

AGENDA

**MONDAY, JANUARY 23, 2012, 3:00 P.M.
BOARD OF EQUALIZATION HEARING**

- 1) ELECTION OF CHAIR
- 2) ANNOUNCE: The Open Meetings Law is posted by the Northwest Door of the Chamber.
- 3) READING OF OPENING STATEMENT BY CHAIR PERSON
CITY CLERK READS ITEMS 4, 5 AND 6 INTO THE RECORD
- 4) ALLEY REPAVING DISTRICT #49 - All that portion of the east-west alley from 10th to 11th Street, G to H Street.
- 5) SEWER DISTRICT 1185 - 84th Street, Highway 6 to approximately 430 feet south of Fletcher Avenue.
- 6) WATER DISTRICT 1201 - 84th Street, Highway 6 to Fletcher Avenue.
- 7) REMARKS BY/QUESTIONS OF PUBLIC WORKS DEPARTMENT STAFF
- 8) PUBLIC TESTIMONY
- 9) VOTING SESSION
- 10) ADJOURNMENT (Sine Die or must set another date and time)

**THE MINUTES OF THE BOARD OF EQUALIZATION HELD
MONDAY, JANUARY 23, 2012 AT 3:00 P.M.**

The Board of Equalization met at 3:00 p.m. in the City Council Chambers of the County-City Building in Lincoln, Nebraska as required by law.

Members Present: Jon Camp, Eugene Carroll, Jonathan Cook, Doug Emery, Carl Eskridge, Adam Hornung, DiAnna Schimek.

CARROLL Our first order of business is to select a chair.
COOK I nominate Eugene Carroll.

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

CARROLL Took the Chair and proceeded with the reading of the procedures to be followed for public hearing on matters presented to the Board, with a brief explanation of the procedures.

PUBLIC HEARING

ALLEY REPAVING DISTRICT #49 - ALL THAT PORTION OF THE EAST-WEST ALLEY FROM 10TH STREET, G TO H STREET - Holly Lionberger, Public Works & Utilities Department, came forward to answer questions about the district. She said this alley repaving district was created in September 2009 and constructed in 2010. The original estimated cost was \$80,000; actual cost came out to be just over \$54,000. The proposed assessment rate per front foot will be \$90.

SEWER DISTRICT 1185 - 84TH STREET, HIGHWAY 6 TO APPROXIMATELY 430 FEET SOUTH OF FLETCHER AVENUE - Ms. Lionberger said this sewer district was created in September 2009 at the request of Public Works staff. Original estimated cost for this project was around \$240,000; actual cost came out to be just over \$132,000. The proposed assessment rate per front foot will be \$41. In response to Council Member's expression of approval for the savings, Ms. Lionberger said in the beginning, oil & gas costs were high so department estimates were conservative. She said the bid came out at a time when companies were looking for work.

WATER DISTRICT 1201 - 84TH STREET, HIGHWAY 6 TO FLETCHER AVENUE - Ms. Lionberger, said this water district was created back in September 2009 by Public Works staff. An original project cost was estimated to be around \$267,000. The total project cost came in just short of \$154,000. The proposed per front foot rate will be \$42.

VOTING SESSION

DOWNTOWN BUSINESS IMPROVEMENT DISTRICT GENERALLY BOUNDED BY H, 6TH, R, AND 17TH STREETS;

CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY GENERALLY BOUNDED BY CENTENNIAL MALL, M, 9TH AND Q STREETS;

DOWNTOWN MAINTENANCE DISTRICT GENERALLY EXTENDING FROM 7TH STREET ON THE WEST TO 17TH STREET ON THE EAST AND FROM R STREET ON THE NORTH, TO M STREET ON THE SOUTH AND SHALL IN ADDITION THERETO INCLUDE THE PROPERTIES ABUTTING ON THE WEST SIDE OF 7TH STREET FROM Q STREET TO M STREET; THE PROPERTIES ABUTTING ON THE NORTH SIDE OF R STREET FROM 7TH STREET TO 10TH STREET AND THE PROPERTIES ABUTTING THE SOUTH SIDE OF M STREET FROM 8TH STREET TO 17TH STREET. IN ADDITION, THE DISTRICT SHALL INCLUDE PROPERTIES ABUTTING BOTH SIDES OF 13TH STREET FROM M STREET TO LINCOLN MALL AND ALL OF CORNHUSKER SQUARE.

CAMP Moved approval of all three districts.
Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

ADJOURNMENT

3:08 P.M.

CAMP Moved to adjourn Sine Die the Board of Equalization meeting.
 Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant

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THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JANUARY 23, 2012 AT 3:00 P.M.

The Meeting was called to order at 3:00 p.m. Present: Council Chair Carroll; Council Members: Camp, Cook, Emery, Eskridge, Hornung, Schimek; City Clerk, Joan E. Ross.

Council Chair Carroll 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

SCHIMEK Having been appointed to read the minutes of the City Council proceedings of January 9, 2012 reported having done so, found same correct.

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

PUBLIC HEARING

REPORT OF SETTLEMENT AGREEMENT UNDER NEB. REV. STAT. §84-173. (NON TORT CLAIMS) - Chris Heinrich, 6739 Blue Ridge Lane, came forward to comment on the proposed settlement agreement relating to the Wilderness Park Bridge reconstruction. As a cyclist and user of the park, he expressed concern that the north bridge will be reconstructed but not the south. He said if the south bridge is not repaired, it will effectively split the three to four mile trail and make users from either end turn back after a mile & a half of travel. He described Wilderness Park as a gem of the city which allows him and other cyclists to ride safely out of the way of vehicular traffic. He urged Council to strongly consider repairing both bridges so the entire area can be used.

Rod Confer, City Attorney, came forward to clarify that this settlement agreement is not a tort claim requiring Council approval but rather a report in accordance with Nebraska Statute. Mr. Confer said under the completed settlement agreement, only the north bridge is being repaired.

Jocelyn Golden, Assistant City Attorney, came forward to state that there were discussions on rerouting trails but said there will never be another bridge at the location of the collapsed south bridge.

This matter was taken under advisement.

AMENDING CHAPTER 10.16 OF THE LINCOLN MUNICIPAL CODE (DRIVING WHILE INTOXICATED, UNLICENSED OR UNINSURED) BY AMENDING SECTION 10.16.030 RELATING TO THE PENALTY FOR DRIVING UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR TO COMPLY WITH STATE STATUTE; BY AMENDING SECTION 10.16.040 RELATING TO THE PENALTY FOR REFUSING TO SUBMIT TO A CHEMICAL TEST OF BLOOD, BREATH OR URINE TEST TO DETERMINE THE CONCENTRATION OF ALCOHOL OR THE PRESENCE OF DRUGS IN SUCH BLOOD, BREATH OR URINE TO COMPLY WITH STATE STATUTE; AND AMENDING SECTION 10.16.045 RELATING TO RESTRICTIONS IMPOSED FOR A SECOND VIOLATION OF SECTION 10.16.030 OR 10.16.040 TO COMPLY WITH STATE STATUTE, AND DECLARING AN EMERGENCY - Rod Confer, City Attorney, came forward to explain that the amendment will bring the city ordinance on driving while intoxicated and refusal to consent to a test into congruence with the state statute. Because there were increased penalties, city ordinances were out of compliance with the state law that became effective January 1, 2012. Mr. Confer said due to the Prosecution Division's miscalculation of the holidays in December/January, he is requesting adherence to the emergency clause upon passage.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO CONTRACT FOR ANNUAL REQUIREMENTS FOR FLUORESCENT BULB RECYCLING SERVICES, BID NO. 2807, TO RENEW CONTRACT C-09-0642 WITH A-TEC RECYCLING, ADOPTED BY RESOLUTION NO. A-85684 ON JANUARY 14, 2010, FOR ONE ADDITIONAL TWO YEAR TERM FROM JANUARY 14, 2012 THROUGH JANUARY 13, 2014;
APPROVING AN AMENDMENT TO AGREEMENT FOR BUSINESS CARD AND LETTERHEAD PRINTING, BID NO. 09-219, TO RENEW AGREEMENT NO. 09-0636 WITH CORNERSTONE PRINTING AND IMAGING, ADOPTED BY RESOLUTION NO. A-85683 ON JANUARY 11, 2010, FOR ONE ADDITIONAL TWO YEAR TERM FROM JANUARY 14, 2012 THROUGH JANUARY 13, 2014 - Vince Mejer, Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

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APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND EN POINTE TECHNOLOGIES SALES, INC. FOR COMMERCIAL OFF THE SHELF (COTS) SOFTWARE AND RELATED SERVICES (STATE OF NEBRASKA CONTRACT 13093 OC WSMA MASTER PRICE AGREEMENT ADSP011-00000358-1) FOR A TERM FROM NOVEMBER 21, 2011 THROUGH JUNE 2, 2013 - Vince Mejer, Purchasing Agent, came forward to answer questions.
This matter was taken under advisement.

SPECIAL PERMIT NO. 11031 - APPLICATION OF FIRST STREET BIBLE CHURCH FOR A PARKING LOT ADJACENT TO THE CHURCH IN A RESIDENTIAL DISTRICT, WITH A REQUEST TO WAIVE THE REQUIRED FRONT YARD SETBACK ALONG 1ST STREET AND G STREET ON PROPERTY GENERALLY LOCATED AT SOUTH 1ST STREET AND G STREET - Pastor Robb Rexilius, 5630 Ezekiel Place, came forward to explain his church's situation. Formerly known as First German Congregational Church built in 1920, Pastor Rexilius said in its early existence, most attendees walked to church services but that is not the case today. With increased attendance and the relocation of FoodNet, six off-street parking spots were not sufficient. He said the church purchased property to the north with a hope to have 25 parking stalls.
Dave Johnson, Studio 951, 800 P St., came forward to answer questions. He said he has been assisting the church with renovations, laying out the parking and working with Civil Design Group. In response to Council questions, Mr. Johnson said construction will not solve the parking problem in the neighborhood on a given Sunday but it will take about half the cars currently parking on the street and placing them into the proposed lot.
This matter was taken under advisement.

COMP. PLAN AMENDMENT NO. 11004 - APPLICATION OF THE PLANNING DIRECTOR TO AMEND THE 2040 COMPREHENSIVE PLAN TO DESIGNATE LAND GENERALLY LOCATED WEST OF NORTH 56TH STREET BETWEEN ALVO ROAD AND ARBOR ROAD AS TIER I, PRIORITY A, AND TO REVISE THE TEXT ON THE 2040 PRIORITY GROWTH AREAS MAP TO REPLACE THE NOTATION "DOWNTOWN/ANTELOPE VALLEY" WITH "GREATER DOWNTOWN" - Marvin Krout, Director of Planning, came forward to clarify a technical correction in the map designating the commercial tract as immediately available for development without any further review. He said a change in terminology to "Greater Downtown" will allow collection of data, trend tracking & progress/redevelopment in the area.
This matter was taken under advisement.

COMP. PLAN AMENDMENT NO. 11005 - APPLICATION OF THE PLANNING DIRECTOR TO AMEND THE 2040 COMPREHENSIVE PLAN BY REVISING THE CREDITS PAGE; CHAPTER 1, VISION & PLAN, LPLAN 2040 ELEMENTS; CHAPTER 12, PLAN REALIZATION, PUBLIC SECTOR CONTRIBUTIONS; AND CHAPTER 12, PLAN REALIZATION, PLAN UPDATE PROCESS, TO CLEARLY DIFFERENTIATE THE COMPREHENSIVE PLAN DOCUMENT FROM THE LONG RANGE TRANSPORTATION PLAN DOCUMENT SO THAT THE INTENT OF EACH DOCUMENT IS MORE CLEARLY UNDERSTOOD - Marvin Krout, Director of Planning, came forward to clarify that the amendment will simplify financial detail to the Comprehensive Plan.
This matter was taken under advisement.

COMP. PLAN AMENDMENT NO. 11006 - APPLICATION OF THE PLANNING DIRECTOR TO AMEND THE 2040 COMPREHENSIVE PLAN TO ADD INTRODUCTORY LANGUAGE CLARIFYING THE PLAN'S PURPOSE AS A POLICY GUIDE - Marvin Krout, Director of Planning, came forward to clarify the amendment. He said the Planning Commission made some modifications in the language relating to case by case situations. He stated that Council Member Camp's proposed substitute may be an improvement in his previous version but is still negative in its presentation and focused more on how to amend/change a plan instead of the value of a plan. He expressed concern because Planning Commission recognizes that hundreds of people were involved in the process of a joint City/County document.
Rod Confer, City Attorney, came forward to read Neb. Rev. Stat. § 15-1103.

Council Member Hornung expressed appreciation for those who put their time and effort in this Comprehensive Plan amendment.

Charlotte Ralston, 12105 W. O St., came forward to report that after reading Bill No. 12R-10S, she compared and found nothing negative in its content. She requested Council not to pass Bill No. 12R-10 due to questionable language.

Bryan Van Deun, 8940 S. 28th St., came forward to state he has educated himself on the LPlan 2040. He said he found the original proposed amendment very confusing and needs to be made understandable for the average citizen. He stated he is a believer in "less is more."

Joanne Elliott, 7632 Phares Dr., came forward in support of the substitute amendment Bill No. 12R-10S because it clarifies the plan.

This matter was taken under advisement.

APPROVING THE AMENDMENT TO THE BLOCK 85 REDEVELOPMENT AGREEMENT BETWEEN BLOCK 85 LLC, BOOTH FISHERIES LLC AND THE CITY OF LINCOLN RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED ON BLOCK 85 FROM 8TH TO 9TH STREETS AND M STREET TO ROSA PARKS WAY - David Landis, Urban Development Director, came forward to explain changes to the original agreement involving the departure of one tenant and the addition of another to the team of developers. He said the amount of TIF to be spent on the project would drop from \$932,000 to \$535,000. In response to Council questions, Mr. Landis said \$535,000 is sufficient to cover all public utility improvements that were made but funds are not sufficient to remove railroad tracks on 8th Street.

Council Chair Carroll said RTSD will be paying for the removal of the railroad tracks in the amount of about \$300,000.

Rod Confer, City Attorney, came forward to state that Council needs to amend the resolution to include a third party, known as Airspace LLC, to the agreement.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING WENDY FRANCIS AND BENNIE SHOBE TO THE HUMAN RIGHTS COMMISSION FOR TERMS EXPIRING DECEMBER 31, 2014 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86675 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Wendy Francis and Bennie Shobe to the Human Rights Commission for a term expiring December 31, 2014 is hereby approved.

Introduced by Carl Eskridge

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

APPOINTING ZAINAB AL-BAAJ TO THE STARTRAN ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 20, 2014 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86676 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Zainab Al-Baaaj to the Star Tran Advisory Board for a term expiring October 20, 2014 is hereby approved.

Introduced by Carl Eskridge

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

APPOINTING DR. M. COLLEEN JONES TO THE CABLE ADVISORY BOARD FOR A TERM EXPIRING ON JULY 1, 2013 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86677 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Dr. M. Colleen Jones to the Cable Advisory Board for a term expiring July 1, 2013 is hereby approved.

Introduced by Carl Eskridge

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON DECEMBER 19, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR NOVEMBER 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

LINCOLN WATER AND WASTEWATER SYSTEM FISCAL YEAR 2010- 2011 AUDIT - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71A)

REPORT OF SETTLEMENT AGREEMENT UNDER NEB. REV. STAT. §84-173 (NON TORT CLAIMS) - CLERK presented said report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 13, 2012 AT 3:00 P.M. FOR THE APPLICATION OF ASENA CORPORATION DBA SOUTH STREET LIQUOR FOR A CLASS D LIQUOR LICENSE LOCATED AT 1000 SOUTH STREET - CLERK read the following resolution, introduced by Jon Camp.

HORNUNG Moved its adoption:

A-86678 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 13, 2012, 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 the application of Asena Corporation dba South Street Liquor for a Class D liquor license located at 1000 South Street.

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

Introduced by Jon Camp

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

REFERRED TO PLANNING DEPARTMENT:

Change of Zone 05068B - Requested by Calruby, LLC for an amendment to The Woodlands at Yankee Hill Planned Unit Development from AG Agricultural District to R-3 Residential District PUD on approximately 22.62 acres, more or less, on property located at South Street and Yankee Hill Road.

Change of Zone 11044 - Requested by Planning Director from P Public Use District to R-7 Residential District on property located at North 17th Street and R Street.

Change of Zone 11045 - Requested by ESP, Inc from R-2 Residential District, I-1 Industrial District and R-5 Residential District to H-3 Highway Commercial District on property located at North 40th Street and Colfax Avenue.

Change of Zone 11046 - Requested by Michael Gealy from I-1 Industrial District to AG Agricultural District on property located at North 134th Street and O Street.

Change of Zone 11047 - Requested by City Impact from I-1 Industrial District to R-4 Residential District on property located at North 33rd Street and Apple Street.

Special Permit 04023A - Requested by City Impact for an amendment to the Flat Iron Crossing Community Unit Plan to add 9 residential lots and a 45 stall parking lot; the existing lots 9-14 and 23-24 to reflect the dimensions of 2 new duplexes and a single family dwelling and allow for expansion to the existing Kamterter building; and reduction to setbacks on property located at North 33rd Street and Overland Trail.

Special Permit 11033 - Requested by City Impact for a "Neighborhood Support Services" building within the existing Flat Iron Crossing Community Unit Plan on property located at North Street and Overland Trail.

PLACED ON FILE IN THE CITY CLERK'S OFFICE:

Administrative Amendment 11071 to Special Permit No. 440, approved by Planning Director on January 11, 2012, requested by Milder Manor, to revise the site plan to show an additional canopy over the driveway entrance, on property located at South 20th Street and Sumner Street.

Administrative Amendment 11073 to Pre-Existing Use Permit No. 3, approved by the Planning Director on January 12, 2012, requested by WEA Gateway, LLC, to revise the parking table to Westfield Gateway Shopping Town, on property located at 63rd Street and O Street.

MISCELLANEOUS - NONE

LIQUOR RESOLUTIONS - NONE

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

AMENDING CHAPTER 10.16 OF THE LINCOLN MUNICIPAL CODE (DRIVING WHILE INTOXICATED, UNLICENSED OR UNINSURED) BY AMENDING SECTION 10.16.030 RELATING TO THE PENALTY FOR DRIVING UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR TO COMPLY WITH STATE STATUTE; BY AMENDING SECTION 10.16.040 RELATING TO THE PENALTY FOR REFUSING TO SUBMIT TO A CHEMICAL TEST OF BLOOD, BREATH OR URINE TEST TO DETERMINE THE CONCENTRATION OF ALCOHOL OR THE PRESENCE OF DRUGS IN SUCH BLOOD, BREATH OR URINE TO COMPLY WITH STATE STATUTE; AND AMENDING SECTION 10.16.045 RELATING TO

RESTRICTIONS IMPOSED FOR A SECOND VIOLATION OF SECTION 10.16.030 OR 10.16.040 TO COMPLY WITH STATE STATUTE, AND DECLARING AN EMERGENCY - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 10.16 of the Lincoln Municipal Code (Driving While Intoxicated, Unlicensed or Uninsured) by amending Section 10.16.030 relating to the penalty for driving under the influence of alcoholic liquor to comply with state statute; by amending Section 10.16.040 relating to the penalty for refusing to submit to a chemical test of blood, breath or urine test to determine the concentration of alcohol or the presence of drugs in such blood, breath or urine to comply with state statute; amending Section 10.16.045 relating to restrictions imposed for a second violation of Section 10.16.030 or 10.16.040 to comply with state statute; repealing Sections 10.16.030, 10.16.040, and 10.16.045 of the Lincoln Municipal Code as hitherto existing; and declaring an emergency, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING AN AMENDMENT TO CONTRACT FOR ANNUAL REQUIREMENTS FOR FLUORESCENT BULB RECYCLING SERVICES, BID NO. 2807, TO RENEW CONTRACT C-09-0642 WITH A-TEC RECYCLING, ADOPTED BY RESOLUTION NO. A-85684 ON JANUARY 14, 2010, FOR ONE ADDITIONAL TWO YEAR TERM FROM JANUARY 14, 2012 THROUGH JANUARY 13, 2014 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86679 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the Amendment to Contract for Annual Requirements for Fluorescent Bulb Recycling Services, Bid No. 2807, between the City of Lincoln, Lancaster County, Lincoln-Lancaster County Public Building Commission and A-TEC Recycling, to renew the Contract for one additional two year term, upon the terms and conditions as set forth in said Contract, is hereby accepted and approved and the Mayor is hereby authorized to execute said Amendment to Contract on behalf of the City.

Introduced by Carl Eskridge

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

APPROVING AN AMENDMENT TO AGREEMENT FOR BUSINESS CARD AND LETTERHEAD PRINTING, BID NO. 09-219, TO RENEW AGREEMENT NO. 09-0636 WITH CORNERSTONE PRINTING AND IMAGING, ADOPTED BY RESOLUTION NO. A-85683 ON JANUARY 11, 2010, FOR ONE ADDITIONAL TWO YEAR TERM FROM JANUARY 14, 2012 THROUGH JANUARY 13, 2014 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86680 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the Amendment to Agreement for Business Card and Letterhead Printing, Bid No. 09-219, between the City of Lincoln, Lancaster County, Lincoln-Lancaster County Public Building Commission and Cornerstone Printing and Imaging, to renew the Agreement for one additional two year term, upon the terms and conditions as set forth in said Agreement, is hereby accepted and approved and the Mayor is hereby authorized to execute said Amendment to Agreement on behalf of the City.

Introduced by Carl Eskridge

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND EN POINTE TECHNOLOGIES SALES, INC. FOR COMMERCIAL OFF THE SHELF (COTS) SOFTWARE AND RELATED SERVICES (STATE OF NEBRASKA CONTRACT 13093 OC WSCA MASTER PRICE AGREEMENT ADSP011-00000358-1) FOR A TERM FROM NOVEMBER 21, 2011 THROUGH JUNE 2, 2013 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86681 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Contact Documents between the City of Lincoln, Lancaster County and En Pointe Technologies Sales Inc. for Commercial Off the Shelf (COTS) Software and Related Services, pursuant to State of Nebraska Contract No. 13093OC, WSCA Master Price Agreement ADSP011-00000358-1, for a term of November 21, 2011 through June 2, 2013, upon the terms as set forth in said Contract Documents, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Carl Eskridge

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

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ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF DECEMBER 1 - 31, 2011 - PRIOR to reading:

COOK Moved to amend Bill No. 12R-11 in the following manner:
 Mark Dornbos should be added to the list of Settled Claims in the amount of \$20,000.00.
 Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

CLERK Read the following amended resolution, introduced by Carl Eskridge, who moved its adoption:

A-86682 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the claims listed in the attached report, marked as Exhibit "A", dated January 3, 2012, 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:

	<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>
Rhonda Erickson	\$ 665.00	Douglas Samuelson	\$4,431.17
Lavern & Rosemary Kavanaugh	342.40	Jason Yeager	2,500.00
Les Makohoniuk	807.10	Linda Rediger	151.80
Mark Fahlson	NAS*	Donald G. Tapp	219.00
Eugene Harris	250.00	David Stone	199.88
Brad Harris	NAS*	Clifford C. Taylor III	2,003.24
Janet Geisinger	450.00	Tamera Mowery	450.00
Bev Redfield Currie	4,140.53	Russ Bohaty Electric/ Mike Wilson	97.50
Century Sales & Management	67.00	Jean Donnelly	403.95
Anthony Reda	710.00	Thomas & Faye Styskal	435.00
William & Cynthia Hunt	1,768.33	Tom Burke	400.00
Dennis M. White	86.65	Brett Wheeler	198.45
		Black Hills Energy	1,156.67
		<u>Mark Dornbos</u>	<u>20,000.00</u>

* No Amount Specified

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 Carl Eskridge

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

SPECIAL PERMIT NO. 11031 - APPLICATION OF FIRST STREET BIBLE CHURCH FOR A PARKING LOT ADJACENT TO THE CHURCH IN A RESIDENTIAL DISTRICT, WITH A REQUEST TO WAIVE THE REQUIRED FRONT YARD SETBACK ALONG 1ST STREET AND G STREET ON PROPERTY GENERALLY LOCATED AT SOUTH 1ST STREET AND G STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86683 WHEREAS, First Street Bible Church has submitted an application designated as Special Permit No. 11031 to allow a parking lot in a residential district, together with a request to waive the required front yard setback to allow a 12 foot setback along 1st Street and to allow a 15 foot setback along G Street on property generally located at South 1st Street and G Street, legally described as:

Lots 1 and 2, Block 2, Mechanics Addition and the vacated right-of-way east of Lot 1, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this parking lot will not be adversely affected; 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 First Street Bible Church, hereinafter referred to as "Permittee", to allow a parking lot in a residential district together with adjustments to the required front yard setbacks on property legally described above be and the same is hereby granted under the provisions of

Section 27.63.170 of the Lincoln Municipal Code upon condition that construction of said parking lot be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a parking lot in a residential district with a waiver of required front yard setbacks to 15 feet to the north (G Street) and 12 feet to the east (1st Street) with additional landscaping.
2. Before receiving building permits the Permittee shall submit a revised and reproducible site plan including five copies showing the following revisions to the Planning Department for review and approval:
 - a. Increase the width of the driveway on G Street to 25 feet with a 15 foot radii for a 55 foot wide curb cut. The driving aisle within the parking lot may remain 24 feet wide.
 - b. Show additional landscaping to the satisfaction of the Planning Department including at least another row of trees and shrubs that provide an additional 90% screen from the ground to three feet above the ground.
3. The Permittee must apply for a floodplain permit at the time of Building permit.
4. The Permittee must request an Executive Order from the Public Works Department for paving the alley.
5. Before commencing use of the parking lot, all development and construction must be completed in substantial conformance with the approved plans.
6. All privately-owned improvements, including landscaping and recreational facilities, must be permanently maintained by the Permittee.
7. 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.
8. The terms, conditions, and requirements of this resolution shall run with the land and be binding on the Permittee, its successors, and assigns.
9. The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Introduced by Carl Eskridge

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

COMP. PLAN AMENDMENT NO. 11004 - APPLICATION OF THE PLANNING DIRECTOR TO AMEND THE 2040 COMPREHENSIVE PLAN TO DESIGNATE LAND GENERALLY LOCATED WEST OF NORTH 56TH STREET BETWEEN ALVO ROAD AND ARBOR ROAD AS TIER I, PRIORITY A, AND TO REVISE THE TEXT ON THE 2040 PRIORITY GROWTH AREAS MAP TO REPLACE THE NOTATION "DOWNTOWN/ANTELOPE VALLEY" WITH "GREATER DOWNTOWN" - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86684 WHEREAS, the Planning Director has made application to amend the 2040 Lincoln-Lancaster County Comprehensive Plan to designate land generally located west of North 56th Street between Alvo Road and Arbor Road as Tier I, Priority A, and to revise text on the 2040 Priority Growth Area map to replace the notation "Downtown/Antelope Valley" with "Greater Downtown"; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval thereof.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2040 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Correct the 2040 Priority Growth Areas maps found on pages 1.10 and 12.6 to change the designation of the land generally located southwest of Arbor Road and North 56th Street from Tier I, Priority B, to Tier I, Priority A, as shown on the map attached hereto as Attachment "A".
2. Change the text on the 2040 Priority Growth Areas maps found on pages 1.10 and 12.6 from "Downtown/Antelope Valley" to "Greater Downtown."

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform with such specific amendments.

Introduced by Carl Eskridge

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

COMP. PLAN AMENDMENT NO. 11005 - APPLICATION OF THE PLANNING DIRECTOR TO AMEND THE 2040 COMPREHENSIVE PLAN BY REVISING THE CREDITS PAGE; CHAPTER 1, VISION & PLAN, LPLAN 2040 ELEMENTS; CHAPTER 12, PLAN REALIZATION, PUBLIC SECTOR CONTRIBUTIONS; AND CHAPTER 12, PLAN REALIZATION, PLAN UPDATE PROCESS, TO CLEARLY DIFFERENTIATE THE COMPREHENSIVE PLAN DOCUMENT FROM THE LONG RANGE TRANSPORTATION PLAN DOCUMENT SO THAT THE INTENT OF EACH DOCUMENT IS MORE CLEARLY UNDERSTOOD - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86685 WHEREAS, the Planning Director has made application to amend the 2040 Lincoln-Lancaster County Comprehensive Plan by revising the credits page; Chapter 1, Vision & Plan, LPlan 2040 Elements; Chapter 12, Plan Realization, Public Sector Contributions; and Chapter 12, Plan Realization, Plan Update Process, to clearly differentiate the Comprehensive Plan document from the Long Range Transportation Plan document so that the intent of each document is more clearly understood; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval thereof.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2040 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the first paragraph of the Credits Page as follows:

LPlan 2040 is the Lincoln-Lancaster County 2040 Comprehensive Plan ~~and Long Range Transportation Plan~~. The Plan embodies Lincoln and Lancaster County's shared vision for the future, out to the year 2040. It outlines where, how and when the community intends to grow, how to preserve and enhance the things that make it special, and strategies for implementing the vision for how we will live, work, play and get around in the future. ~~LPlan 2040 also meets the federal transportation planning requirements for the Lincoln Metropolitan Planning Organization (MPO).~~

2. Amend the last paragraph of the Credits Page as follows:

LPAC met from June of 2010 through June of 2011. During the same time period, broad input was sought from the community, as well as from City-County departments and numerous other agencies and organizations. The technical elements of the ~~Long Range Transportation chapter Plan~~ were developed with consulting assistance from LSA Associates, Inc.

3. Amend the Transportation element in Chapter 1, Vision & Plan, LPlan 2040 Elements on Page 1.11 to read as follows:

Transportation

~~Serves as the Long Range Transportation Plan (LRTP) for Lincoln and Lancaster County, together with the LRTP Technical Report in Appendix A. This chapter Examines examines multiple modes of travel and lays out the transportation vision to 2040 based on future land uses. This chapter is related to and consistent with the Lincoln Metropolitan Planning Organization's (MPO's) 2040 Long Range Transportation Plan, or LRTP.~~

4. Amend the last two paragraphs of the Public Sector Contributions in Chapter 12 Plan Realization on Pages 12.12 and 12.13 to read as follows:

A companion document to the City's CIP, called the Transportation Improvement Program or TIP, is also prepared on an annual basis. This task is assigned to the Lincoln Metropolitan Planning Organization, a policy making board comprised of representatives from local government and transportation authorities that reviews transportation issues and develops transportation plans and program for Lincoln and Lancaster County. The TIP gathers together in a single document those local, State and Federal transportation capital projects proposed for the next four years. These include improvements for streets and highways, airports, railroad support facilities, trails, and public transit. Transportation projects must have a finding of substantial conformity to the Comprehensive Plan before they can be included in the TIP. The MPO's fiscally constrained Long Range Transportation Plan ~~(the Transportation chapter of LPlan 2040)~~ requires that all projects programmed must fall within the limits of funding that can be reasonably expected.

Lancaster County prepares an annual Road and Bridge Construction Program, commonly referred to as the "County 1 and 6 Program" because it includes the projects and programs for the first year and a more generalized list of projects going out 6 years in the future. The County 1 and 6 Program supports the projects identified on the Lancaster County Future Road Improvements map, which is a part of the MPO's Long Range Transportation Plan ~~(the "Transportation" chapter of LPlan 2040)~~. This program identifies not only capital improvements but also maintenance projects such as grading and graveling of roads. Projects that us federal funding or are part of a regional system are included in the TIP.

5. Amend the Plan Update Process in Chapter 12 Plan Realization on Page 12.17 to read as follows:

The Federal highway Administration (FHWA) requires that communities maintain a fiscally constrained Long Range Transportation Plan (LRTP) that is updated every 5 years and embodies at least a 20-year planning horizon in order to receive federal transportation funds. The Lincoln MPO's Lincoln & Lancaster County's 2040 LRTP is a companion to the Transportation chapter in the 2040 Comprehensive Plan can be found within this plan as the "Transportation" chapter and Technical Report in Appendix A. By the year 2015, the community will need to begin the process to update the LRTP, and potentially the Comprehensive Plan to meet federal requirements guidelines.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendment.

Introduced by Carl Eskridge

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

COMP. PLAN AMENDMENT NO. 11006 - APPLICATION OF THE PLANNING DIRECTOR TO AMEND THE 2040 COMPREHENSIVE PLAN TO ADD INTRODUCTORY LANGUAGE CLARIFYING THE PLAN'S PURPOSE AS A POLICY GUIDE - PRIOR to reading:

CAMP Moved MTA #1 to Bill No. 12R-10 by accepting the attached Substitute Resolution 12R-10S.

Seconded by Hornung & **LOST** by the following vote: AYES: Camp, Hornung; NAYS: Carroll, Cook, Emery, Eskridge, Schimek.

HORNUNG Moved MTA #2 to the original Bill No. 12R-10 in the following manner:

1. On Page 2 of the Resolution, delete the language:

"failure to adhere to the plan is permissible in specific instances in which circumstances justify deviating from its terms and provisions"

2. In its place, insert the following language:

changes and updates to the Plan are permitted

Seconded by Camp.

ESKRIDGE Moved a friendly amendment by retaining the words: "failure to adhere to the plan" and inserting the words:

and changes and updates to the Plan are permitted.

Accepted by Hornung.

MTA #2 was **LOST** by the following vote: AYES: Camp, Eskridge, Hornung; NAYS: Carroll, Cook, Emery, Schimek.

HORNUNG Moved MTA #3 to the original Bill No. 12R-10 in the following manner:

1. On Page 2 of the Resolution, delete the following sentence:

"Therefore, the Plan is updated as needed to remain relevant over time."

2. In its place, insert the following sentence taken from Bill No.

12R-10S:

The Lincoln-Lancaster Comprehensive Plan should may be amended, implemented, and applied in a relevant manner consistent with our community's future needs, abilities, and goals.

Seconded by Camp & **LOST** by the following vote: AYES: Camp, Hornung,

Schimek; NAYS: Carroll, Cook, Emery, Eskridge.

The ordinance, having **LOST**, was assigned File #38-4613 & was placed on file in the Office of the City Clerk.

APPROVING THE AMENDMENT TO THE BLOCK 85 REDEVELOPMENT AGREEMENT BETWEEN BLOCK 85 LLC, BOOTH FISHERIES LLC AND THE CITY OF LINCOLN RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED ON BLOCK 85 FROM 8TH TO 9TH STREETS AND M STREET TO ROSA PARKS WAY - PRIOR to reading:

HORNUNG Moved to amend Bill No. 12R-12 by including the name of the business: Airspace, LLC.

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

CLERK Read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86686 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached City of Lincoln Redevelopment Agreement for Block 85 between the City of Lincoln and Block 85, LLC, and Booth Fisheries, LLC, and Airspace, LLC relating to the redevelopment of property generally located on Block 85 from 8th to 9th Street and M Street to Rosa Parks Way, 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.

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

Introduced by Carl Eskridge
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

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

AMENDING CHAPTER 28.01 OF THE LINCOLN MUNICIPAL CODE RELATING TO REGULATIONS FOR CONSTRUCTION SITE DISCHARGES TO MEET ALL STATE AND FEDERAL REQUIREMENTS - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 28.01 of the Lincoln Municipal Code relating to Regulations for Construction Site Discharges by amending Section 28.01.020 to update the reference to the Comprehensive Plan; amending Section 28.01.030 to include or revise certain definitions; amending Section 28.01.040 to clarify a permit is required for construction activity; amending Section 28.01.050 regarding permit procedures; amending Section 28.01.060 regarding permit information; amending Section 28.01.070 regarding building permit requirements; amending Section 28.01.080 regarding SWPPP inspections and their frequency; adding a new section numbered 28.01.085 regarding maintaining the SWPPP; amending Section 28.01.090 regarding notice of termination, including notice to the City; amending Section 28.01.100 regarding deposit of sediment; amending Section 28.01.110 regarding right of entry for inspections; amending Section 28.01.120 regarding unlawful acts; adding a new section numbered 28.01.125 regarding criminal penalties; adding a new section numbered 28.01.127 regarding notice to comply for corrective action; and repealing Sections 28.01.020, 28.01.030, 28.01.040, 28.01.050, 28.01.060, 28.01.070, 28.01.080, 28.01.090, 28.01.100, 28.01.110, 28.01.120 of the Lincoln Municipal Code as hitherto existing, the first time.

ANNEXATION NO. 11004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 418 ACRES GENERALLY LOCATED AT NORTH 48TH STREET, NORTH OF SUPERIOR STREET - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE NO. 11041 - APPLICATION OF THE PLANNING DIRECTOR ON BEHALF OF CITY PARKS AND RECREATION DEPARTMENT FOR A CHANGE OF ZONE FROM AG AGRICULTURAL, R-3 RESIDENTIAL AND H-4 GENERAL COMMERCIAL TO P PUBLIC USE ON PROPERTY GENERALLY LOCATED AT NORTH 44TH STREET, NORTH OF SUPERIOR STREET - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required) - NONE

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to January 30, 2012.
Seconded by Hornung and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on January 30, 2012.
Seconded by Hornung and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

ADJOURNMENT 4:42 P.M.

CAMP Moved to adjourn the City Council meeting of January 23, 2012.
 Seconded by Hornung and carried by the following vote: AYES: Camp,
 Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant

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