

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, AUGUST 27, 2012 AT 5:30 P.M.**

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

Council Chair Hornung announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

CARROLL Having been appointed to read the minutes of the City Council proceedings of August 20, 2012 reported having done so, found same correct.

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

PUBLIC HEARING

Council Chair Hornung recognized Boy Scout Troop 25 in attendance at today's City Council Meeting.

APPLICATION OF KURT T. KONTOR DBA THE UNDERGROUND FOR A SPECIAL DESIGNATED LICENSE FOR AN OUTDOOR AREA MEASURING 65 FEET BY 80 FEET TO THE SOUTH OF THE LICENSED PREMISES AT 3233 1/2 SOUTH 13TH STREET ON SEPTEMBER 1, 15, 22, 29; OCTOBER 27; NOVEMBER 10, 17, 2012 FROM 9:00 A.M. TO 2:00 A.M. - Kurt Kontor, 3233 1/2 S. 13th St., came forward to answer questions about his business located in Indian Village Neighborhood. He said the area designated for the tailgate party would be in the south covered-parking area, fencing off 20 stalls for patrons to view the game and enjoy services.

This matter was taken under advisement.

AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF PARKING REVENUE AND REFUNDING BONDS OF THE CITY OF LINCOLN, NEBRASKA TO PAY THE COSTS OF AN ADDITIONAL PARKING GARAGE, TO REFUND OUTSTANDING PARKING REVENUE BONDS OF THE CITY AND RELATED MATTERS - Steve Hubka, Finance Department, came forward to answer questions and provide information regarding the financing. He said one component refunds existing parking bonds totaling \$3.290 million and another part provides an additional amount to construct the Lumberworks Garage at 7th & O Streets consisting of 520 stalls for the City. Mr. Hubka clarified that it is not a West Haymarket JPA garage.

Scott Keene, Ameritas Investment Corp., came forward to answer questions. He clarified the two pieces of the bonds: a 20-year financing for the Lumberworks Project with level amortization; and a 9-year level amortization of the refunding of the Series 2001 Bonds which were issued to finance the Haymarket Garage. An expectation of the bond refunding will save over \$400,000 on a present-value basis, which is an excess of 12% of the outstanding principal amount. Mr. Keene explained the parameters to allow for the issuance of up to \$13 million at an interest rate not to exceed 5.5%. He expects today's market rate to be barely over 3%.

Lauren Wismer, Gilmore & Bell, P.C., came forward to clarify changes in the substitute ordinance. He said typos have been cleared up and carryover language has been eliminated.

This matter was taken under advisement.

AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO CORRECT UNINTENTIONAL DRAFTING ERRORS AND OMISSIONS RESULTING FROM THE REFORMATTING AND STREAMLINING CHANGES TO THE ZONING CODE AS AMENDED BY ORDINANCE NO. 19733, PASSED BY THE CITY COUNCIL ON JUNE 25, 2012 - Rod Confer, City Attorney, came forward to clarify that errors have been corrected and revisions have been made. In response to Council questions, Mr. Confer said changes to the zoning code were approved by the Planning Commission and were in conformance with the Comprehensive Plan.

Marvin Krout, Director of Planning Department, came forward to answer questions. He said there were 2½ years of process to get to the point of the Planning Commission hearing which was held last May. The City Council hearing was held in June. Mr. Krout explained issues with creating the new document and

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its conversion from one program to another. He assured Council that in working with Chief Assistant City Attorney Rick Peo through the whole process, it was determined that these changes were technical corrections and were never advertised as changes.

This matter was taken under advisement.

APPROVING A MULTI-YEAR CITY OF LINCOLN CONSTRUCTION MANAGEMENT SYSTEM UPGRADE BETWEEN THE CITY OF LINCOLN AND AURIGO SOFTWARE TECHNOLOGIES, INC. FOR ITS ENGINEERING SERVICES CONSTRUCTION CONTRACT MANAGEMENT SOFTWARE FOR A FOUR YEAR TERM - Bob Walla, Asst. Purchasing Agent, came forward to provide a breakdown of the construction-management software used by Public Works/Engineering Services. Mr. Walla explained the sequence of steps for construction projects leading to the issuance of bids, estimates and final construction documents.

This matter was taken under advisement.

APPROVING AMENDMENT TO BID NO. 10-163 CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN WINWATER WORKS COMPANY FOR THE ANNUAL REQUIREMENTS OF FABRICATED TAPPING SLEEVES FOR AN ADDITIONAL TWO YEAR TERM;

APPROVING AMENDMENT TO BID NO. 10-160 CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN WINWATER WORKS COMPANY FOR THE ANNUAL REQUIREMENTS OF CLOW FIRE HYDRANT PARTS FOR AN ADDITIONAL TWO YEAR TERM;

APPROVING THREE UNIT PRICE CONTRACTS BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, PUBLIC BUILDING COMMISSION AND MWE SERVICES, INC., NGC GROUP, INC. AND DAVID WOOD CONSTRUCTION, INC. FOR GENERAL CONSTRUCTION PROJECTS LESS THAN \$25,000 PURSUANT TO BID NO. 12-143 FOR FOUR YEAR TERMS - Bob Walla, Asst. Purchasing Agent, came forward to answer questions. He said tapping sleeves and hydrant parts are kept in an inventory for water use when necessary. Mr. Walla said the advantage to having unit price contracts with companies is that following a quote, departments can get started on construction projects right away and not have to wait for a bid process.

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 AUGUST 1 - 15, 2012 - Ella Dominguez, address not given, came forward to discuss the damage to her vehicle from a fallen tree limb. She claims the tree was diseased and not healthy as it was determined by Forestry Division.

Rod Confer, City Attorney, came forward to answer questions about an incident involving the branch of a locust tree on public right-of-way that fell on Ms. Dominguez' car on July 23, 2012. Mr. Confer said Parks & Recreation looked at the tree which had been trimmed in 2005. He said the City is only liable if it was aware of a problem that could cause damage and did not correct it. Forestry attributed the tree leader to be brittle from the current drought, not from disease or a defect.

Clinton Brooks, address not given, came forward to discuss issues unrelated to his original claim against the City. He said County Corrections did not provide medical attention to him when he was incarcerated.

Rod Confer, City Attorney, clarified Mr. Brooks' claim which was reviewed by City Law Department. Mr. Confer said Mr. Brooks claimed that on August 3, 2012, he was in the court house in a restricted area and was pushed by a lady who ordered him to go another direction. A police officer was called and arrived on the scene but refused to issue a citation to the lady. Under police discretion, it was determined that the lady was merely trying to protect the building. City Attorney recommended denial due to an exemption for discretionary functions under the Political Subdivision Tort Claims Act.

Council Member Emery inquired if there was another avenue for cases in which monetary compensation was not the issue.

In response, Mr. Confer said that Mr. Brooks has filed a complaint with the Citizens Police Advisory Board. Mr. Brooks reported he is in the process of suing the City; therefore, the complaint cannot be heard because the law suit deprives the Citizen Police Advisory Board of jurisdiction. Mr. Confer said Mr. Brooks has sued the City before. City Attorney is denying the claim so Mr. Brooks can bring forth his law suit.

Council Member Eskridge clarified Mr. Brooks' testimony before City Council regarding medical service in jail.

Mr. Confer said Mr. Brooks did not file a claim against the City for the issue he spoke about. Mr. Confer said if the jail did not provide him with medical attention, that would be a claim against the County.

Council Chair Hornung allowed Mr. Brooks to come forward and clear up his testimony as it related to the claim against the City.

Mr. Brooks came forward to recount the details of the incident on August 3. He felt that he was the victim when a woman blocked him from reentering the court house through the secure exit to retrieve his pen from the third floor. He felt an officer was aggressive with him so he filed a complaint with the Mayor.

This matter was taken under advisement.

A RESOLUTION TO APPROVE THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN M CLASS EMPLOYEES ASSOCIATION TO BE EFFECTIVE AUGUST 16, 2012 THROUGH AUGUST 31, 2014 - Doug McDaniel, Director of Personnel, came forward to answer questions about the Management group. He said it is a two-year agreement which coincides with the biennial budget. The first year is a 1.75% increase with downward adjustments to the longevity rates within the agreement itself.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 13, 2012 - 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. 12026HP - Requested by NeighborWorks Lincoln from R-6 Residential District to R-6 Residential District Historic Landmark on property generally located at the northwest corner of North 26th Street and Q Street.

Change of Zone No. 12027 - Requested by Fox Hollow, LLC from AGR Agricultural Residential District to R-3 Residential District on property generally located at South 84th Street and Amber Hill Road.

Special Permit No. 1884B - Requested by New Cingular Wireless PCS for an amendment to extend the height of an extension to an existing wireless facility on property generally located at South 17th Street and Washington Street.

Special Permit No. 12010A - Requested by Russell Remodeling for an amendment to the Cech Addition Community Unit Plan to allow a rear porch in the rear yard setback on property generally located at South 40th Street and Pioneers Boulevard (4010 Clifford Drive).

Special Permit No. 12030 - Requested by Neighbor Works Lincoln for Historic Preservation, for restoration and improvements to the property for offices, an educational center and meeting space for neighborhood support organizations generally located at the northwest corner of North 26th Street and Q Street.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 12017 to Change of Zone No. 05054A, Prairie Village North Planned Unit Development, approved by the Planning Director on August 14, 2012 requested by Starostka-Lewis, LLC to show a final lot layout for lots along Rawhide Drive and show a new street (Mustang Drive) between Rawhide Drive and North 91st Street. Property is generally located at North 84th Street and Adams Street.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF KURT T. KONTOR DBA THE UNDERGROUND FOR A SPECIAL DESIGNATED LICENSE FOR AN OUTDOOR AREA MEASURING 65 FEET BY 80 FEET TO THE SOUTH OF THE LICENSED PREMISES AT 3233 1/2 SOUTH 13TH STREET ON SEPTEMBER 1, 15, 22, 29; OCTOBER 27; NOVEMBER 10, 17, 2012 FROM 9:00 A.M. TO 2:00 A.M. - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86976 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent

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City ordinances, the City Council recommends that the application of Kurt and Kristine Kontor dba The Underground for a Class "C" liquor license at 3233 1/2 South 13th Street, Lincoln, Nebraska, for the license period ending October 31, 2012, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

2. The premises must comply in every respect with all city and state regulations.

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

Introduced by Doug Emery

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

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

AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF PARKING REVENUE AND REFUNDING BONDS OF THE CITY OF LINCOLN, NEBRASKA TO PAY THE COSTS OF AN ADDITIONAL PARKING GARAGE, TO REFUND OUTSTANDING PARKING REVENUE BONDS OF THE CITY AND RELATED MATTERS - CLERK read an ordinance, introduced by Doug Emery, authorizing and providing for the issuance, sale and delivery of not to exceed \$13,000,000 parking revenue and refunding bonds, series 2012, in one or more series for the purpose of (A) providing for the payment and redemption of all or a portion of the City's \$3,290,000 outstanding principal amount of parking revenue bonds series 2001, and (B) paying all or part of the cost of certain additional parking improvements; limiting payment of the series 2012 bonds solely to certain specified sources; making certain pledges, covenants, and agreements to secure the series 2012 bonds; directing the manner of sale of the series 2012 bonds; delegating, authorizing, and directing the Finance Director or the City Controller to exercise his or her own independent judgement and absolute discretion in (1) determining, fixing, and finalizing the principal amount of each series of series 2012 bonds and principal maturities thereof, rates of interest and other terms and provisions of each series of the series 2012 bonds and (2) determining and fixing the terms and provisions of such documents; and related matters, the second time.

AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO CORRECT UNINTENTIONAL DRAFTING ERRORS AND OMISSIONS RESULTING FROM THE REFORMATTING AND STREAMLINING CHANGES TO THE ZONING CODE AS AMENDED BY ORDINANCE NO. 19733, PASSED BY THE CITY COUNCIL ON JUNE 25, 2012 - CLERK read an ordinance, introduced by Doug Emery, amending Title 27 of the Lincoln Municipal Code to correct unintentional drafting errors and omissions resulting from the reformatting and streamlining changes of the Zoning Code as amended by Ordinance No. 19733, passed by the City Council for the City of Lincoln on June 25, 2012, by amending Section 27.06.090 to insert the correct use group characteristics for the Utilities Use Group; by amending Section 27.06.170 to correctly designate that cabinet shops or stores are a permitted use not a permitted conditional use in the H-3 zoning district; by amending Section 27.62.100 to include the omitted provisions that in the I-1 zoning district retail sales and services are a permitted conditional use and shall not occupy more than 20,000 square feet of floor area per business; by amending Section 27.63.240 to include the omitted provision that retail sales and services of over 20,000 square feet of floor area may be allowed as a permitted special use in the I-2 zoning district; by amending Section 27.72.070 to include omitted side and rear yard requirements in the I-1, I-2 and I-3 zoning districts; by adding an omitted new section numbered 27.72.090 to Chapter 27.72 (Height and Lot Regulations) to allow outdoor recreation areas to be located in any yard provided all structures requiring building permits meet setback requirements; and repealing Sections 27.06.090, 27.62.100, 27.63.240, and 27.72.070 of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING A MULTI-YEAR CITY OF LINCOLN CONSTRUCTION MANAGEMENT SYSTEM UPGRADE BETWEEN THE CITY OF LINCOLN AND AURIGO SOFTWARE TECHNOLOGIES, INC. FOR ITS ENGINEERING SERVICES CONSTRUCTION CONTRACT MANAGEMENT SOFTWARE FOR A FOUR YEAR TERM - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86977 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the multi-year City of Lincoln Construction Management System Upgrade between the City of Lincoln and Aurigo Software Technologies, Inc. for its Engineering Services construction contract management software for a four year term, in accordance with the terms and conditions contained in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Doug Emery

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

APPROVING AMENDMENT TO BID NO. 10-163 CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN WINWATER WORKS COMPANY FOR THE ANNUAL REQUIREMENTS OF FABRICATED TAPPING SLEEVES FOR AN ADDITIONAL TWO YEAR TERM - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86978 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the Amendment to Agreement for the Annual Requirements of Fabricated Tapping Sleeves, pursuant to Bid No. 10-163, between the City of Lincoln and Lincoln Winwater Works Company for an additional two year term from August 1, 2012 through July 31, 2014, upon the terms and conditions as set forth in said Amendment to Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Doug Emery

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

APPROVING AMENDMENT TO BID NO. 10-160 CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN WINWATER WORKS COMPANY FOR THE ANNUAL REQUIREMENTS OF CLOW FIRE HYDRANT PARTS FOR AN ADDITIONAL TWO YEAR TERM - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86979 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the Amendment to Agreement for the Annual Requirements of Clow Fire Hydrant Parts, pursuant to Bid No. 10-160, between the City of Lincoln and Lincoln Winwater Works Company for an additional two year term from August 1, 2012 through July 31, 2014, upon the terms and conditions as set forth in said Amendment to Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Doug Emery

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

APPROVING THREE UNIT PRICE CONTRACTS BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, PUBLIC BUILDING COMMISSION AND MWE SERVICES, INC., NGC GROUP, INC. AND DAVID WOOD CONSTRUCTION, INC. FOR GENERAL CONSTRUCTION PROJECTS LESS THAN \$25,000 PURSUANT TO BID NO. 12-143 FOR FOUR YEAR TERMS - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86980 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the three attached Contract Agreements between the City of Lincoln, Lancaster County, the Lincoln-Lancaster County Public Building Commission and MWE Services, Inc., NGC Group, Inc. and David Wood Construction, Inc. for unit pricing of General Construction Projects less than \$25,000, pursuant to Bid No. 12-143 for four-year terms, upon the terms as set forth in said Contract Agreements, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Doug Emery

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 1 - 15, 2012 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86981 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 August 16, 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

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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</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Minerva Martinez	\$50,000.00	Christopher Wildman	\$15,000.00
Rogene Godeker	75.00	Angela & Kristopher McCoy	
		o/b/o Kaden McCoy	713.84
Nancy A. Colwell	NAS*	Michael & Shelia Knowlin/ Farmers Mutual	1,679.52
David Erickson	82.64	Bena Properties LLC	2,788.08
Kim Haubold	166.70	Aaron Bertels	6,598.79
Ella Dominguez	3,227.33	Iowa Mutual Insurance Co.	5,000.00
R. Brad Harse	109.12		
Clinton Brooks	NAS*		

* 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 Doug Emery

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

A RESOLUTION TO APPROVE THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN M CLASS EMPLOYEES ASSOCIATION TO BE EFFECTIVE AUGUST 16, 2012 THROUGH AUGUST 31, 2014 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86982 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor contract between the City of Lincoln and the Lincoln "M" Class Employees Association, to be effective August 20, 2012 through August 31, 2014, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Doug Emery

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

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

COMP. PLAN CONFORMANCE 12008 - DECLARING APPROXIMATELY .16 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF SOUTH 21ST STREET AND O STREET; .03 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF SOUTH ANTELOPE VALLEY PARKWAY AND M STREET; AND .19 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF CAPITOL PARKWAY AND J STREET, AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF. (RELATED ITEMS: 12-86, 12-104, 12-106) (ACTION DATE: 8/27/12) - CLERK read an ordinance, introduced by Jonathan Cook, declaring approximately .16 acres of City owned property generally located southwest of South 21st Street and O Street; .03 acres of property generally located southwest of S. Antelope Valley Parkway and M Street; and .19 acres of property generally located southeast of Capitol Parkway and J Street as surplus, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19767**, is recorded in Ordinance Book #27, Page .

VACATION 10019 - VACATING RANDOLPH STREET BETWEEN SOUTH 25TH STREET AND CAPITOL PARKWAY; A PORTION OF H STREET WEST OF SOUTH 25TH STREET; A PORTION OF THE EAST-WEST ALLEY WEST OF SOUTH 25TH STREET; AND A PORTION OF CAPITOL PARKWAY SOUTH OF J STREET. (RELATED ITEMS: 12-86, 12-104, 12-106) (ACTION DATE: 8/27/12) - CLERK read an ordinance, introduced by Jonathan Cook, vacating Randolph Street between South 25th Street and Capitol Parkway; a portion of H Street west of South 25th Street; a portion of the east-west alley west of South 25th Street; and a portion of Capitol Parkway south of J Street, and retaining title thereto in the City of Lincoln, Nebraska, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19768**, is recorded in Ordinance Book #27, Page .

APPROVING A REAL ESTATE SALES AND EXCHANGE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN PUBLIC SCHOOLS FOR THE EXCHANGE AND SALE OF PROPERTY GENERALLY LOCATED SOUTHEASTERLY OF CAPITOL PARKWAY AND J STREET AND THE CONVEYANCE OF A PORTION OF VACATED CAPITOL PARKWAY AND J STREET TO LINCOLN PUBLIC SCHOOLS .(RELATED ITEMS: 12-86, 12-104, 12-106) (ACTION DATE: 8/27/12) - CLERK read an ordinance, introduced by

Jonathan Cook, approving a Real Estate Purchase and Exchange Agreement between the City of Lincoln and Lancaster County School District 001 authorizing the exchange and sale of property generally located southeasterly of Capitol Parkway and J Street, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19769, is recorded in Ordinance Book #27, Page .

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN PUBLIC SCHOOLS FOR THE FUNDING OF A RENOVATION PROJECT AT SHERMAN FIELD AND THE USE OF SHERMAN FIELD BY LPS - CLERK read an ordinance, introduced by Jonathan Cook, approving and Interlocal Agreement between the City of Lincoln and Lancaster County School District 001 for the funding of a renovation project at Sherman Field and for the use Sherman Field by Lincoln Public Schools for a period of ten years, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19770, is recorded in Ordinance Book #27, Page .

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN PUBLIC SCHOOLS FOR DEVELOPMENT OF A PLAYGROUND, WALKWAYS AND RELATED SITE IMPROVEMENTS IN BELMONT PARK ASSOCIATED WITH BELMONT ELEMENTARY SCHOOL AND THE LINCOLN EDUCARE FACILITY - CLERK read an ordinance, introduced by Jonathan Cook, approving an Interlocal Agreement Regarding Playground between the City of Lincoln and Lancaster County School District 001 for development of a playground, walkways and related site improvements in Belmont Park associated with Belmont Elementary School and the Lincoln Educare facility for a period of twenty years with an option to renew for additional five year terms, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19771, is recorded in Ordinance Book #27, Page .

COMP. PLAN CONFORMANCE 12009 - ADOPTING AND APPROVING THE "HOLDREGE/IDYLVILD REDEVELOPMENT PLAN" WITHIN AN AREA GENERALLY BOUNDED BY N. 37TH STREET ON THE EAST AND N. 34TH STREET ON THE WEST, HOLDREGE STREET ON THE NORTH AND APPLE STREET ON THE SOUTH FOR REDEVELOPMENT ACTIVITIES CONSISTING OF PUBLIC IMPROVEMENTS, A NEW FRATERNITY AND A MIXED USE DEVELOPMENT (RELATED ITEMS: 12R-190, 12-105) (ACTION DATE: 8/27/12) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86983 WHEREAS, the City Council on July 23, 2012, adopted Resolution No. A-86926 finding an area generally bounded by Holdrege Street on the north, N. 37th Street on the east, Apple Street on the south and N. 34th Street on the west, 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 Director of the Urban Development Department has filed with the City Clerk a Redevelopment Plan entitled "Holdrege/Idylwild Redevelopment Plan" 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 July 13, 2012, 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 July 25, 2012 before the Lincoln City - Lancaster County Planning Commission regarding the proposed Holdrege/Idylwild Redevelopment Plan, 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 August 3, 2012 a notice of public hearing was mailed postage prepaid to the foregoing registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on August 20, 2012, regarding the proposed Holdrege/Idylwild Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on August 3, 2012 and August 10, 2012 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 August 20, 2012 regarding the proposed Holdrege/Idylwild Redevelopment Plan for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, said proposed Holdrege/Idylwild Redevelopment Plan has been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and said Planning Commission on July 25, 2012 found the Plan Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on August 20, 2012 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 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 Redevelopment Plan.

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

1. That the Holdrege/Idylwild Redevelopment Plan 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 the Holdrege/Idylwild Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.

3. That the substandard and blighted conditions in the Holdrege/Idylwild Redevelopment Plan 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 or 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 Holdrege/Idylwild Redevelopment Plan 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 have been found to be in the long-term best 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 "Holdrege/Idylwild Redevelopment Plan" attached hereto as Attachment "A", establishing the Holdrege/Idylwild 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.

3. That the Redevelopment Plan Area for the Holdrege/Idylwild Redevelopment Plan as described and depicted in the Plan is the Redevelopment Plan 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 acquisitions, improvements and other activities set forth in said Holdrege/Idylwild Redevelopment Plan.

Introduced by Jonathan Cook

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

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

Comp. Plan Conformance 11011 - Declaring approximately 1.38 acres of property generally located at South 23rd Street and N Street as surplus property (Related: 12-103, 12-102) (Action Date: 9/17/12) - CLERK read an ordinance, introduced by Carl Eskridge, declaring approximately 1.38 acres of City owned property generally located at South 23rd Street and N Street as surplus, the first time.

Approving an Interlocal Agreement between the City and Lancaster County School District 001 to transfer ownership of land at 25th and N Streets to Lincoln Public Schools and to develop and manage a shared parking lot on the subject site (Related: 12-103, 12-102) (Action Date: 9/17/12) - CLERK read an ordinance, introduced by Carl Eskridge,

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approving an Interlocal Agreement between the City of Lincoln and Lancaster County School District 001 to transfer ownership of land at 25th and N Streets to Lincoln Public Schools and to develop and manage a shared parking lot on the subject site, the first time.

Amending the pay schedule for a certain employee group by adjusting the hourly pay range schedule and schedules of annual, monthly, biweekly and hourly pay range equivalents for employees of the City of Lincoln whose classifications are assigned to pay ranges prefixed by the letter "M" to be effective August 16, 2012 - CLERK read an ordinance, introduced by Carl Eskridge, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "M" and repealing Ordinance No. 19424, passed by the City Council on August 9, 2010, the first time.

Vacation 12004 - Vacating North 35th Street between Holdrege Street and Starr Street, and the east 200 feet of the east-west alley between North 34th Street and North 35th Street (Related Items: 12-112, 12R-210, 12R-211, 12R-212) (Action Date: 9/17/12) - CLERK read an ordinance, introduced by Carl Eskridge, vacating North 35th Street between Holdrege Street and Starr Street and the east 200 feet of the east-west alley in Block 1, Idyl-Wild Place, between North 34th Street and North 35th Street, and retaining title thereto in the City of Lincoln, Lancaster County Nebraska, the first time.

Approving the Holdrege/Idylwild Redevelopment Agreement between the City, Kappa Foundation and Kinport Corporation relating to the redevelopment of property generally located between North 34th Street and North 37th Street on Holdrege Street. (Related Items: 12-112, 12R-210, 12R-211, 12R-212) (Action Date: 9/17/12)

Amending the FY 12/13 CIP to authorize and appropriate \$1,127,413 in TIF funds for Holdrege/Idylwild projects. (Related Items: 12-112, 12R-210, 12R-211, 12R-212) (Action Date: 9/17/12)

Approving the request of Kinport Corporation for a Deviation from the Access Management Policy to allow the removal of the right turn lane in Holdrege Street at 35th Street. (Related Items: 12-112, 12R-210, 12R-11, 12R-212) (Action Date: 9/17/12)

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

APPROVING AN AMENDMENT TO BID NO. 10-162 FOR THE ANNUAL REQUIREMENTS OF BUTTERFLY VALVES AGREEMENT BETWEEN THE CITY OF LINCOLN AND M & H VALVE CO. TO EXTEND THE TERM FOR ONE ADDITIONAL TWO-YEAR TERM FROM AUGUST 1, 2012 THROUGH JULY 31, 2014.

APPROVING CONTRACT AGREEMENTS BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION, AND GREGG ELECTRIC COMPANY, PROGRESSIVE ELECTRIC, WILLMAR ELECTRIC SERVICE AND HY-ELECTRIC, INC. FOR UNIT PRICE ELECTRICAL SERVICES, PURSUANT TO BID NO. 12-177, FOR FOUR-YEAR TERMS.

APPROVING CONTRACT AGREEMENTS BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION, AND MWE SERVICES, INC., MID NEBRASKA GRADING & DEMOLITION, INC. AND LEGRANDE EXCAVATING, INC. FOR UNIT PRICE DEMOLITION SERVICES, PURSUANT TO BID NO. 12-149, FOR FOUR-YEAR TERMS.

APPOINTING CAROLE BURT AND GEORGIA BLOBAUM TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR TERMS EXPIRING SEPTEMBER 1, 2015.

REAPPOINTING DOUGLAS GANZ AND DR. MICHAEL MOLVAR TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR TERMS EXPIRING SEPTEMBER 1, 2015.

APPOINTING MIKE LANG TO THE DISTRICT ENERGY CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2013.

REAPPOINTING LINDA CARTER AND MICHAEL DEKALB TO THE STARTRAN ADVISORY BOARD FOR TERMS EXPIRING OCTOBER 20, 2015.

REAPPOINTING ASHLEY MCWILLIAMS AND MARTY RAMIREZ TO THE MULTICULTURAL ADVISORY COMMITTEE FOR TERMS EXPIRING SEPTEMBER 18, 2015.

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APPROVING A PROJECT PROGRAMMING AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA DEPARTMENT OF ROADS TO ESTABLISH VARIOUS DUTIES AND FUNDING RESPONSIBILITIES FOR A FEDERAL AID PROJECT FOR CONSTRUCTION OF THE SW 40TH VIADUCT OVER BNSF AND MIDDLE CREEK.

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE

Jane Svoboda, address not given, came forward to discuss various issues.
This matter was taken under advisement.

Jim Frohman, 3120 S. 72nd St. Apt. 156, came forward to request that Council consider an enhanced design to the Civic Plaza. He said a covered Plaza will be more usable more days of the year (a shaded oasis in summer, a protected environment in winter). He foresees other benefits as being the following: providing an event space, more retail & living spaces; generating more tax revenue; expanding the property tax base; creating more jobs; saving money by allowing the developer to pay for most Plaza development costs; redirecting current public art projects to other City locations; and integrating new public art under the Plaza covering.
This matter was taken under advisement.

Rob Burns, 1718 G St., came forward to share his experiences due to downtown developments which have affected him in his business enterprise and his personal life. He suggested that from now on City leaders should consider environmental, business and personal impacts before construction projects begin. Mr. Burns said it is not corporate, but rather small businesses like his own, that get squished.
This matter was taken under advisement.

Greg L. Votava, 7601 Brummond Dr., came forward to request that Council consider changing an outdated ordinance that deals with lodging houses. He explained the concept as one which would allow homeowners to rent out their houses to visiting football fans & families. The business known as Rent Like a Champion, LLC from South Bend, Indiana, has been providing the needed service for University of Notre Dame fans for six years. The company also operates in 24 university cities across the nation. He said more than 80% of the rentals that they coordinate are to families with children and not the partying type which might disturb the neighborhood. Mr. Votava noted other advantages as being the following: when a security deposit is charged, the damage incident rate is less than 5%; the IRS allows for tax-free rentals of a primary residence up to 14 days; and the local economy benefits from keeping sports fans in town. He provided monetary figures involved in running a lodging house and the income he could reap if he were to provide a lodging house on game-day weekends during the next three months.

Council Chair Hornung requested Mr. Votava to speak to four or five of his neighbors and ask them to provide signature approval of his lodging house plan. Mr. Votava felt it was a fair request and would comply with Chair Hornung's order.
This matter was taken under advisement.

Jo Tetherow, 3118 Shirley Ct., came forward to comment on lodge houses. She shared her knowledge of its success in other cities such as the suburb of Pittsford, NY, which rents out high-dollar houses for visitors who travel to large golf tournaments in Rochester. Ms. Tetherow expressed support for a change in the ordinance to allow all residential homeowners the opportunity to rent out their homes and bring money into the City.
This matter was taken under advisement.

Ben Poehlman, 3645 N. 52nd St. #3, came forward in support of enacting the Fairness Ordinance but discontinued his comments when Council Chair Hornung advised him that the referendum or repeal of the existing ordinance would be on a future City Council Agenda.
This matter was taken under advisement.

Kevin Hauptman, 1500 N. 15th St., came forward to clarify statements he has made in the past and the pursuit of his future goals. He suggested going forward with the idea of lodge houses and said he is in favor of using Pershing as a future library. Mr. Hauptmann made reference to his tenacity as a baseball player in his younger years and explained how that constancy carries over to his beliefs today.
This matter was taken under advisement.

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Mike Morosin, 1500 N. 15th St., came forward to express his concerns over group matters. He expressed his beliefs that the City engages in group manipulation; he feels the group role in the process is perfunctory and the outcome is preset. He shared dismay that Council only allows the open microphone session twice a month. This matter was taken under advisement.

ADJOURNMENT

7:03 P.M.

CARROLL Moved to adjourn the City Council meeting of August 27, 2012.
Seconded by Schimek & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

Joan E. Ross, City Clerk

Sandy L. Dubas, Office Specialist

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