

THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 22, 2012 AT 3:00 P.M.

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

Council Vice-Chair Eskridge 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

COOK Having been appointed to read the minutes of the City Council proceedings of October 15, 2012 reported having done so, found same correct. Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Schimek; NAYS: None; ABSENT: Camp, Hornung.

PUBLIC HEARING

APPLICATION OF HENRY MAC, LLC DBA HENRY'S ON SOUTH FOR A CLASS C LIQUOR LICENSE AT 2110 WINTHROP ROAD;

MANAGER APPLICATION OF ANDREW G. FULLER FOR HENRY MAC, LLC DBA HENRY'S ON SOUTH AT 2110 WINTHROP ROAD - Andrew Gray Fuller, 3225 S. 30th St., came forward to take oath and answer questions. He shared brief details about leasing the business location and discussed his plans to open a coffee & wine bistro. He said he will offer gourmet coffee, serving pastries & quiche in the morning and gourmet sandwiches, salads & soup in the afternoon. At around 4:30 or 5:00, a wait staff will come on with a chef providing table service for small-plate gourmet food, wine & beer.

This matter was taken under advisement.

APPLICATION OF LAMLI ENTERPRISES, LLC DBA BOTTOMS UP FOR A CLASS I LIQUOR LICENSE AT 815 O STREET;

MANAGER APPLICATION OF TAMRA WARDYN FOR LAMLI ENTERPRISES, LLC DBA BOTTOMS UP AT 815 O STREET - Tamra Wardyn, 2425 Northline Court, came forward to take oath and answer questions. She explained her current business situation, shared details about her criminal history and discussed her previous employment. Ms. Wardyn said she hopes to provide beverages, simple snack foods, games & music for visitors in the Haymarket especially on Husker game days.

This matter was taken under advisement.

APPLICATION OF BLOCK 21, LLC DBA COURTYARD BY MARRIOTT FOR A CLASS C LIQUOR LICENSE AT 808 R STREET;

MANAGER APPLICATION OF ERIC GROFF FOR BLOCK 21, LLC DBA COURTYARD BY MARRIOTT AT 808 R STREET - Eric Groff, Food & Beverage Director of the hotel, 626 Lyncrest Dr., came forward to take oath and answer questions. Mr. Groff said his prior experience includes being executive chef at Embassy Suites for ten years. He said the 155-room hotel includes a bistro, a Starbucks and 2,800 sq. ft. of banquet space.

John Kalogeras, General Manager of the hotel, 6824 Stephanie Lane, came forward to take oath and answer questions. Mr. Kalogeras said they will be open for business on Wednesday, October 24. He said the Courtyard will serve breakfast in the bistro from 6:30 a.m. to 9:30 a.m. and dinner in the evenings from 5:00 p.m. to 10:00 p.m.

This matter was taken under advisement.

VACATION NO. 12006 - VACATING THE EAST-WEST ALLEY BETWEEN SOUTH 11TH STREET AND SOUTH 12TH STREET AND LINCOLN MALL AND K STREET;

APPROVING THE 3 LANDMARK CENTRE REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND NEBCO, INC. RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 11TH AND 12TH STREETS AND K STREET CENTENNIAL MALL;

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED \$2.2 MILLION FOR THE CITY OF LINCOLN, 3 LANDMARK CENTRE REDEVELOPMENT PROJECT;

AMENDING THE FY 12/13 CIP TO AUTHORIZE AND APPROPRIATE \$2.2 MILLION IN TIF FUNDS FOR THE 3 LANDMARK CENTRE REDEVELOPMENT PROJECT GENERALLY LOCATED BETWEEN 11TH AND 12TH STREET, K STREET AND CENTENNIAL MALL - David Landis, Director of Urban Development, came forward to describe the project as a three-story, 90,000 sq. ft. office building which also houses its own parking needs. He said the project meets an unusually large number of civic interests. In response to Council

questions, Mr. Landis said the private parking garage reduces on-street parking implications in the area and will add block parking to the downtown inventory. He described an amendment which will allow a plan to link two parts of a bike lane.

Dennis Scheer, The Clark Enersen Partners, 1010 Lincoln Mall, came forward to answer questions.

Kent Seacrest, Seacrest & Kalkowski, PC, LLO, 1111 Lincoln Mall, Suite 350, came forward to represent NEBCO, Inc., to express appreciation for everyone involved in the process and answer any questions.

Doug Whitehead, NEBCO, Inc., 1815 Y St., came forward to answer questions. He said they are looking forward to adding another Landmark building on Lincoln Mall. In response to Council Vice-Chair Eskridge's inquiry about retail possibilities, Mr. Whitehead said they are exploring all leasing options for the new building but the main focus is for Class A office tenants.

Lauren Wismer, Gilmore & Bell, 1248 O St., Suite 710, came forward to discuss proposed amendments to the bond ordinance. He said the public enhancements, as defined in the redevelopment agreement, are specifically included in the bond ordinance.

Rod Confer, City Attorney, came forward with a legislative amendment to clarify the project as being located between South 11th and South 12th Streets, not North 11th and North 12th Streets.

This matter was taken under advisement.

RE-ADOPTING THE WATER SYSTEM IMPACT FEE SCHEDULE, WATER DISTRIBUTION IMPACT FEE SCHEDULE, WASTEWATER IMPACT FEE SCHEDULE, ARTERIAL STREET IMPACT FEE SCHEDULE, AND NEIGHBORHOOD PARK AND TRAIL IMPACT FEE SCHEDULE WITHOUT ANY ADJUSTMENT FOR INFLATION FOR 2013 - Brad Hulse, Government Affairs Director, 8231 Beechwood Dr., came forward representing the Realtors Association of Lincoln in support of freezing impact fees to provide affordability for homeownership in the City. Because of the economy, national & local housing trends are changing and people are purchasing smaller homes. Mr. Hulse provided the example that whether people build a 900 sq. ft. home or a 2,000 sq. ft. home, the impact fee is the exact same.

Council Member Schimek expressed concern and questioned if meetings are being held to address impact fee discrepancies. In response to her concerns, Mr. Hulse said that the Impact Fee Task Force no longer functions as it once did but impact fee discussions are still being had. He said the Realtors Association and the Homebuilders Association have been in contact with the Mayor's office to come up with solutions.

Mike Rezac, Rezac Construction, came forward as President-Elect of Lincoln Home Builders Association, to express support of freezing impact fees. He said 90% of homes that his company builds are outside of Lincoln's city limits. He said the affordability of housing affects every single homeowner. When building a home and affordability is an issue, the \$5,000 fee is a major obstacle. Mr. Rezac said, initially when impact fees started in 2003, they were to be 10% of the solution of the infrastructure needs of the City of Lincoln. Impact fees will never be the whole solution -- those who represent the 90% balance of the solution need to sit down and find a method to deal with this issue together.

Coby Mach, LIBA, came forward in support of freezing the increase of impact fees that would automatically go into effect on January 1, 2013. Mr. Mach thanked Council for freezing impact fees for the last five years. He reported that visiting consultants believe that Lincoln's impact fees are double what they should be. Mr. Mach compared building permits from last year to this year. In commercial construction, hotels were up \$15 million; churches were up \$5 million. By contrast, industrial is down \$13 million; service/repair stations are down \$5 million; office/banking/professional buildings are down \$22 million.

Kyle Fischer, Lincoln Chamber of Commerce, 1135 M St., came forward to express support of the impact fee freeze. He stated that impact fees are only 10% of the solution. Mr. Fischer said as Lincoln grows, the property tax base, jobs & sales tax will grow as well. Without growth, the ever-growing cost of government will be paid by the same amount or fewer people. That results in higher taxes & higher burdens on businesses. He suggested that more General Fund dollars should be spent on infrastructure.

Russell Miller, 341 S. 52nd St., came forward representing the Lincoln Neighborhood Alliance in opposition to the impact fee freeze. He stated that revenues or profits from established infrastructure should be used to create a sinking fund for replacement of aging infrastructure. He said there is not enough money for new developments and for maintenance of existing assets. Mr. Miller said the home builder/developer must pay their total share of infrastructure costs with impact fees and Council must increase the fees to correct the past five years of not adjusting for inflation.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING LEO C. BENES TO THE ALARM REVIEW BOARD FOR A TERM EXPIRING JULY 1, 2013 - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-87056 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Leo C. Benes to the Alarm Review Board for a term expiring July 1, 2013 is hereby approved.

Introduced by DiAnna Schimek

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

AFFIDAVITS OF MAILING FOR BOARD OF EQUALIZATION FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, CORE BUSINESS DISTRICT OVERLAY AND DOWNTOWN MAINTENANCE DISTRICT TO BE HELD MONDAY, NOVEMBER 5, 2012, AT 3:00 P.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON OCTOBER 8, 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:

Special Permit No. 12032 - Requested by Katharine Cloran for the authority to sell alcoholic beverages for consumption on the premises of a restaurant generally located at N. Cotner Boulevard and Fairfax Avenue (1551 N. Cotner Boulevard).

Special Permit No. 12033 - Requested by Lindsey Kubicek for an early learning childhood care facility for up to 99 children on property generally located at S. 48th Street and Apple Hill Lane (3134 S. 48th Street).

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 12053 to Special Permit No. 1753B, Vavrina Meadows 1st Addition, approved by the Planning Director on October 11, 2012, requested by ESP, Inc., to modify the lot size of Lot 4, Block 33, to add an additional clubhouse building for the residents of the apartment complex on property generally located at S. 14th Street and Yankee Hill Road.

Administrative Amendment No. 12055 to Special Permit No. 12014, Pleasant Hill Acres Community Unit Plan, approved by the Planning Director on October 12, 2012 requested by Geico Development, Inc. to revise the minimum building opening elevation on property generally located near S. Coddington Avenue and W. Pleasant Hill Road.

Administrative Amendment No. 11068 to Change of Zone No. 10018, Innovation Campus Planned Unit Development, approved by the Planning Director on October 12, 2012 requested by Olsson Associates to revise the street layout and block layout; remove the open swale along streets; revise the cross section of streets; revise the grading and drainage plan; revise flood plain information by decreasing the storage area, but still resulting in zero net rise; change the number of hotel rooms from 135 to 200; revise the bike trail location to show a protected bike path along Invention Boulevard; establish a height limit of 93 feet, since the height limit was eliminated by City Council in order that it may be set by administrative amendment; clarify and revise the General Notes, and update text on permitted uses, height & area and parking, on property generally located at N. Antelope Valley Parkway and Salt Creek Roadway.

MISCELLANEOUS REFERRALS

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 5, 2012 AT 3:00 P.M. FOR THE APPLICATION OF IRONHORSE, LLC DBA CASK FOR A CLASS C LIQUOR LICENSE LOCATED AT 728 Q STREET, SUITE B - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-87057 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 5, 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 Ironhorse, LLC dba Cask for a Class C liquor license located at 728 Q Street, Suite B.

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

Introduced by Eugene Carroll

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

LIQUOR RESOLUTIONS

APPLICATION OF HENRY MAC, LLC DBA HENRY'S ON SOUTH FOR A CLASS C LIQUOR LICENSE AT 2110 WINTHROP ROAD - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-87058 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Henry Mac, LLC dba Henry's on South for a Class "C" liquor license at 2110 Winthrop Road, Lincoln, Nebraska, for the license period ending October 31, 2013, 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 Eugene Carroll

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

MANAGER APPLICATION OF ANDREW G. FULLER FOR HENRY MAC, LLC DBA HENRY'S ON SOUTH AT 2110 WINTHROP ROAD - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-87059 WHEREAS, Henry Mac, LLC dba Henry's on South located at 2110 Winthrop Road, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Andrew G. Fuller be named manager;

WHEREAS, Andrew G. Fuller appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Andrew G. Fuller be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Eugene Carroll

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

APPLICATION OF LAMLI ENTERPRISES, LLC DBA BOTTOMS UP FOR A CLASS I LIQUOR LICENSE AT 815 O STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for denial:

A-87060 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, pertinent City ordinances, and the following:

- a. If the applicant is of a class of person to whom no license can be issued.
- b. If the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are adequate to support the proposed license.
- c. If the issuance of the license would be compatible with the nature of the neighborhood or community.
- d. If existing licenses with similar privileges adequately serve the area.
- e. If there are any existing motor vehicle and/or pedestrian traffic flow issues in the area or if this application would cause motor vehicle and/or pedestrian traffic flow issues.

- f. If there is an adequate number of existing law enforcement officers in the area.
- g. If there are zoning and/or distance restrictions that prevent the issuance of a license.
- h. If there are sanitation and/or sanitary conditions on or about the area.
- i. If a citizens' protest has been made.

The City Council recommends to the Nebraska Liquor Control Commission that the application of Lamli Enterprises, LLC dba Bottoms Up for a Class "I" liquor license at 815 O Street, Lincoln, Nebraska, be denied. The City Council has determined that the application should be denied for one or more of the following reasons:

- a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.
- b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.
- d. The applicant has not demonstrated that the issuance of the license is or will be required by the present or future public convenience and necessity.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Eugene Carroll

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

MANAGER APPLICATION OF TAMRA WARDYN FOR LAMLI ENTERPRISES, LLC DBA BOTTOMS UP AT 815 O STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for denial:

A-87061 WHEREAS, Lamli Enterprises, LLC dba Bottoms Up located at 815 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Tamra Wardyn be named manager;

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends to the Nebraska Liquor Commission that Tamra Wardyn be denied as manager of this business for said licensee. The City Council has determined that the application should be denied for one or more of the following reasons:

- a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.
- b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.

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

Introduced by Eugene Carroll

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

APPLICATION OF BLOCK 21, LLC DBA COURTYARD BY MARRIOTT FOR A CLASS C LIQUOR LICENSE AT 808 R STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-87062 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 Block 21, LLC dba Courtyard by Marriott for a Class "C" liquor license at 808 R Street, Lincoln, Nebraska, for the license period ending October 31, 2013, 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 Eugene Carroll

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

MANAGER APPLICATION OF ERIC GROFF FOR BLOCK 21, LLC DBA COURTYARD BY MARRIOTT AT 808 R STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-87063 WHEREAS, Block 21, LLC dba Courtyard by Marriott located at 808 R Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Eric Groff be named manager;

WHEREAS, Eric Groff appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Eric Groff be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Eugene Carroll

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

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

VACATION NO. 12006 - VACATING THE EAST-WEST ALLEY BETWEEN NORTH 11TH STREET AND NORTH 12TH STREET AND LINCOLN MALL AND K STREET. (RELATED: 12-135, 12R-248, 12-136, 12R-249) (ACTION DATE: 10/29/12) - CLERK read an ordinance, introduced by DiAnna Schimek, vacating the east-west alley between North 11th Street and North 12th Street and Lincoln Mall and K Street, and retaining title thereto in the city of Lincoln, Lancaster County, Nebraska, the second time.

APPROVING THE 3 LANDMARK CENTRE REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND NEBCO, INC. RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 11TH AND 12TH STREETS AND K STREET CENTENNIAL MALL. (RELATED: 12-135, 12R-248, 12-136, 12R-249) (ACTION DATE: 10/29/12)

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED \$2.2 MILLION FOR THE CITY OF LINCOLN, 3 LANDMARK CENTRE REDEVELOPMENT PROJECT. (RELATED: 12-135, 12R-248, 12-136, 12R-249) (ACTION DATE: 10/29/12) - CLERK read an ordinance, introduced by DiAnna Schimek, authorizing and providing for the issuance of City of Lincoln, Nebraska tax allocation bonds, notes or other obligations in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$2,200,000 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 3 Landmark Centre 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, notes or other obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bonds, notes or other obligations as the same become due; limiting payment of the bonds, notes or other obligations 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, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

AMENDING THE FY 12/13 CIP TO AUTHORIZE AND APPROPRIATE \$2.2 MILLION IN TIF FUNDS FOR THE 3 LANDMARK CENTRE REDEVELOPMENT PROJECT GENERALLY LOCATED BETWEEN 11TH AND 12TH STREET, K STREET AND CENTENNIAL MALL. (RELATED: 12-135, 12R-248, 12-136, 12R-249) (ACTION DATE: 10/29/12)

PUBLIC HEARING - RESOLUTIONS

RE-ADOPTING THE WATER SYSTEM IMPACT FEE SCHEDULE, WATER DISTRIBUTION IMPACT FEE SCHEDULE, WASTEWATER IMPACT FEE SCHEDULE, ARTERIAL STREET IMPACT FEE SCHEDULE, AND NEIGHBORHOOD PARK AND TRAIL IMPACT FEE SCHEDULE WITHOUT ANY ADJUSTMENT FOR INFLATION FOR 2013 - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-87064 WHEREAS, Lincoln Municipal Code Section 27.82.050 provides for the City Council to establish the amount of each required impact fee through the adoption of impact fee schedules; and

WHEREAS, the City Council has considered the Lincoln Impact Fee Study prepared by Duncan & Associates dated October, 2002; and

WHEREAS, on January 13, 2003 the City Council adopted Resolution No. A-81905 adopting the Water System Impact Fee Schedule, Water Distribution Impact Fee Schedule, Wastewater Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule, establishing such impact fees for calendar years 2003, 2004, 2005, 2006, and 2007 as set forth in Attachments A, B, C, D, and E to Resolution No. A-81905; and

WHEREAS, pursuant to subsection (k) of Lincoln Municipal Code 27.82.110, beginning on January 1, 2005 and on January 1 of each following year unless and until the impact fee schedules are otherwise revised or replaced by the City Council, each amount set forth in each schedule shall be adjusted to reflect the effects of inflation on those costs as set forth in the Impact Fee Study; and

WHEREAS, on November 17, 2008, the City Council adopted Resolution No. A-85142 adopting the Water System Impact Fee Schedule, Water Distribution Impact Fee Schedule, Wastewater Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule beginning January 1, 2007, for calendar year 2009 without any adjustment for inflation; and

WHEREAS, pursuant to Resolution No. A-85142 beginning on January 1, 2010 and on January 1 of each following year, unless and until the impact fee schedules are otherwise revised or replaced by the City Council, each amount set forth in each schedule shall be adjusted to reflect the effects of inflation on those costs set forth in the Impact Fee Study; and

WHEREAS, on January 4, 2010 the City Council adopted Resolution No. A-85643 adopting the Water System Impact Fee Schedule, Water Distribution Impact Fee Schedule, Wastewater Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule beginning January 1, 2007 for calendar year 2010 without any adjustment for inflation; and

WHEREAS, on January 10, 2011 the City Council adopted Resolution No. A-86207 adopting the Water System Impact Fee Schedule, Water Distribution Impact Fee Schedule, Wastewater Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule beginning January 1, 2007 for calendar year 2011 without any adjustment for inflation; and

WHEREAS, on November 14, 2011 the City Council adopted Resolution No. A-86598 adopting the Water System Impact Fee Schedule, Water Distribution Impact Fee Schedule, Wastewater Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule beginning January 1, 2007 for calendar year 2012 without any adjustment for inflation; and

WHEREAS, the City Council has determined that the Water System Impact Fee Schedule, Water Distribution Impact Fee Schedule, Wastewater Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule beginning January 1, 2007 should be re-adopted for calendar year 2013 without any adjustment for inflation.

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

That the Water System Impact Fee Schedule, Water Distribution Impact Fee Schedule, Wastewater Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule beginning January 1, 2007 (Attachments A, B, C, D, and E respectively) established by Resolution No. A-81905 are hereby re-adopted for calendar year 2013.

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BE IT FURTHER RESOLVED that on January 1, 2014 and on January 1 of each following year, unless and until said re-adopted impact fee schedules beginning January 1, 2007 are otherwise revised or replaced, each amount set forth in each schedule shall be adjusted to reflect the effects of inflation on those costs as set forth in the Impact Fee Study.

Introduced by DiAnna Schimek

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

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

VACATION NO. 11012 - VACATING NORTH 44TH STREET FROM THE SOUTH LOT LINE OF LOT 68 I.T. TO THE NORTH LINE OF MORTON STREET, GENERALLY LOCATED AT NORTH 44TH STREET AND SUPERIOR STREET - CLERK read an ordinance, introduced by Carl Eskridge, vacating a portion of North 44th Street from the south lot line of Lot 68 I.T. in the Southwest Quarter of Section 5, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, to the north line of Morton Street, generally located at North 44th Street and Superior Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

SCHIMEK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19796, is recorded in Ordinance Book #28, Page .

APPROVING A LAND EXCHANGE AGREEMENT BETWEEN THE CITY OF LINCOLN AND EIGHTH & T, LLC, PERTAINING TO THE WEST HAYMARKET ARENA PROJECT AND CONSTRUCTION OF THE 10TH STREET AND SALT CREEK STREET IMPROVEMENT PROJECT - PRIOR to reading:

CARROLL Moved MTA #1 to amend Bill No. 12-134 by accepting the substitute Land Exchange Agreement (Eighth & T) attached hereto.

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

CLERK Read an ordinance, introduced by Carl Eskridge, approving the Land Exchange Agreement between the City of Lincoln and Eighth & T, LLC, pertaining to the West Haymarket Arena Project and construction of the 10th Street and Salt Creek Street Improvement Project, upon the terms and conditions set forth in said Land Exchange Agreement, which is attached hereto marked as Attachment "A", the third time.

CARROLL Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19797, is recorded in Ordinance Book #28, Page .

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

APPROVING THE ALLOCATION OF \$748,000 ANNUALLY OF CAPITAL IMPROVEMENTS FUNDS APPROPRIATED IN THE FY 2012 - 13 AND FY 2013 - 14 BUDGET TO CERTAIN PROJECTS WITHIN THE PARKS AND RECREATION DEPARTMENT - CLERK read an ordinance, introduced by Eugene Carroll, approving the transfer of unspent and unencumbered appropriations to certain capital improvement projects within the Parks and Recreation Department, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION, AND HEINE'S PAINTING & DECORATIVE CONCRETE, INC. FOR UNIT PRICING FOR MISCELLANEOUS PAINTING SERVICES, PURSUANT TO BID NO. 12-189, FOR A FOUR-YEAR TERM.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF OCTOBER 1 - 15, 2012.

APPLICATION OF JOHN S. GOULD AND W. DONALD GOULD TO USE THE PUBLIC RIGHT-OF-WAY AT 301 NORTH 8TH STREET FOR DOCK AND OUTDOOR SEATING.

MISC. 12008 - DECLARING THE 1ST & CORNHUSKER HIGHWAY REDEVELOPMENT AREA AS BLIGHTED AND SUBSTANDARD IN AN ESTIMATED 78 ACRES GENERALLY BOUNDED BY CORNHUSKER HIGHWAY, NORTH 4TH STREET, ADAMS STREET AND NORTH 1ST STREET.

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE - NONE

ADJOURNMENT 4:07 P.M.

SCHIMEK Moved to adjourn the City Council meeting of October 22, 2012.
Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook,
Emery, Eskridge, Schimek; NAYS: None; ABSENT: Camp, Hornung.

Joan E. Ross, City Clerk

Sandy L. Dubas, Office Specialist

REGULAR MEETING
October 22, 2012
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