

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, APRIL 10, 2006 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Svoboda; Council Members: Camp, Cook, Eschliman, Marvin, McRoy, Newman; City Clerk, Joan E. Ross.

Council Chair Svoboda asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

Eschliman Having been appointed to read the minutes of the City Council proceedings of April 3, 2006, reported having done so, found same correct.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

PUBLIC HEARING

APPLICATION OF RPM BROTHERS INC. DBA OVERLAND STATION FOR A CLASS C LIQUOR LICENSE AT 2805 N.W. 48TH STREET;

MANAGER APPLICATION OF PAUL MEYER FOR RPM BROTHERS INC. DBA OVERLAND STATION AT 2805 N.W. 48TH STREET - Paul and Arla Meyer, took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF THUY T. NGUYEN DBA LITTLE SAIGON FOR A CLASS D LIQUOR LICENSE AT 940 N. 26TH STREET - Thuy Nguyen and Lin Nguyen, took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF SEKIPS, INC. DBA SPIKES BEACH BAR & GRILLE FOR A LIQUOR CATERING LICENSE AT 2300 JUDSON STREET - Dave Sutko, Co-owner of Spikes, took oath and came forward to answer questions.

This matter was taken under advisement.

AUTHORIZING THE EXECUTION AND DELIVERY OF THE SOUTHWOOD LUTHERAN CHURCH, BUCKSHOT FARMS AND SUNDANCE CONDITIONAL ANNEXATION AND ZONING AGREEMENT AND AUTHORIZING THE ISSUANCE OF (1) A WATER REVENUE OBLIGATION, (2) A SANITARY SEWER REVENUE OBLIGATION AND (3) A HIGHWAY ALLOCATION OBLIGATION TO EVIDENCE CERTAIN OF THE CITY'S OBLIGATIONS UNDER THE AGREEMENT. (RELATED ITEMS: 06-53, 06R-47, 06-28, 06-29);

APPROVING THE LINCOLN FEDERAL BANCORP, INC. CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND LINCOLN FEDERAL BANCORP, INC. RELATING TO THE ANNEXATION OF APPROXIMATELY 240 ACRES, GENERALLY LOCATED AT SOUTH 40TH STREET AND ROKEBY ROAD. (RELATED ITEMS: 06-53, 06R-47, 06-28, 06-29,) (ACTION DATE: 4/17/03);

ANNEXATION 05016 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 240 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 40TH STREET AND ROKEBY ROAD. (RELATED ITEMS: 06-53, 06R-47, 06-28, 06-29);

CHANGE OF ZONE 06009 - APPLICATION OF SOUTHWOOD LUTHERAN CHURCH AND BUCKSHOT FARMS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND R-4 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT SOUTH 40TH STREET AND ROKEBY ROAD. (RELATED ITEMS: 06-53, 06R-47, 06-28, 06-29) - Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Southwood Lutheran Church in a coalition of Buckshot Farms, and Sundance LLC to request approval of annexation to allow the installation of water and sewer lines. Discussion followed.

Dan Klaus, member of Southwood Lutheran Church came forward in support. Discussion followed.

Karl Fredrickson, Director of Public Works, came forward to answer questions and to state a concern with the timing and the dollar amount. Public Works is OK with the project. Discussion followed.

This matter was taken under advisement.

REGULAR MEETING

April 10, 2006

Page 450

AUTHORIZING THE EXECUTION AND DELIVERY OF THE WATERFORD ESTATES CONDITIONAL ANNEXATION AND ZONING AGREEMENT AND AUTHORIZING THE ISSUANCE OF (1) A WATER REVENUE OBLIGATION, (2) A SANITARY SEWER REVENUE OBLIGATION AND (3) A HIGHWAY ALLOCATION OBLIGATION TO EVIDENCE CERTAIN OF THE CITY'S OBLIGATIONS UNDER THE AGREEMENT. (RELATED ITEMS: 06-52, 06-49, 06-48, 06-50);

ANNEXATION 05003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 90 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 87TH STREET AND COLLEGE PARK ROAD. (RELATED ITEMS: 06-52, 06-49, 06-48, 06-50);

ANNEXATION 04003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 300 ACRES OF PROPERTY GENERALLY LOCATED EAST AND WEST OF 98TH STREET FROM HOLDREGE TO O STREETS. (RELATED ITEMS: 06-52, 06-49, 06-48, 06-50);

CHANGE OF ZONE 04019 - APPLICATION OF RICHARD, DANIEL, MARK AND THOMAS MEGINNIS, SOUTHVIEW, INC. AND RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED EAST AND WEST OF 98TH STREET FROM HOLDREGE TO O STREETS. (RELATED ITEMS: 06-52, 06-49, 06-48, 06-50)- Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing a series of investors, Ridge Development and Southview, Inc. who have teamed up with the MEGINNIS Family members of various entities to develop about 500 acres north of Hillcrest, north of O from O Street to Holdrege Street. Discussion followed.

This matter was taken under advisement.

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS AND P STREET FROM 7TH TO 8TH STREETS - Linda Hubka, Market Manager of the Historic Development Corporation of Haymarket/Farmers Market, came forward to answer questions and request approval.

Chairman Svoboda asked Ms. Hubka if she was okay with extending the date of the market.

Ms. Hubka responded in the affirmative. Discussion followed.

This matter was taken under advisement.

APPROVING A CONTRACT BETWEEN THE CITY AND DOWNTOWN LINCOLN ASSOCIATION TO OPERATE AND REGULATE A MID-WEEK PUBLIC MARKET IN THE AREA LOCATED AT 12TH STREET FROM Q TO R STREET AND R STREET FROM 12TH TO 13TH STREETS FROM JUNE 6, 2006 THROUGH JUNE 27, 2006 - Linda Hubka, came forward representing Jazz in June at the Farmer's Market to answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 06011 - APPLICATION OF ELIZABETH SOUTH PARTNERS FOR A CHANGE OF ZONE FROM R-1 RESIDENTIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND PIONEERS BOULEVARD. (RELATED ITEMS: 06-56, 06R-67);

USE PERMIT 84B - APPLICATION OF ELIZABETH SOUTH PARTNERS TO RECONFIGURE PARKING AREAS, ADD PARKING SPACES AND REDUCE THE FRONT YARD SETBACK ALONG PIONEERS BOULEVARD, IN PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND PIONEERS BOULEVARD. (RELATED ITEMS 06-56, 06R-67) (ACTION DATE: 4/17/06) - Mike Rierden, 645 "M" Street, Suite 200, representing Elizabeth South Partners, to request adding 54 parking stalls to the shopping center at South 70th Street and Pioneers Boulevard. Mr. Rierden's March 10th letter along with the covenants was submitted for the record. Discussion followed.

Don Linscott, developer of the property, stated they are trying to accommodate expansion for a tenant and parking for retail as well as accommodating the Pinehurst townhouse neighbors with 100% screening on the east side of the fence. Discussion followed.

This matter was taken under advisement.

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY LANDON OSBORNE FOR INSTALLATION OF A FENCE/WALL AT 1840 E STREET - Landon Osborne and Heidi Darringer, 1840 E Street, came forward to request approval. Discussion followed.

Scott Opfer, Public Works & Utilities Dept., came forward to answer questions. Discussion followed.

Dana Roper, City Attorney, came forward to answer questions. Discussion followed.

Mr. Osborne came forward for rebuttal. Discussion followed.

Linda Ems, Ems Concrete representative, came forward stating the company followed all the proper procedures.

Mike Merwick, Director of Building and Safety, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

AMENDING THE WEST O STREET REDEVELOPMENT PLAN TO ADD NINE PROJECTS FOR POTENTIAL REDEVELOPMENT IN THE AREA GENERALLY BOUNDED BY 10TH STREET ON THE EAST, ½ MILE WEST OF N.W. 70TH STREET ON THE WEST, INTERSTATE 80 ON THE NORTH AND BURLINGTON RAILROAD YARD ON THE SOUTH - Ernie Castillo, Urban Development, came forward requesting approval of amendment to the West O Street Development Plan.

This matter was taken under advisement.

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY THE LINCOLN-LANCASTER COUNTY EMERGENCY MANAGEMENT FOR PLACEMENT OF AN OUTSIDE WARNING SIREN ON A POWER POLE GENERALLY LOCATED ON SOUTH 27TH STREET SOUTH OF WHISPERING WIND STREET - Doug Ahlberg, Director of Emergency Management, came forward requesting approval for the placement of a siren in the area of South 27th Street south of Whispering Wind Street. Discussion followed.

This matter was taken under advisement.

TOOK BREAK 3:34 P.M.

RECONVENED 3:46 P.M.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF RPM BROTHERS INC. DBA OVERLAND STATION FOR A CLASS C LIQUOR LICENSE AT 2805 N.W. 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83798 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 RPM Brothers Inc. dba Overland Station for a Class "C" liquor license at 2805 N.W. 48th Street, Lincoln, Nebraska, for the license period ending October 31, 2006, be approved with the condition that the premise complies 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 Jon Camp

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF PAUL MEYER FOR RPM BROTHERS INC. DBA OVERLAND STATION AT 2805 N.W. 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83799 WHEREAS, RPM Brothers Inc. dba Overland Station located at 2805 N.W. 48th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Paul Meyer be named manager; WHEREAS, Paul Meyer 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 Paul Meyer 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 Jon Camp

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF THUY T. NGUYEN DBA LITTLE SAIGON FOR A CLASS D LIQUOR LICENSE AT 940 N. 26TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83800 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 Thuy T. Nguyen dba Little Saigon for a Class "D" liquor license at 940 N. 26th Street, Lincoln, Nebraska, for the license period ending April 30, 2006, be approved with the condition that the premise complies 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 Jon Camp

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF SEKIPS, INC. DBA SPIKES BEACH BAR & GRILLE FOR A LIQUOR CATERING LICENSE AT 2300 JUDSON STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83801 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 ordinance, the City Council recommends that the application of Sekips, Inc. dba Spikes Beach Bar & Grille for the issuance of a Catering Permit to the existing liquor license, located at 2300 Judson Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all city and state regulations.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted by the City Clerk to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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

AUTHORIZING THE EXECUTION AND DELIVERY OF THE SOUTHWOOD LUTHERAN CHURCH, BUCKSHOT FARMS AND SUNDANCE CONDITIONAL ANNEXATION AND ZONING AGREEMENT AND AUTHORIZING THE ISSUANCE OF (1) A WATER REVENUE OBLIGATION, (2) A SANITARY SEWER REVENUE OBLIGATION AND (3) A HIGHWAY ALLOCATION OBLIGATION TO EVIDENCE CERTAIN OF THE CITY'S OBLIGATIONS UNDER THE AGREEMENT - CLERK read an ordinance, introduced by Robin Eschliman, adopted under and pursuant to Ordinance Nos. 18088 and 18171 of the City authorizing the issuance of (1) A Water Revenue Obligation of the City in an aggregate principal amount not to exceed _____ Dollars (\$_____) (The "Water Obligation") (2) A Sanitary Sewer Revenue Obligation of the City in an aggregate principal amount not to exceed _____ Dollars (\$_____) (The "Sewer Obligation") and (3) A Highway Allocation Obligation of the City in an aggregate principal amount not to exceed _____ Dollars (\$_____); fixing in part and providing for the fixing in part of the details of the Water Obligation, the Sewer Obligation and the Highway Allocation Obligation; taking other action in connection with the foregoing; and related matters, the second time.

APPROVING THE LINCOLN FEDERAL BANCORP, INC. CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND LINCOLN FEDERAL BANCORP, INC. RELATING TO THE ANNEXATION OF APPROXIMATELY 240 ACRES, GENERALLY LOCATED AT SOUTH 40TH STREET AND ROKEBY ROAD (RELATED ITEMS: 06-53, 06R-47, 06-28, 06-29,) (ACTION DATE: 4/17/03).

ANNEXATION 05016 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 240 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 40TH STREET AND ROKEBY ROAD - CLERK read an ordinance, introduced by Robin Eschliman, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 06009 - APPLICATION OF SOUTHWOOD LUTHERAN CHURCH AND BUCKSHOT FARMS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND R-4 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT SOUTH 40TH STREET AND ROKEBY ROAD - CLERK read an ordinance, introduced by Robin Eschliman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and show thereon, the second time.

AUTHORIZING THE EXECUTION AND DELIVERY OF THE WATERFORD ESTATES CONDITIONAL ANNEXATION AND ZONING AGREEMENT AND AUTHORIZING THE ISSUANCE OF (1) A WATER REVENUE OBLIGATION, (2) A SANITARY SEWER REVENUE OBLIGATION AND (3) A HIGHWAY ALLOCATION OBLIGATION TO EVIDENCE CERTAIN OF THE CITY'S OBLIGATIONS UNDER THE AGREEMENT - CLERK read an ordinance, introduced by Robin Eschliman, adopted under and pursuant to Ordinance Nos. 18088 and 18171 of the City authorizing the issuance of (1) A Water Revenue Obligation of the City in an aggregate principal amount not to exceed _____ Dollars (\$_____) (The "Water Obligation") (2) A Sanitary Sewer Revenue Obligation of the City in an aggregate principal amount not to exceed _____ Dollars (\$_____) (The "Sewer Obligation") and (3) A Highway Allocation Obligation of the City in an aggregate principal amount not to exceed _____ Dollars (\$_____); fixing in part and providing for the fixing in part of the details of the Water Obligation, the Sewer Obligation and the Highway Allocation Obligation; taking other action in connection with the foregoing; and related matters, the second time.

ANNEXATION 05003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 90 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 87TH STREET AND COLLEGE PARK ROAD - CLERK read an ordinance, introduced by Robin Eschliman, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

ANNEXATION 04003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 300 ACRES OF PROPERTY GENERALLY LOCATED EAST AND WEST OF 98TH STREET FROM HOLDREGE TO O STREETS - CLERK read an ordinance, introduced by Robin Eschliman, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 04019 - APPLICATION OF RICHARD, DANIEL, MARK AND THOMAS MEGINNIS, SOUTHVIEW, INC. AND RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED EAST AND WEST OF 98TH STREET FROM HOLDREGE TO O STREETS - CLERK read an ordinance, introduced by Robin Eschliman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS AND P STREET FROM 7TH TO 8TH STREETS - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public market in the Haymarket area, 7th Street from P to Q Streets and P Street from 7th to 8th Streets, from May 6, 2006 through October 28, 2006, and authorizing the Mayor to sign such Contract on behalf of the City, the second time.

APPROVING A CONTRACT BETWEEN THE CITY AND DOWNTOWN LINCOLN ASSOCIATION TO OPERATE AND REGULATE A MID-WEEK PUBLIC MARKET IN THE AREA LOCATED AT 12TH STREET FROM Q TO R STREET AND R STREET FROM 12TH TO 13TH STREETS FROM JUNE 6, 2006 THROUGH JUNE 27, 2006 - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving the Public Market Contract between the City of Lincoln, Nebraska and Downtown Lincoln Association for establishment and regulation of a Jazz in June public market in the Marketplace area, 12th Street from Q to R Streets and R Street from 12th to 13th Streets, on each Tuesday from June 6, 2006 through June 27, 2006, and authorizing the Mayor to sign such Contract on behalf of the City, the second time.

CHANGE OF ZONE 06011 - APPLICATION OF ELIZABETH SOUTH PARTNERS FOR A CHANGE OF ZONE FROM R-1 RESIDENTIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND PIONEERS BOULEVARD - CLERK read an ordinance, introduced by Robin Eschliman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

USE PERMIT 84B - APPLICATION OF ELIZABETH SOUTH PARTNERS TO RECONFIGURE PARKING AREAS, ADD PARKING SPACES AND REDUCE THE FRONT YARD SETBACK ALONG PIONEERS BOULEVARD, IN PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND PIONEERS BOULEVARD (RELATED ITEMS 06-56, 06R-67) (ACTION DATE: 4/17/06).

RESOLUTIONS

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY LANDON OSBORNE FOR INSTALLATION OF A FENCE/WALL AT 1840 E STREET - PRIOR to reading:

COOK Moved to delay action of Bill No. 06R-66 for one week to 4/17/06.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

AMENDING THE WEST O STREET REDEVELOPMENT PLAN TO ADD NINE PROJECTS FOR POTENTIAL REDEVELOPMENT IN THE AREA GENERALLY BOUNDED BY 10TH STREET ON THE EAST, ½ MILE WEST OF N.W. 70TH STREET ON THE WEST, INTERSTATE 80 ON THE NORTH AND BURLINGTON RAILROAD YARD ON THE SOUTH - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83802 WHEREAS, the City Council on September 26, 2005 adopted Resolution No. A-83550, adopting the West O Redevelopment Plan; and

WHEREAS, the Director of Urban Development has filed with the City Clerk an amendment to the West O Redevelopment Plan to add nine separate projects for potential redevelopment in support of commercial/industrial redevelopment efforts; said plan amendments are attached hereto, marked as Attachment "A", and made a part hereof by reference. The Director of Urban Development has reviewed said plan amendments and has found that they meet the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 1997); and

WHEREAS, on March 3, 2006 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 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 March 15, 2006 before the Lincoln City - Lancaster County Planning Commission regarding the amendment to the West O 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, said proposed amendment to the West O Redevelopment Plan have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendation, and said Planning Commission on March 15, 2006 found said request to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on March 30, 2006 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 April 10, 2006 regarding the proposed amendment to the West O Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on March 25, 2006 and March 31, 2006 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 April 10, 2006 regarding the proposed amendments to the West O Redevelopment Plan, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on April 10, 2006 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 amendment to the West O Redevelopment Plan 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 amendment.

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

1. That the West O Redevelopment Plan as modified by the proposed amendment is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City which will promote general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the reoccurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That the West O Redevelopment Plan as modified by the proposed amendment is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said plan as modified by the proposed amendment is in conformity with the legislative declarations, and the determinations set forth in the Community Development Law.

3. That, for purposes of commencing redevelopment and determination of the property included in and subject to the provision providing for an increment as directed under the Community Development Law, the project areas corresponding to each project within the plan as amended shall consist of the property described separately for each as identified and described in paragraphs 5 - 13, including the abutting streets and alleys.

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

That pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the amendment to the West O Redevelopment Plan attached hereto as Attachment "A" is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

BE IT FURTHER RESOLVED 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 amendment to the West O Redevelopment Plan, and the Finance Director is likewise authorized to expend funds to implement the provisions of the West O Redevelopment Plan, as amended.

BE IT STILL FURTHER RESOLVED that it is intended that this resolution and the modifications adopted herein are supplemental hereto to the findings, approvals, and authorizations set forth in Resolution No. A-83550.

Introduced by Robin Eschliman

Seconded by Marvin & carried by the following vote: AYES: Camp,

REGULAR MEETING

April 10, 2006

Page 456

Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY THE LINCOLN-LANCASTER COUNTY EMERGENCY MANAGEMENT FOR PLACEMENT OF AN OUTSIDE WARNING SIREN ON A POWER POLE GENERALLY LOCATED ON SOUTH 27TH STREET SOUTH OF WHISPERING WIND STREET - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83803 WHEREAS, the Lincoln-Lancaster County Emergency Management has submitted an application pursuant to Chapter 14.54 of the Lincoln Municipal Code to use a portion of the public right-of-way on South 27th Street, south of Whispering Wind Street for placement of an outside warning siren on top of a power pole; and

WHEREAS, said application has been reviewed by the Public Works Department which has recommended approval of said application.

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

That the application of the Lincoln-Lancaster County Emergency Management, hereinafter referred to as Permittee, for a permit to install an outside warning siren upon a portion of the public right-of-way south of the intersection of South 27th Street and Whispering Wind Street described above is approved pursuant to Chapter 14.54 of the Lincoln Municipal Code subject to the provisions of Chapter 14.54 and the following additional conditions:

a. 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.

b. That such space shall only be used for an outside warning siren as specified on the permit in accordance with the requirements of Chapter 14.54.

c. That the Lincoln-Lancaster County Emergency Management shall require its contractor to contact Diggers Hotline of Nebraska prior to commencing construction activities.

Introduced by Robin Eschliman

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

PETITIONS AND COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone 06017 - App. of Olsson Associates from H-2 Highway Business to R-2 Residential and O-2 Suburban Office to B-3 Commercial on property located at S. 48th Street and O Street.

Change of Zone 06018 - App. Mike and Lynn Price to amend Sections 27.07.040, 27.03.631 and 27.63.770 of the Lincoln Municipal Code to define "Tree Service" and to create a special permit designation in the AG zoning district to allow the location of a tree service business on land located in the AG zoning district under certain conditions.

Special Permit 1866B - App. of Alltel Communications of Nebraska, Inc. to adjust the waiver to the fall zone for a wireless facility on property at 2401 N. 48th Street.

Special Permit 06019 - App. of Luke and Karen French to allow a Community Center on property at NW 84th Street and Highway 55.

Special Permit 06022 - App. of Hendricks Investments, LLC to allow a garden center on property at S. 14th Street and Saltillo Road.

SETTING THE HEARING DATE OF MONDAY, APRIL 24, 2006 AT 5:30 P.M. FOR APP. OF WHITEHEAD OIL COMPANY DBA U-STOP CONVENIENCE SHOP FOR A CLASS D LIQUOR LICENSE AT 3280 SUPERIOR STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83804 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., April 24, 2006 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 Application of Whitehead Oil Company dba U-Stop Convenience Shop for a Class D liquor license at 3280 Superior Street.

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

Introduced by Dan Marvin

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, APRIL 24, 2006 AT 5:30 P.M. FOR MAN. APP. OF REBECCA TARTER FOR U-STOP CONVENIENCE SHOP LOCATED AT 942 S. 27TH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83805 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., April 24, 2006 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 Manager Application of Rebecca Tarter for U-Stop Convenience Shops located at 942 S. 27th Street.

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

Introduced by Dan Marvin

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON MARCH 27, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT OF LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR MARCH 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FROM AQUILA FOR THE MONTH OF FEBRUARY 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT OF CITY TREASURER OF TELECOMMUNICATION TAX FOR THE MONTH OF JANUARY 2006: ATS, KDDI AMERICA, XO COMM., UCN, INTELICALL OPERATOR, VIRGIN MOBILE USA, TELECORP GLOBAL CROSSING, ATI, TRANS NAT'L, MCLEODUSA, QWEST, VERIZON SELECT, VOICECOM, WORKING ASSETS, PRIMUS, ONSTAR, USCOC OF NEBRASKA, TRACFONE, NORSTAN, ACN, BROADWING, BROADBAND DYNAMICS, BELL ATLANTIC, CINCINNATI BELL, BUSINESS PROD. SOLUTIONS, LIBERTY WIRELESS, IBM GLOBAL, QUANTUM SHIFT, STARTEC GLOBAL, GUARANTEED PHONE, CRICKET, NEW CINGULAR WIRELESS, AT&T OF MIDWEST, NEBRASKA TECHNOLOGY & TELECOMM., USCOC OF GREATER IOWA, MCI WORLDCOM; FEBRUARY 2006: CELLULAR ONE, ALLTEL NEBRASKA, ALLTEL COMM. OF NEBRASKA, ALLTEL SYSTEMS OF MIDWEST, SPRINT, NETWORK BILLING, GUARANTEED PHONE, LIGHTYEAR NETWORK, NORSTAN NETWORK, TRI-M COMM., LDMI, ZONE TELECOM, NOS, GTC, ACCERIS MGMT & ACQUISITION, ACCERIS, AFFINITY NETWORK, 360NETWORKS, BT AMERICAS, NEXTEL WEST, GLOBALCOM, EARTHLINK, SBC LONG DISTANCE, NOSVA, VARTEC, EXCEL, ATS MOBILE, D& D, MCI WORLDCOM, TWC, SPRINT SPECTRUM, NEXTEL PARTNERS - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED FEBRUARY, 2006 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83806 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended February 28, 2006, \$668,708.91 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Dan Marvin

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPOINTING CHARLENE GONDRING TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES TO FILL AN UNEXPIRED THREE-YEAR TERM EXPIRING SEPTEMBER 1, 2007 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83807 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Charlene Gondring to the Community Health Endowment Board of Trustees to fill an unexpired three-year term expiring September 1, 2007 is hereby approved.

Introduced by Robin Eschliman

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

REAPPOINTING SUSAN RODENBURG AND GEORGIA GLASS TO THE PARKS AND RECREATION ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING APRIL 27, 2009 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83808 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Susan Rodenburg and Georgia Glass to the Parks and Recreation Advisory Board for a three-year term expiring April 27, 2009 is hereby approved.

Introduced by Robin Eschliman

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

REAPPOINTING JONATHAN COOK TO THE PARKS AND RECREATION ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING APRIL 17, 2009 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83809 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Jonathan Cook to the Parks and Recreation Advisory Board for a three-year term expiring April 17, 2009 is hereby approved.

Introduced by Robin Eschliman

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

REAPPOINTING DOUG BIGGERSTAFF TO THE HEATING, VENTILATING & COOLING EXAMINERS BOARD FOR A THREE-YEAR TERM EXPIRING APRIL 4, 2009 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83810 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Doug Biggerstaff to the Heating, Ventilating & Cooling Examiners Board for a three-year term expiring April 4, 2009 is hereby approved.

Introduced by Robin Eschliman

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

REAPPOINTING DOUG BIGGERSTAFF, MATT MORRISSEY, MIKE MCNIFF, ROGER KRIEFELS, AND MIKE BARRY TO THE GAS PIPING EXAMINING BOARD FOR THREE-YEAR TERMS EXPIRING APRIL 1, 2009 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83811 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Doug Biggerstaff, Matt Morrissey, Mike McNiff, Roger Kriefels, and Mike Barry to the Gas Piping Examining Board for three-year terms expiring April 1, 2009 is hereby approved.

Introduced by Robin Eschliman

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

DECLARING LOTS 3 - 8, BLOCK 3, COTTAGE HOMES ADDITION AS SURPLUS PROPERTY GENERALLY LOCATED AT 15TH AND CLAREMONT STREETS - CLERK read an ordinance, introduced by Dan Marvin, declaring the City-owned property generally located at North 15th and Claremont Streets as surplus and

authorizing the sale thereof, the first time.

APPROVING THE HARRISON HEIGHTS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND DEVELOPMENTS UNLIMITED LLP RELATING TO THE ANNEXATION OF APPROXIMATELY 90.58 ACRES, GENERALLY LOCATED AT N. 91ST STREET AND LEIGHTON AVENUE. (RELATED ITEMS: 06R-72, 06-58, 06-59)

ANNEXATION 05017 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 90.6 ACRES OF PROPERTY GENERALLY LOCATED AT 91ST STREET AND LEIGHTON AVENUE. (RELATED ITEMS: 06R-72, 06-58, 06-59) - CLERK read an ordinance, introduced by Dan Marvin, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 05074 - APPLICATION OF RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 91ST STREET AND LEIGHTON AVENUE. (RELATED ITEMS: 06R-72, 06-58, 06-59) - CLERK read an ordinance, introduced by Dan Marvin, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

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

APPROVING THE 48TH AND HUNTINGTON AVENUE REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND KINPORT CORPORATION FOR REDEVELOPMENT OF THE SOUTH SIDE OF HUNTINGTON AVE. BETWEEN 48TH AND 49TH STREETS FOR A LINCOLN POLICE SUBSTATION AND MIXED USE RETAIL, RESIDENTIAL, COMMERCIAL AND OFFICE USES (RELATED ITEMS: 06R-51, 06-42) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83812 WHEREAS, the City Council on December 7, 1998 adopted Resolution No. A-79200, adopting the University Place Redevelopment Plan, and said plan was amended by Resolution No. A-81098 adopted on September 17, 2001, Resolution No. A-82040 adopted on April 14, 2003, Resolution No. A-82825 adopted on June 21, 2004, and Resolution A-83606 adopted on October 28, 2005; and

WHEREAS, on September 16, 2005 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 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 September 28, 2005 before the Lincoln City - Lancaster County Planning Commission regarding the amendment to the University Place Redevelopment Plan; and

WHEREAS, said proposed amendment to the University Place Redevelopment Plan to provide for Redevelopment Projects in the Redevelopment Project Area have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendation, and said Planning Commission on September 28, 2005 found said request to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on October 10, 2005 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 24, 2005 regarding the proposed amendment to the University Place Redevelopment Plan; and

WHEREAS, on October 7, 2005 and October 14, 2005 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 24, 2005 regarding the proposed amendments to the University Place Redevelopment Plan; and

WHEREAS, on October 24, 2005 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 amendment to the University Place Redevelopment Plan and all interested parties were

afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

WHEREAS, at such public hearing the City Council duly considered all statements made and materials submitted relating to said proposed amendment and determined:

1. That the University Place Redevelopment Plan as modified by the 48th and Huntington Project Amendment is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City which will promote general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the reoccurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That the University Place Redevelopment Plan as modified by the 48th and Huntington Project Amendment is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said plan as modified by the proposed amendment is in conformity with the legislative declarations, and the determinations set forth in the Community Development Law; and

WHEREAS, the City Council directed the Urban Development Director or his authorized agent to take all steps necessary to implement the provisions of said amendment; and

WHEREAS, in connection with the Amendment, the Urban Development director has determined the Redevelopment Project Area for the 48th and Huntington Redevelopment Project as depicted on the attached "Diagram A" incorporated herein by this reference, said Redevelopment Project Area comprising the property to be included in the area subject to the increment provision authorized in the Nebraska Community Development Law related to the project commencing hereafter as provided by law; and

WHEREAS, the City advertised for and requested redevelopment proposals for the Redevelopment of the 48th and Huntington Project Area; and

WHEREAS, the City received and reviewed using a selection committee process, the response to requests selecting Kinport Corporation (Kinport) as the redeveloper of record according to the Community Development Law; and

WHEREAS, Kinport and City have negotiated and are desirous of entering into the attached "48th & Huntington Redevelopment Agreement.

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

1. That the attached 48th & Huntington Redevelopment Agreement between the City and Kinport for the redevelopment of the 48th and Huntington Project Area in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

2. The Redevelopment Project Area for the 48th & Huntington Redevelopment Project as depicted on the attached "Diagram A" incorporated herein by this reference, said Redevelopment Project Area comprising the property to be included in the area subject to the increment provision authorized in the Nebraska Community Development Law related to the project commencing hereafter as provided by law is hereby adopted and approved. Said property being legally described as Lots 1-6, Block 95, University Place, Lincoln, Lancaster County, Nebraska, including the abutting streets and alleys thereto.

3. The findings of Resolution A-83606 in connection with the area of Plan Amendment as the 48th and Huntington Redevelopment Project Area are hereby ratified and approved.

The City Clerk is directed to return one fully executed copy of the Agreement to Kinport, 720 O Street, Lincoln, NE, 68508 and one copy to the Urban Development Department.

Introduced by Jonathan Cook

Seconded by McRoy & carried by the following vote: AYES: Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: Camp.

APPROVING A 15-YEAR LEASE BETWEEN THE CITY AND KINPORT CORPORATION FOR THE LEASE OF SPACE BY THE CITY'S POLICE DEPARTMENT AT 49TH AND HUNTINGTON AVE. - PRIOR to reading:

ESCHLIMAN Moved amendment #1 to amend the lease agreement of Bill No. 06-42 as follows:

A. Amend Paragraph 4 (a) as follows:

(a) Rental Adjustments. That portion of the annual base rental

provided in Paragraph 3 (a) shall be subject to adjustment ("Rental Adjustments") for each calendar year following the calendar year of the Commencement Date during the Term of this Lease to an amount which shall be determined by multiplying said portion of the annual base rental subject to the Rental Adjustments payable for the immediately preceding calendar year by the CPI Adjustment for such year; however, in no event shall said portion of the annual base rental be less than the amount shown in Paragraph 3 (a) of this Lease. The CPI Adjustment for a calendar year shall be a fraction, the numerator of which shall be the average CPI for the twelve (12) months ending with the September immediately preceding such calendar year and the denominator of which shall be the average CPI for the twelve (12) months ending with the September before the September immediately preceding such calendar year; provided that, the CPI Adjustment for any calendar year shall not increase by an amount greater than five (5) percent. The term "CPI" as used in this Lease shall mean the Consumer Price Index for All Urban Consumers - All Items -U.S. City Average (1967=100 or the then current basis, if changed by the Department of Labor) published by the United States Department of Labor, Bureau of Statistics. If the issuance of the CPI by the federal government is discontinued, Kinport shall use the official index published by a federal governmental agency which is most nearly equivalent to the CPI.

B. Delete in its entirety Paragraph 5 of the Lease, titled First Right of Refusal, and insert the following new Paragraph 5 instead:

5. **RIGHT OF FIRST OFFER.** Kinport agrees that in the event Kinport, or its successors and assigns, should elect to sell its fee interest in Lots 1 & 2, Block Ninety-Five (95), University Place, Lincoln, Lancaster County, Nebraska ("Property") during the Term of this Lease, then Kinport will give the City the first opportunity to purchase the Property ("Right of First Offer"). Kinport shall provide the City notice of Kinport's intentions to sale, along with a written MAI of the Property for sale ("MAI Appraisal"), at Kinport's expense. The City shall have thirty (30) days after receipt of Kinport's notice of intentions to sale and MAI Appraisal to then complete: (i) any testing, survey, due diligence and inspection of the Property; (ii) any examination of title or securing any title insurance commitments and endorsements; and (iii) to exercise the City's right to buy pursuant to the terms of this Paragraph for the amount of the MAI Appraisal as the purchase price for the Property by delivering a written notice to Kinport of the City's exercise of its right to buy. If the City does not exercise its right to buy within the agreed upon thirty (30) day period, then Kinport shall be free to sell or exchange the Property to any third party for any amount or consideration. This Right of First Offer does not apply during the Term to: (i) a conveyance or delivery of a mortgage or deed of trust; (ii) a sell, transfer or assignment to a related business entity; provided that Kinport, William D. Scott, or Robert E. Scott are equitable owner(s) of the related business entity; (iii) a sell, transfer or assignment to William D. Scott or Robert E. Scott, or their related spouse, child(s) or relative(s); (iv) involuntary transfer by reason of operation of law, death, insolvency or incompetency; (v) any gift or any bargain sale of the space to a nonprofit organization or governmental entity; or (vi) a sale, conveyance, dedication or easement for ingress/egress, infrastructure or utilities.

Unless Kinport and the City agree otherwise, the following terms and conditions will apply:

(a) "Closing" shall take place at the offices of the City of Lincoln's Urban Development Department, 808 "P" Street, Suite 400, Lincoln, Nebraska on or before ninety (90) days after the date the City delivers a written notice to Kinport of the City's exercise of its right to buy;

(b) Kinport agrees to deliver at Closing a corporate warranty deed to the Property, free and clear of all mortgages, deeds of trusts, encumbrances, liens, and special assessments, but subject to the Redevelopment Agreement, Lease, encroachments, if any, and easements and restrictions of record;

(c) The Property will be delivered "as is", "where is", and Kinport makes no representations or warranties concerning the Property of any kind or nature, except as is

expressly set forth in this Paragraph;

(d) At Closing, Kinport shall pay all taxes related to the Property for the year prior to the date of Closing and all prior years. Any such taxes for the year of Closing shall be prorated to the date of Closing based on the most recent property valuation and the most recent levy;

(e) City shall pay any and all transfer taxes or similar fees, if any, which are payable upon the recording of the instruments of transfer;

(f) Kinport discloses that William D. Scott, is a licensed broker. If either party has entered into any contract, arrangement or understanding with any person or firm which may result in the obligation to pay any finder's fee, brokerage or agent's commission or other like payment, that party shall be liable to pay said payment;

(g) There shall be no finance contingencies or other contingences; and

(h) The City acknowledges that Kinport may undertake an Internal Revenue Code Section 1031 tax deferred exchange of its interest in all or any portion of the Property.

Kinport's rights and obligations under this Paragraph may be assigned to facilitate such exchange(s). The City agrees to cooperate with Kinport and any assignee to enable Kinport to qualify for such exchange(s); provided that such cooperation shall not require the City to incur any additional costs or liability and the City shall be able to realize all intended benefits of this Paragraph.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ESCHLIMAN Moved to amend Bill No. 06-42 as follows:

Landlord agrees to an open-book policy on the bidding of sub-contractors for the construction of the Police station. Any savings realized by the bidding by the sub-contractors work shall be passed back onto the City by way of lump sum payment to the City at the signing of the construction bids or by means of reduced rent over the term of the lease.

Seconded by Camp & **LOST** by the following vote: AYES: Camp, Eschliman, Svoboda; NAYS: Cook, Marvin, McRoy, Newman.

CLERK Read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Kinport Corporation, Nebraska Corporation, 720 O Street, Lincoln, NE 68508, for the lease of space by the Police Department at Lots 1 and 2, Block 95, University Place, street address 4843 Huntington Avenue, Lincoln, Lancaster County, Nebraska for a 15-year term, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Newman & carried by the following vote: AYES: Cook, Marvin, McRoy, Newman, Svoboda; NAYS: Camp, Eschliman

The ordinance, being numbered **#18704**, is recorded in Ordinance Book #25, Page

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE, 2005 AND DECEMBER, 2005 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Jonathan Cook, adopting the supplements to the Lincoln Municipal Code dated June, 2005; and December 2005 as part of the official Lincoln Municipal Code, the third time.

COOK Moved to pass the ordinance as read.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18705**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 06002 - APPLICATION OF JOHN ZAKOVEC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND HIGHWAY 34 - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18706**, is recorded in Ordinance Book #25, Page

APPROVING THE SCHWORER CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND DENNIS SCHWORER, RELATING TO THE ANNEXATION OF APPROXIMATELY 11.19 ACRES OF PROPERTY GENERALLY LOCATED AT 33RD AND SUPERIOR STREETS (RELATED ITEMS: 06R-57, 06-46, 06-47) (ACTION DATE: 4/10/06)- PRIOR to reading:

COOK Moved to amend Bill No. 06R-57 by substituting the attached Schworer Conditional Annexation and Zoning Agreement marked as Attachment "A" for the Schworer Conditional Annexation and Zoning Agreement attached to Bill No., 06R-57 as Attachment "A".

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption as amended:

A-83813 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Schworer Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Dennis R. Schworer, LLC, outlining certain conditions and understandings relating to the annexation of approximately 11.1877 acres of property generally located at 33rd and Superior Streets, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return two fully executed copies of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Owner.

Introduced by Jonathan Cook

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ANNEXATION 05010 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 11 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 33RD AND SUPERIOR STREETS - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18707**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 05029 - APPLICATION OF DENNIS R. SCHWORER LLC FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 33RD AND SUPERIOR STREETS - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18708**, is recorded in Ordinance Book #25, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Carol Brown, 122 Elba Circle, came forward to recognize University of Nebraska Lincoln ASUN students who volunteered to clean up trash along the bike trail and creek along Superior Street.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to April 17, 2006.
 Seconded by McRoy & carried by the following vote: AYES: Camp, Cook,
 Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on
 April 17, 2006.
 Seconded by McRoy & carried by the following vote: AYES: Camp, Cook,
 Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 4:47 P.M.

CAMP Moved to adjourn the City Council meeting of April 10, 2006.
 Seconded by McRoy & carried by the following vote: AYES: Camp, Cook,
 Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
 So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant