPROVING AN ADOPTION AGREEMENT RELATING TO THE RETIREMENT PLAN FOR UNCLASSIFIED DEPARTMENT HEADS PURSUANT TO ARTICLE II, SECTION 3 OF THE CHARTER OF THE CITY OF LINCOLN TO PROVIDE THAT THE EMPLOYER CONTRIBUTIONS SHALL BE 9% OF AN EMPLOYEE’S COMPENSATION AND TO PROVIDE THAT EMPLOYER’S CONTRIBUTION SHALL BE 7% OF THE EMPLOYEE’S CONTRIBUTION FOR EMPLOYEES HIRED ON OR AFTER APRIL 1, 2011. (2/28/11 – TO HAVE 1st READING IN 2 WKS. ON 3/14/11; P.H. ON 3/21/11) – PRIOR to reading:

CAMP Moved to amend Bill No. 11-25 in the following manner:
1. On page 1, line 8, delete “9%” and insert in lieu thereof 6%.
2. On page 1, line 9, delete “7%” and insert in lieu thereof 6%.
3. On page 1, line 11, delete “April” and insert in lieu thereof May.
4. By substituting the Attachment “A” attached hereto for the Attachment “A” attached to Bill No. 11-25.

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

Clerk Read an ordinance, introduced by Jon Camp, adopting the Volume Submitter Money Purchase Plan Adoption Agreement relating to the Retirement Plan for Unclassified Department Heads, the third time.

CAMP Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19511, is recorded in Ordinance Book #25, Page 9.

VACATION NO. 11001 – APPLICATION OF WORLD’S FOREMOST BANK TO VACATE HIGHLAND CIRCLE EXCEPT THE 50 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF N.W. 1ST STREET, GENERALLY LOCATED AT N.W. 1ST STREET AND HIGHLAND CIRCLE. (RELATED ITEMS: 11R-63, 11-28) (ACTION DATE: 3/28/11) – CLERK read an ordinance, introduced by Jonathan Cook, vacating Highland Circle except the 50 feet east of the east right-of-way line of N.W. 1st Street, generally located at N.W. 1st Street and Highland Circle, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19512, is recorded in Ordinance Book #25, Page 9.

RESOLUTIONS - ACTION ONLY

SPECIAL PERMIT 10037 - APPEAL OF EMERALD CARE COMPANY FROM THE CONDITIONAL APPROVAL ALLOWING A DOMICILIARY CARE FACILITY FOR UP TO 48 RESIDENTS ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND PIONEERS BOULEVARD. (3/21/11 – ACTION DELAYED 1 WK. TO 3/28/11) – PRIOR to reading:

CARROLL Moved to Delay Bill No. 11R-61 one week for Action Only to April 4, 2011. Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

COMP. PLAN CONFORMANCE 11001 - APPROVING AN AMENDMENT TO THE LINCOLN STAR BUILDING REDEVELOPMENT PROJECT, IN THE LINCOLN CENTER REDEVELOPMENT PLAN, TO EXTEND THE PROJECT AREA TO INCLUDE THE M STREET RIGHT-OF-WAY FROM SOUTH 7TH STREET TO SOUTH 17TH STREET TO ALLOW FOR STREETSCAPE DESIGN AND IMPROVEMENTS – PRIOR to reading:

CARROLL Moved to Place Bill No. 11R-62 on Indefinite Pending. Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

OPEN MICROPHONE

Carol Brown, 2201 Elba Circle, came forward in opposition to the 14th Street Roundabout. She said that a constant flow of traffic will further hinder in/out access on all the outlets on Superior Street, the safety of the Campbell School drop off/pick up being included. She fears that a proposed underground tunnel would be unsafe.

This matter was taken under advisement.

Annie Clark, 1850 Morton St., came forward in opposition to the 14th Street Roundabout.

This matter was taken under advisement.
Mike Morosin, 1500 N. 15th St., came forward to present issues regarding the sale of his home in Antelope Valley and the purchase of his current dwelling. He continues to wait for the completion of his garage per the agreement.

This matter was taken under advisement.

Ed Patterson, 700 N. 24th St., came forward to comment. He stated that a rule of law is earned. He expressed excitement that Duncan Aviation continues to bring new opportunities to Lincoln. He was also excited about the 16 educational scholarships made available through Cabela’s.

This matter was taken under advisement.

Luke Peterson, 2520 R St., came forward to address a housing concern in his neighborhood. Following a personal investigation, he discovered what are known as “wet houses” across the street from him. He expressed concern that wet-house tenants, being described as individuals on their last leg of drug/alcohol abuse who are housed under an agreement between a landlord and mental health agency, are engaging in activities with unscrupulous friends. He requested a response from the Housing Authority.

This matter was taken under advisement.

Jane Kinsey, 6703 Hawkins Bend, came forward to introduce her new citizen group known as Watchdogs of Lincoln Government. She shared current issues as being the following: misrepresentation of job creation; public disagreement with a proposed roundabout; tax increment financing; and finally, an overall interest in government transparency, accountability and efficiency. She urged government officials to listen more carefully to the people.

This matter was taken under advisement.

Donna Bader, 4305 S. 84th St., came forward to ask questions about Emerald Care Company and its water issue. Council Chair Spatz advised Ms. Bader that public comment could not be accepted at this time.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to April 4, 2011.
Seconded by Emery & 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 April 4, 2011.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT 7:21 P.M.

CAMP Moved to adjourn the City Council meeting of March 28, 2011.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.