

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 29, 2012 AT 5:30 P.M.**

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

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

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

YOUTH AMBASSADORS - ADDRESS TO CITY COUNCIL

Council Chair Hornung welcomed members of the Youth Ambassadors in attendance at today's meeting. Katie Konold, Community Learning Center Site Supervisor at Huntington Elementary School, came forward to describe the after-school program, Lights On After School, where kids build skills as advocates, grow their capacity to serve, and refine their ability to lead within their schools and communities. She introduced three outstanding Youth After-School Ambassadors: Samirah Al-Yass, Clinton Elementary; Elizabeth Struwe, Belmont Elementary; and Alba Argueta, Leffler Middle School. Each student spoke before Council to express their appreciation for CLC and to describe their own positive experiences as Youth Ambassadors.

Council Chair Hornung thanked the Youth Ambassadors for their participation.

PUBLIC HEARING

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 - Lynn Johnson, Director of Parks & Recreation, came forward to describe how these funds will be allocated to various improvement projects throughout the park system. A local engineering firm identified in excess of \$800,000 of improvements needed in roadways and parking areas. During the upcoming year, approximately \$200,000 will be allocated for that purpose. Other major upcoming projects include the resurfacing of the playground in Antelope Park, bringing Pinewood Bowl up to current ADA Standards for accessibility, and trail repairs. Council has also suggested that a portion of funds be directed towards tree maintenance. The initial proposal directs \$50,000 to the Street Tree program. Council is also being presented with a Motion to Amend that will allocate approximately \$40,000 from the CIP to the community Forestry operating budget which will pay in part for 3 additional Forestry Division staff. One hundred pines were removed from Pioneers Park last week and the Parks Department is confident that there is a cost effective strategy in place for tree removal. In answer to Council questions, Mr. Johnson stated that approximately 800 trees throughout the park system did not survive the drought and need to be removed.

Council Chair Hornung acknowledged Councilman Cook for the amendment that allocated these funds to the park system. He stated that the public does not typically think of the roads and parking maintenance when they think of City parks and asked for clarification on dollar amounts and numbers of acres involved.

Director Johnson replied that approximately 40-50 acres of 6,000 total park acres are hard surfaces. There are significant issues as a result of several years of deferred maintenance. It is likely that Parks will return with a similar request for around 20% of these annual funds to be directed towards hard surface maintenance and repair next year.

This matter was taken under advisement.

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 - Sharon Mulder, Assistant Purchasing Agent, was available to answer questions.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF OCTOBER 1 - 15, 2012 - Council Member John Camp requested that the City Attorney come forward to explain the City's decision to deny the claim of citizen, Kennard Pischal.

Rod Confer, City Attorney, came forward to describe the claim made by Mr. Pischal and to explain the reasons for its denial.

This matter was taken under advisement.

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 - Buff Baker, City Engineering, came forward to state that the applicant is seeking to extend their eating area with the addition of a dock which would line up with the existing docks of adjacent businesses. Public Works has no objections to this application. In answer to Council questions, Mr. Baker replied that there would be ample space for foot traffic.

Nate Buss, Olsson Associates, was also on hand to answer questions.
This matter was taken under advisement.

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 - David Landis, Director of Urban Development, came forward to state that this area met the conditions to qualify as blighted and substandard. The owner of the land does not have an immediate development strategy in mind; if this is approved, Council will see a redevelopment plan appropriate to the area in the near future. The owner has notified the residents of the two mobile home parks involved. In the event there is a TIF based redevelopment agreement, that will obligate the owner to pay relocation fees for the existing tenants. In answer to Council questions, Mr. Landis stated that there is no way to force the owners to make investments in this property, but the fact that they are looking at alternative land uses says that they are considering the future of this area. If public funds are involved, that could provide the best possible situation for current tenants since a formal relocation plan would be required; if there is redevelopment without public money, the relocation obligation would not exist.

Tom Huston, 233 South 13th St., Ste. 1900, came forward on behalf of Countryside Mobile Home Parks, LLLP, and Lincoln Mobile Home Parks LLLP, the owners of the property. This is the first step of many to reposition the property for higher and better use. The owners have been in communication with all of the tenants. More than 60% of the homes are owned by the property owners, which creates a different relocation analysis; part of the plan may also include relocation of tenants to their mobile home park immediately to the west of this property. Any improvement to this area is desirable due to its proximity to the Northwest Corridor Redevelopment area.

Council Member Carroll addressed some concerns by stating that there are very specific regulations regarding relocation of displaced tenants. Mobile Home parks are also issued permits by the City and would therefore be required to maintain the area until a final decision is made about changing the position of the property.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

ASSESSMENT RESOLUTION FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 5, 2012, AT 3:00 P.M. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87065 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Business Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Downtown Business Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$324,442.56; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Downtown Business Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 5TH day of

November, 2012, at 3:00 p.m., and on the _____ day of _____, 2012, at _____ m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Jonathan Cook

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

ASSESSMENT RESOLUTION FOR DOWNTOWN MAINTENANCE IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 5, 2012, AT 3:00 P.M. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87066

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

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Maintenance Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Downtown Maintenance Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$219,980.00 that the property set forth in the proposed Distribution of Assessment is specially benefited by such activities and improvement; that each piece and parcel of property described is specially benefited in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Downtown Maintenance Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

Equalization for the purpose of equalizing said assessments on the 5th day of November, 2012, at 3:00 p.m., and on the _____ day of _____, 2012, at _____ m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Jonathan Cook

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

ASSESSMENT RESOLUTION FOR DOWNTOWN CORE IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 5, 2012, AT 3:00 P.M. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87067

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

That the cost of providing for the development of public activities and the promotion of public events in the Core Business Improvement District Overlay including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Core Business Improvement District Overlay", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$152,562.30; that the property set forth in the proposed Distribution of Assessment is specially benefited by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Core Business Improvement District Overlay.

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BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 5th day of November, 2012, at 3:00 p.m., and on the _____ day of _____, 2012, at _____ m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Jonathan Cook

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

REPORT FROM THE CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS SEPTEMBER 30, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON OCTOBER 15, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 19, 2012 AT 5:30 P.M. FOR THE APPLICATION OF HERBERG LLC DBA STAYBRIDGE SUITES FOR A CLASS I LIQUOR LICENSE LOCATED AT 1501 NORTH 86TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87068 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 19, 2012, at 5:30 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 Herberg LLC dba Staybridge Suites Class I liquor license located at 1501 North 86th Street.

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

Introduced by Jonathan Cook

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 12056 to rescind Special Permit No. 887, originally approved for a private school, approved by the Planning Director on October 16, 2012, requested by Lincoln Christian School, on property generally located at S. 84th St. and Old Cheney Rd.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND 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 second time.

PUBLIC HEARING - RESOLUTIONS

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 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87069 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached 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, upon the terms as set forth in said contract agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Eugene Carroll

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

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 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87070 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 October 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 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>	
Susan Staab	\$ 103.00	Helmsman Management Services Inc.	\$ 4,464.32
Latitude Subrogation Services		Caroline Reinsch o/b/o Sara Reinsch	893.87
a/s/o Easteps Wheels	12,688.34	James Risor	1,437.66
Kennard Pischal	NAS*	Paul Royster	19,270.00
BlueCross BlueShield of Nebraska			
a/s/o Kennard Pischal	NAS*		
Susann Andrews	142.94		

* 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 Eugene Carroll

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

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 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87071 WHEREAS, John S. Gould and W. Donald Gould have submitted an application for a permit to use approximately 1,189 square feet of public right-of-way on the south and east side of the property at 301 North 8th Street for a dock area for outdoor seating in the right-of-way; and

WHEREAS, the applicants have submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this resolution by reference, to use the public right-of-way as above described; and

WHEREAS, the applicants have complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

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

That the application aforesaid of John S. Gould and W. Donald Gould to use approximately 1,189 square feet of public right-of-way on the south and east side of the building at 301 North 8th Street for the use of the dock area for outdoor seating, be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence, and the payment for rent as set forth in Section 14.54.090 and as it may be amended from time to time for the use of the surface of the public right-of-way.

2. That said use shall be in full accordance with the aforesaid application, the site plan filed therewith, and with all applicable City ordinances and regulations.

keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

4. The applicant shall require its contractor to contact Diggers Hotline of Nebraska prior to commencing construction activities.

5. All work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.

6. The use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the above-named applicant, its successors and assigns.

7. Within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon automatically terminate.

8. The City Clerk is directed to deliver a copy of this resolution to the City Treasurer for setting up an account for collection of the applicant's annual fee.

Introduced by Eugene Carroll

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

MISC. 12008 - DECLARING THE 1ST & CORNHUSKER HIGHWAY REDEVELOPMENT AREA AS BLIGHTED ANDSUBSTANDARD IN AN ESTIMATED 78 ACRES GENERALLY BOUNDED BY CORNHUSKER HIGHWAY, NORTH 4TH STREET, ADAMS STREET AND NORTH 1ST STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-87072 WHEREAS, it is desirable and in the public interest that the City of Lincoln, Nebraska, a municipal corporation and a city of the primary class, undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1943, as amended, known as the Community Development Law, is the urban renewal and redevelopment law for the State of Nebraska and prescribes the requirements and procedures for the planning and implementation of urban redevelopment projects; and

WHEREAS, the City in accordance with its Home Rule Charter and the laws of the State of Nebraska applicable to cities of the primary class has duly prepared and approved a general plan for the development of the City known as its Comprehensive Plan, all as required by Section 18-2110, R.R.S. 1943; and

WHEREAS, this Council has received and duly considered evidence relating to the present condition of the 1st and Cornhusker Highway Redevelopment Area, generally bounded by Cornhusker Highway on the south, North 4th Street on the east, Adams Street on the north and North 1st Street on the west, as shown and described on Attachment "A" (entitled 1st and Cornhusker Redevelopment Area Blight and Substandard Determination Study); and

WHEREAS, this Council has received and duly considered other evidence, including evidence relating to the scope and limitations of the nearby redevelopment plans in the area, and the inability of the other plans to effectively remedy the substandard and blighted conditions;

WHEREAS, Article 8, Section 12 of the Constitution of the State of Nebraska requires that said area must be found to be both substandard and blighted in order for tax increment financing to be used in said area; and

WHEREAS, Section 18-2109, R.R.S. 1943, as amended, requires that prior to the preparation by the City of an urban redevelopment plan for a redevelopment project for the 1st and Cornhusker Highway Redevelopment Area, this Council as governing body of the City, by resolution, after review and recommendation from the Lincoln City Lancaster County Planning Commission, find and determine that said area is both a substandard and blighted area as defined in said Community Development Law, and in need of redevelopment; and

WHEREAS, on September 21, 2012, notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within a one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on October 3, 2012, before the Lincoln City - Lancaster County Planning Commission regarding the proposed determination that the 1st and Cornhusker Highway Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission on October 3, 2012 recommended that the 1st and Cornhusker Highway Redevelopment Area be found to be both a substandard and blighted area as defined in said Community Development Law and the evidence demonstrates that said 1st and Cornhusker Highway Redevelopment Area as shown and described on Attachment "A" constitutes both a substandard and blighted area as defined in said Community Development Law, which area is in need of redevelopment.

WHEREAS, on October 12, 2012 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on October 29, 2012 regarding the proposed determination that the 1st and Cornhusker Highway Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on October 12, 2012 and October 19, 2012 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on October 29, 2012 regarding the proposed determination that the 1st and Cornhusker Highway Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on October 29, 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 determination that the 1st and Cornhusker Highway Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

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

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

1. That it is hereby found and determined that substandard and blighted conditions exist as set forth and discussed in Attachment "A" (entitled 1st and Cornhusker Highway Redevelopment Area Blight and Substandard Determination Study) attached hereto and incorporated herein as though fully set forth verbatim.

2. That it is hereby found and determined that the 1st and Cornhusker Highway Redevelopment Area as shown and described on Attachment "A", constitutes both a substandard and blighted area as defined by subsections (10) and (11), respectively, of Section 18-2103, R.R.S. 1943, as amended, and that said area is in need of redevelopment.

3. That it is hereby found and determined that said area is an eligible site for redevelopment projects under the provision of Chapter 18, Article 21, Nebraska Revised Statutes of 1943, as amended.

4. That the 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 such substandard and blighted conditions 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 aid provided by the Community Development law, specifically including Tax Increment Financing.

BE IT FURTHER RESOLVED that the Department of Urban Development as the duly designated community development agency for the City of Lincoln is hereby authorized and directed to immediately proceed with the preparation of a new redevelopment plan and associated projects for the 1st and Cornhusker Highway Redevelopment Area, which plan shall be prepared in accordance with the requirements and procedures of said Chapter 18, Article 21, for ultimate review and consideration by this Council.

Introduced by Eugene Carroll

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

ORDINANCE - 3RD 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) - PRIOR to reading:

SCHIMEK Moved MTA #1 to amend Bill No. 12-135 in the following manner:

1. On page 1, lines 1 and 2, delete the words "North 11th" and "North 12th" and insert in lieu thereof South 11th and South 12th.

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

CLERK Read an ordinance, introduced by DiAnna Schimek, vacating the east-west alley between South 11th Street and South 12th Street and Lincoln Mall and K Street, and retaining title thereto in the city of Lincoln, Lancaster County, Nebraska, the third time.

SCHIMEK Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#19798**, is recorded in Ordinance Book #28, Page .

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) - PRIOR to reading:

ESKRIDGE Moved MTA #1 to amend Bill No. 12R-248 in the following manner:

1. On page 1 line 8, insert a new paragraph to read as follows:

BE IT FURTHER RESOLVED that the Mayor is authorized to execute such other documents, agreements, or amendments to the above referenced Redevelopment Agreement to extend the Redevelopment Area boundary a block or two north of the K and 11th Streets intersection for potential additional bike lane stripping changes and as may be further necessary to effectuate the purposes and intent thereof.

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

CLERK Read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-87073 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached City of Lincoln Redevelopment Agreement for 3 Landmark Centre, between the City of Lincoln, Nebraska and NEBCO, Inc., relating to the redevelopment of property generally located between K Street and Lincoln Mall and South 11th and 12th Streets, upon the terms and conditions set forth in said Redevelopment Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute such other documents, agreements, or amendments to the above referenced Redevelopment Agreement to extend the Redevelopment Area boundary a block or two north of the K and 11th Streets intersection for potential additional bike lane stripping changes and as may be further necessary to effectuate the purposes and intent thereof.

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

Introduced by DiAnna Schimek

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

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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) - PRIOR to reading:

CARROLL Moved MTA #1 to amend Bill No. 12-136 by substituting the attached pages 1 and 2 of the ordinance for pages 1 and 2 currently in the ordinance.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

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 third time.

SCHIMEK Moved to pass the ordinance as amended.
Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.
The ordinance, being numbered **#19799**, is recorded in Ordinance Book #28, Page .

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) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-87074 WHEREAS, Resolution No. A-86975, adopted by the City Council of Lincoln, Nebraska on August 20, 2012, adopted the fiscal year 2012-2013 annual budget for the City of Lincoln and further adopted the Capital Improvement Program attached to Resolution No. A-86975 as Schedule No. 5; and

WHEREAS, Resolution No. A-86975 appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as from any grants, donations, or contributions received for public purposes and the interest thereon notwithstanding any sum limitation set forth in the annual budget; and

WHEREAS, on October 22, 2012 a resolution was adopted by the City Council for the City of Lincoln, approving the 3 Landmark Centre Redevelopment Project as an approved project; and

WHEREAS, a capital improvement project for the 3 Landmark Centre Redevelopment Project was not included within Schedule No. 5 of the Annual Budget as a capital improvement project to be funded in fiscal year 2012-2013; and

WHEREAS, the City desires to amend the first year (2012-2013) of the Fiscal Year 2012/2013 - 2017/2018 Six Year Capital Improvement Program (CIP) to establish a project for the 3 Landmark Centre Redevelopment Project, and establish appropriations for that project; and

WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that, "The [city] council shall not appropriate any money in any budget for any capital improvements project unless and until the conformity or non-conformity of the project has been reported on by the Planning Department by special report or in connection with the Capital Improvements Programming process." The Charter definition of "Planning Department" includes the Planning Commission; and

WHEREAS, on August 22, 2012 the Lincoln City-Lancaster County Planning Commission reviewed the 3 Landmark Centre Redevelopment Project as a capital improvement project for conformity or nonconformity with the Comprehensive Plan as part of its review of an amendment to the Lincoln Center Redevelopment Plan to establish the 3 Landmark Centre Redevelopment Project as a project in said Plan; and

WHEREAS, the Planning Commission found the proposed Redevelopment Project to be in conformity with the Comprehensive Plan.

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

That the implementation of the 3 Landmark Centre Redevelopment Project for a new office building and parking garage and associated site clearance, streetscape improvements, street improvements and utility removal within the Project Area, is hereby established as a capital improvement project within the Capital Improvement Program.

BE IT FURTHER RESOLVED that the Capital Improvement Program on Schedule 5 of Resolution No. A-86975 be amended by adding the 3 Landmark Centre Redevelopment Project to the Urban Development Department's list of capital improvement projects on Schedule 5.

BE IT FURTHER RESOLVED that the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget to designate \$2.2 million from Tax Increment Financing for this 3 Landmark Centre Redevelopment Project.

Introduced by DiAnna Schimek

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

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

COMP. PLAN CONFORMANCE 12015 - DECLARING TWO PARCELS OF PROPERTY CONSISTING OF APPROXIMATELY 1.52 ACRES GENERALLY LOCATED SOUTH OF LINE DRIVE BETWEEN NORTH 3RD STREET AND NORTH 7TH STREET AS SURPLUS PROPERTY - CLERK read the following ordinance, introduced by Jonathan Cook, declaring two City owned parcels of land totaling approximately 1.52 acres generally located south of Line Drive between North 3rd Street and North 7th Street as surplus and authorizing the conveyance thereof to the West Haymarket Joint Public Agency, the first time.

AMENDING SECTION 2.76.155 OF THE LINCOLN MUNICIPAL CODE RELATING TO LONGEVITY PAY TO DELETE LONGEVITY PAY PAID TO EMPLOYEES IN PAY RANGES PREFIXED BY "E" WHO REACH FIVE YEARS OF SERVICE AFTER AUGUST 15, 2012 - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 2.76.155 of the Lincoln Municipal Code relating to longevity pay to delete longevity pay paid to employees in pay ranges prefixed by "E" who reach five years of service after August 15, 2012; and repealing Section 2.76.155 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 2.76.380 OF THE LINCOLN MUNICIPAL CODE RELATING TO SICK LEAVE WITH PAY TO ADD LANGUAGE TO CLARIFY THE PAYOUT PROVISIONS UPON RETIREMENT, DEATH, OR REDUCTION IN FORCE FOR EMPLOYEES IN PAY RANGES PREFIXED BY "A" AND "C" AND TO ADD LANGUAGE RELATING TO SICK LEAVE PAYOUT UPON RESIGNATION FOR UNREPRESENTED EMPLOYEES IN PAY RANGES PREFIXED BY "E." - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 2.76.380 of the Lincoln Municipal Code relating to Sick Leave with Pay to add language to clarify the payout provisions upon retirement, death, or reduction in force for employees in pay ranges prefixed by "A" and "C", and to add language relating to sick leave payout upon resignation for unrepresented employees in pay ranges prefixed by "E"; and repealing Section 2.76.380 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 3.24 OF THE LINCOLN MUNICIPAL CODE RELATING TO OCCUPATION TAXES BY AMENDING §3.24.080 TO ELIMINATE THE APPLICATION OF THE TELECOMMUNICATION OCCUPATION TAX TO TELECOMMUNICATION EQUIPMENT AND CERTAIN TELECOMMUNICATION SERVICES; AND, TO CLARIFY THAT THE TELECOMMUNICATION OCCUPATION TAX CONTINUES TO APPLY TO PRIVATE COMMUNICATION SERVICES; AMENDING §3.24.100 TO REQUIRE COMPANIES TO REPORT TELECOMMUNICATION SERVICES REVENUES BY CATEGORIES; AND, AMENDING §3.24.150 TO REMOVE THE REFERENCES TO THE FINANCE DEPARTMENT PROVIDING WRITTEN INTERPRETATIONS OF THE APPLICABILITY OF THE TELECOMMUNICATION OCCUPATION TAX - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 3.24 of the Lincoln Municipal Code relating to occupation taxes by amending Section 3.24.080 to eliminate the application of the telecommunication occupation tax to telecommunication equipment and certain telecommunication services, and to clarify that the telecommunication occupation tax continues to apply to private communication services; amending Section 3.24.100 to require companies to report telecommunication services revenues by categories; amending Section 3.24.150 to remove the references to the Finance Department providing written interpretations of the applicability of the telecommunication occupation tax; and repealing Sections 3.24.080, 3.24.100, and 3.24.150 of the Lincoln Municipal Code as hitherto existing, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND BRYAN MEDICAL CENTER TO PROVIDE LAB SERVICES TO EMPLOYEES FOR A FOUR YEAR TERM OF NOVEMBER 1, 2012 THROUGH OCTOBER 31, 2016.

APPROVING AN AMENDMENT TO AGREEMENT FOR COMPUTER EQUIPMENT, PERIPHERALS, AND RELATED SERVICES, WSCA/NASPO MASTER PRICE AGREEMENT NUMBER B27164 BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND HEWLETT PACKARD COMPANY TO EXTEND THE TERM FOR AN ADDITIONAL TWO-YEAR TERM FROM SEPTEMBER 1, 2012 THROUGH AUGUST 31, 2014.

APPROVING AN AMENDMENT TO AGREEMENT FOR COMPUTER EQUIPMENT, PERIPHERALS, AND RELATED SERVICES, WSCA/NASPO MASTER PRICE AGREEMENT NUMBER B27160 BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND DELL MARKETING, L.P. TO EXTEND THE TERM FOR AN ADDITIONAL TWO-YEAR TERM FROM SEPTEMBER 1, 2012 THROUGH AUGUST 31, 2014.

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APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-ANCASTER COUNTY HEALTH DEPARTMENT AND SOUTHEAST COMMUNITY COLLEGE TO PROVIDE CLINICAL TRAINING FOR NURSING, MEDICAL ASSISTANT, MEDICAL CODING STUDENTS AND DENTAL ASSISTANT STUDENTS AT THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR A PERIOD OF NOVEMBER 1, 2012 THROUGH OCTOBER 31, 2015.

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-ANCASTER COUNTY HEALTH DEPARTMENT AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA ON BEHALF OF THE COLLEGE OF NURSING TO PROVIDE CLINICAL TRAINING FOR PUBLIC HEALTH STUDENTS AT THE HEALTH DEPARTMENT FOR A TERM OF JULY 1, 2012 THROUGH JUNE 30, 2015.

APPROVING A SERVICE CONTRACT BETWEEN THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH LIFESPAN HEALTH UNIT, NEBRASKA COLON CANCER PROGRAM, AND THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR THE COLON CANCER (FOBT) PROJECT FOR A TWO YEAR TERM FROM SEPTEMBER 17, 2012 THROUGH JUNE 30, 2014 IN AN AMOUNT OF \$50,000.00.

SPECIAL PERMIT NO. 1118A - APPLICATION OF VINDONALE, INC. TO AMEND THE SPECIAL PERMIT FOR HISTORIC PRESERVATION OF THE TIFEREETH HOUSE TO WAIVE THE PARKING REQUIREMENT FOR AN EXISTING LANDMARK USED AS APARTMENTS ON PROPERTY GENERALLY LOCATED AT 344 SOUTH 18TH STREET.

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS (NDOR) TO ALLOW THE STATE TO PROVIDE \$400,000 IN DISTRICT MAINTENANCE FUNDS FOR THE REPAIR AND RESURFACING OF SELECTED STATE HIGHWAYS IN FISCAL YEAR 2013.

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE

Jane Svoboda, no address given, came forward to speak on various issues.
This matter was taken under advisement.

Jo Tetherow, 3118 Shirley Court, came forward to express her concerns for citizens enduring the hurricane and other natural disasters.
This matter was taken under advisement.

ADJOURNMENT 6:32 P.M.

CAMP Moved to adjourn the City Council meeting of October 29, 2012.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

Joan E. Ross, City Clerk

Amy H. Huffman, Senior Office Assistant