

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JANUARY 29, 2007 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Vice Chair Marvin; Council Members: Camp, Cook, Eschliman, McRoy, Svoboda; City Clerk, Joan E. Ross; Absent: Newman.

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

READING OF THE MINUTES

MARVIN Having been appointed to read the minutes of the City Council proceedings of January 22, 2006, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF MORE ENTERPRISES, INC. DBA EL CHAPARRO FINE MEXICAN FOOD AND NIGHT CLUB FOR A CLASS C LIQUOR LICENSE AT 1501 CENTER PARK AVENUE, SUITE 200;

MANAGER APPLICATION OF JORGE F. MORENO FOR MORE ENTERPRISES, INC. DBA EL CHAPARRO FINE MEXICAN FOOD AND NIGHT CLUB AT 1501 CENTER PARK AVENUE, SUITE 200 - Jorge Moreno, 901 Donnie Lane, took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF PRECIADO BROS., INC. DBA EL RANCHO AUTHENTIC MEXICAN RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 2700 O STREET;

MANAGER APPLICATION OF EVER K. PRECIADO FOR PRECIADO BROS., INC. DBA EL RANCHO AUTHENTIC MEXICAN RESTAURANT AT 2700 O STREET - Ever Preciado, 2700 O Street, took oath and came forward to answer questions.

This matter was taken under advisement.

STREET NAME CHANGE 03002 - RENAMING 15TH STREET BETWEEN A AND H STREETS AS GOODHUE BOULEVARD - Bob Ripley, 3022 William Street, Capitol Administrator for the Nebraska Capitol Environs Commission, came forward to ask the approval of changing the name of 15th Street from A to H Streets to Goodhue Boulevard. Discussion followed.

Sally Gordon, 1246 S. 15th Street, came forward in support.

Kandra Hahn, 1500 D Street, came forward in support.

Danny Walker, 427 "E" Street, expressed concern of the neighborhood maintaining 15th Street.

Glen Ceval, 1420 "C" Street, came forward in support.

Robert Lane, 1450 C Street, came forward in support.

William Wood, 808 D Street, came forward in opposition.

Mr. Ripley came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

APPROVING AN AGREEMENT FOR TOWER SPACE AND APPURTENANCES AND A MEMORANDUM OF AGREEMENT BETWEEN THE CITY AND VERIZON WIRELESS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY AT COOPER PARK GENERALLY LOCATED AT 8TH AND D STREETS - Danielle Epp, 14301 FNB Pkwy., Ste 100, Omaha, NE, with MegaCom representing Verizon came forward to request approval of a proposed site for a telecommunications tower. Discussion followed.

Lynn Johnson, Director of Parks & Recreation Dept., came forward to answer questions.

Gary Irwin, 645 D Street, President of South Salt Creek Neighborhood Assn., stated they didn't want the tower, but Verizon was willing to help them get new playground equipment and bleachers so are now in agreement. He suggested the money for leasing the land should be used for upkeep of the park.

Danny Walker, 427 "E" Street, agreed with the money from the lease of the land be used towards upkeep of the parks.

This matter was taken under advisement.

APPROVING THE CITY OF LINCOLN NORTH 56TH STREET & I-80 REDEVELOPMENT AGREEMENT BETWEEN HARTLAND HOMES INC., NORTH BLUFF EMPLOYMENT CENTER LLP, ROGER H. SCHWISOW, TRUSTEE, AND ELDONNA SCHWISOW, TRUSTEE, AND THE CITY OF LINCOLN, RELATING TO THE ANNEXATION OF APPROXIMATELY 400 ACRES OF PROPERTY GENERALLY LOCATED AT N. 56TH STREET AND I-80. (RELATED ITEMS: 07R-24, 07-7, 07R-26, 07R-27) (ACTION DATE: 2/5/07);
ANNEXATION 03007 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 415 ACRES OF PROPERTY GENERALLY LOCATED AT N. 56TH STREET AND I-80. (RELATED ITEMS: 07R-24, 07-7, 07R-26, 07R-27);
APPROVING THE AGREEMENT BETWEEN ROGER SCHWISOW, TRUSTEE, ELDONNA SCHWISOW, TRUSTEE, HARTLAND HOMES, DETWEILER PROPERTIES I, AND THE CITY OF LINCOLN, RELATING TO THE REDEVELOPMENT PROJECT GENERALLY LOCATED AT N. 56TH STREET AND ALVO ROAD. (RELATED ITEMS: 07R-24, 07-7, 07R-26, 07R-27)(ACTION DATE: 2/5/07);
APPROVING THE LANDOWNER AGREEMENT NOT TO PROTEST TAX ASSESSMENTS AND TO PAY TAXES BETWEEN VARIOUS PROPERTY OWNERS AND THE CITY OF LINCOLN, RELATING TO THE COMMUNITY REDEVELOPMENT GENERALLY LOCATED AT N. 56TH STREET AND ARBOR ROAD. (RELATED ITEMS: 07R-24, 07-7, 07R-26, 07R-27)(ACTION DATE: 2/5/07)- Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing Developments Unlimited to request a one week delay to finalize the agreement. Discussion followed.

This matter was taken under advisement.

APPROVING THE 14TH STREET AND SALTILLO ROAD CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN NEBCO, INC., WESTERN HEMISPHERE HOLDING COMPANY LLC, AND THE CITY OF LINCOLN RELATING TO THE ANNEXATION OF APPROXIMATELY 81.83 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF SALTILLO ROAD BETWEEN SOUTH 14TH STREET AND SOUTH 25TH STREET. (RELATED ITEMS: 07R-29, 07R-30, 07-8, 07-9, 07-10) (ACTION DATE: 2/5/07);
APPROVING THE 25TH STREET AND SALTILLO ROAD CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN GARY TEMPLETON AND ROSE TEMPLETON, CLARK E. DEVRIES AND LISA J. DEVRIES, AND THE CITY OF LINCOLN RELATING TO THE ANNEXATION OF APPROXIMATELY 7.06 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF SALTILLO ROAD BETWEEN SOUTH 25TH STREET AND THE FORMER MISSOURI PACIFIC RAILROAD RIGHT-OF-WAY. (RELATED ITEMS: 07R-29, 07R-30, 07-8, 07-9, 07-10) (ACTION DATE: 2/5/07)
ANNEXATION 06012 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 340.45 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF S. 14TH STREET AND SALTILLO ROAD AND NORTHWEST OF S. 27TH STREET AND SALTILLO ROAD. (RELATED ITEMS: 07R-29, 07R-30, 07-8, 07-9, 07-10);
CHANGE OF ZONE 06042 - APPLICATION OF WESTERN HEMISPHERE HOLDING COMPANY LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 25TH STREET AND SALTILLO ROAD. (RELATED ITEMS: 07R-29, 07R-30, 07-8, 07-9, 07-10)
CHANGE OF ZONE 06043 - APPLICATION OF NEBCO, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 14TH STREET AND SALTILLO ROAD. (RELATED ITEMS: 07R-29, 07R-30, 07-8, 07-9, 07-10) - Jonathan Cook, Council Person, moved to continue Public Hearing with Action for one week to 2/5/07.

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

This matter was taken under advisement.

APPROVING THE PRAIRIE VILLAGE NORTH CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN DUBOIS LAND LLC, PRAIRIE VILLAGE NORTH, LLC, PRAIRIE HOME BUILDERS, INC., RYLAND GROUP, LLC, AND NORTH 47 GROUP, LLC AND THE CITY OF LINCOLN, RELATING TO THE ANNEXATION OF APPROXIMATELY 23.34 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF N. 84TH STREET AND ADAMS STREET. (RELATED ITEMS: 07R-21, 07-15, 07-16) (ACTION DATE: 2/5/07);
ANNEXATION 06021 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 23.34 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF NORTH 84TH STREET, NORTH OF ADAMS STREET. (RELATED ITEMS: 07R-21, 07-15, 07-16);
CHANGE OF ZONE 05054A - APPLICATION OF PRAIRIE HOME BUILDERS INC. TO AMEND PRAIRIE VILLAGE NORTH PLANNED UNIT DEVELOPMENT FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 AND R-5 RESIDENTIAL DISTRICTS, FROM R-3 AND R-5 RESIDENTIAL DISTRICTS AND O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, AND FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO O-3 OFFICE PARK DISTRICT, ON PROPERTY LEGALLY DESCRIBED AS LOTS 28, 29, 35, 36, AND 41 I.T. AND A PORTION OF LOTS 23, 42, AND 43 I.T. ALL LOCATED IN SECTION 11-10-7, AND OUTLOT C, PRAIRIE VILLAGE ADDITION, ALL OF LOTS 106 AND 107 I.T., AND A PORTION OF LOT 96 I.T., ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 14-10-7,

LANCASTER COUNTY, NEBRASKA, GENERALLY LOCATED AT N. 84TH STREET AND ADAMS STREET; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW A MAXIMUM OF 1,063 DWELLING UNITS AND 600,000 SQUARE FEET OF COMMERCIAL FLOOR AREA NORTH OF ADAMS STREET AND 285,000 SQUARE FEET OF COMMERCIAL FLOOR AREA SOUTH OF ADAMS STREET. (RELATED ITEMS: 07R-21, 07-15, 07-16)- Mike Eckert, Civil Design Group, came forward representing Prairie Home Builders, the applicant, to discuss the changes made in the Comp Plan last fall and the amending of the PUD following up with more technical details.

Peter Katt, 1045 Lincoln Mall, Suite 200, came forward to explain the annexation agreement of this project. Discussion followed.

This matter was taken under advisement.

TOOK BREAK 7:05 P.M.

RECONVENED 7:25 P.M.

APPEAL OF JULIE SHIPMAN BURNS FROM THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 06062 FOR AUTHORITY TO OPERATE SAND, GRAVEL AND SOIL EXCAVATION ON PROPERTY GENERALLY LOCATED ONE-QUARTER MILE EAST OF NORTH 56TH STREET/HIGHWAY 77 BETWEEN WAVERLY ROAD AND MILL ROAD. (12/11/06 - PUBLIC HEARING & ACTION CON'T. TO 1/29/07) - Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing Willard Giebenrath owner of the property to be excavated. Discussion followed.

Marvin Krout, Director of Planning Dept., came forward to answer questions. Discussion followed.

Julie Shipman Burns, 12909 N. 70th Street, came forward in opposition.

Brian Burns, 12909 N. 70th Street, came forward in opposition.

Matt Schernikau, 12301 Emma Walter Rd., came forward in opposition.

Robert Miller, 12701 Emma Walter Rd., came forward in opposition. Discussion followed.

Gary McKinstry, 12501 Emma Walter Rd., came forward in opposition.

Jason Smitely, 12601 Emma Walter Rd., came forward in opposition.

Karen Kurbis, 17500 N. 84th Street, came forward in opposition.

Discussion followed.

Mr. Krout came forward to answer more questions. Discussion followed.

Mr. Hunzeker came forward for rebuttal. Discussion followed.

Christine Giebenrath, 12775 N. 70th Street, came forward to comment on behalf of her grandfather. Discussion followed.

This matter was taken under advisement.

DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, PURCHASE AND INSTALLATION OF LIGHT POLES FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA CERTIFICATES OF PARTICIPATION - Steve Hubka, Budget Officer, came forward to comment that the first payment will be due after September 1st so payment will come out of the 2007-2008 budget.

This matter was taken under advisement.

APPROVING A TWO-YEAR CONTRACT BETWEEN THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES FINANCE AND SUPPORT SYSTEM AND THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR THE MEDICAID ACCESS TO CARE PROGRAM - Carol Kukuk, 4700 Faulkner Ct., came forward 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 JANUARY 1 - 15, 2007 - Dan Marvin, Council Person, asked if the City is liable for happenings at the Corrections Department?

Dana Roper, City Attorney, answered "No. Not if we didn't cause the problem."

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE LINCOLN AIRPORT AUTHORITY, LINCOLN PUBLIC SCHOOLS AND THE CITY OF LINCOLN TO CONVEY, TRANSFER AND DEVELOP CERTAIN PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND WEST CUMINGS FOR THE VARIOUS PUBLIC AGENCIES' PURPOSES.(ADOPTED, 6-0; A-84217; SEE 07-5, ITEM #36)- Steve Henrichsen, Planning Dept., came forward to give an overview of this project. Discussion followed.

Lynn Johnson, Director of Parks & Recreation Dept., came forward to state the intention would be to co-locate recreational facilities

with Lincoln Public Schools. There is no funding to relocate the recreational facilities in this area at this time. Discussion followed.

Carol Conner, Library Director, came forward to state it has been in the plans to co-locate the library with the school in this area. There is money in the CIP Budget for the architect so that would go forward. Discussion followed.

Weston Furrer, 4130 N. 21st Street, came forward in support.

Jeff Schwebke, 4230 N.W. 54th St., came forward in support.

Terry Schwimmer, 3724 NW 57th St., came forward in support. Discussion followed.

This matter was taken under advisement.

APPROVING A TEMPORARY EARLY RETIREMENT INCENTIVE PROGRAM AND ESTABLISHING ELIGIBILITY REQUIREMENTS, ENROLLMENT PERIOD, REQUIRED RETIREMENT DATE AND INCENTIVE AMOUNTS Don Taute, Personnel Director, came forward to explain the proposed resolution. Discussion followed.

Council Person Camp asked information as to number of employees from General Fund versus other fund sources.

Georgia Glass, 700 Cottonwood Dr., came forward as previous Personnel Director and current Human Resources for NelNet to relate the results of a similar proposal when she was the Personnel Director. Discussion followed.

Bruce Bohrer, Chamber of Commerce, came forward in support.

Patricia Owen, Public Policy Coordinator for the Chamber of Commerce, commented this was a creative way to handle personnel costs. Discussion followed.

Steve Hubka, Budget Officer, stated he could get some figures together before the voting session if they so desired. Discussion followed.

This matter was taken under advisement.

TOOK BREAK 10:18 P.M.

RECONVENED 10:30 P.M.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF MORE ENTERPRISES, INC. DBA EL CHAPARRO FINE MEXICAN FOOD AND NIGHT CLUB FOR A CLASS C LIQUOR LICENSE AT 1501 CENTER PARK AVENUE, SUITE 200 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84210 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 More Enterprises, Inc. dba El Chaparro Fine Mexican Food and Night Club for a Class "C" liquor license at 1501 Center Park Avenue, Suite 200, Lincoln, Nebraska, for the license period ending October 31, 2007, be approved with the conditions that the applicant obtains a valid special permit, and that the premise complies in every respect with the conditions of its special permit and 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 McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Svoboda; NAYS: None; ABSENT: Newman.

MANAGER APPLICATION OF JORGE F. MORENO FOR MORE ENTERPRISES, INC. DBA EL CHAPARRO FINE MEXICAN FOOD AND NIGHT CLUB AT 1501 CENTER PARK AVENUE, SUITE 200 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84211 WHEREAS, More Enterprises, Inc. dba El Chaparro Fine Mexican Food and Night Club located at 1501 Center Park Avenue, Suite 200, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Jorge F. Moreno be named manager;

WHEREAS, Jorge F. Moreno 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 Jorge F. Moreno 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 McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Svoboda; NAYS: None; ABSENT: Newman.

APPLICATION OF PRECIADO BROS., INC. DBA EL RANCHO AUTHENTIC MEXICAN RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 2700 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval: A-84212 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 Preciado Bros., Inc. dba El Rancho Authentic Mexican Restaurant for a Class "I" liquor license at 2700 O Street, Lincoln, Nebraska, for the license period ending April 30, 2007, 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 McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Svoboda; NAYS: None; ABSENT: Newman.

MANAGER APPLICATION OF EVER K. PRECIADO FOR PRECIADO BROS., INC. DBA EL RANCHO AUTHENTIC MEXICAN RESTAURANT AT 2700 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval: A-84213 WHEREAS, Preciado Bros., Inc. dba El Rancho Authentic Mexican Restaurant located at 2700 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Ever K. Preciado be named manager;

WHEREAS, Ever K. Preciado 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 Ever K. Preciado 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Svoboda; NAYS: None; ABSENT: Newman.

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

STREET NAME CHANGE 03002 - RENAMING 15TH STREET BETWEEN A AND H STREETS AS GOODHUE BOULEVARD - CLERK read an ordinance, introduced by Robin Eschliman, changing the name of South 15th Street to Goodhue Boulevard located from A Street to H Street, as recommended by the Street Name Committee, the second time.

APPROVING AN AGREEMENT FOR TOWER SPACE AND APPURTENANCES AND A MEMORANDUM OF AGREEMENT BETWEEN THE CITY AND VERIZON WIRELESS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY AT COOPER PARK GENERALLY LOCATED AT 8TH AND D STREETS - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving the Agreement for Tower Space and Appurtenances between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC, dba Verizon Wireless for the placement of telecommunications facilities upon City property located in Cooper Park generally located at 8th and D Streets and authorizing the Mayor to sign such Agreement on behalf of the City, the second time.

AMENDING CHAPTER 2.38 OF THE LINCOLN MUNICIPAL CODE RELATING TO STARTRAN BY ADDING A NEW SECTION NUMBERED 2.38.130 TO MAKE IT UNLAWFUL TO POSSESS FIREARMS OR DANGEROUS WEAPONS WHILE IN OR UPON ANY STARTRAN VEHICLE - CLERK read an ordinance, introduced by Robin Eschliman, amending Chapter 2.38 of the Lincoln Municipal Code relating to StarTran by adding a new section numbered 2.38.130, making it unlawful to possess firearms or dangerous weapons while in or upon any StarTran vehicle, the second time.

APPROVING THE CITY OF LINCOLN NORTH 56TH STREET & I-80 REDEVELOPMENT AGREEMENT BETWEEN HARTLAND HOMES INC., NORTH BLUFF EMPLOYMENT CENTER LLP, ROGER H. SCHWISOW, TRUSTEE, AND ELDONNA SCHWISOW, TRUSTEE, AND THE CITY OF LINCOLN, RELATING TO THE ANNEXATION OF APPROXIMATELY 400 ACRES OF PROPERTY GENERALLY LOCATED AT N. 56TH STREET AND I-80. (RELATED ITEMS: 07R-24, 07-7, 07R-26, 07R-27) (ACTION DATE: 2/5/07)- PRIOR to reading:

COOK Moved to continue Public Hearing with action for one week to 2/5/07.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Svoboda; NAYS: None; ABSENT: Newman.

ANNEXATION 03007 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 415 ACRES OF PROPERTY GENERALLY LOCATED AT N. 56TH STREET AND I-80. (RELATED ITEMS: 07R-24, 07-7, 07R-26, 07R-27)- PRIOR to reading:

COOK Moved to continue Public Hearing with action for one week to 2/5/07.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Svoboda; NAYS: None; ABSENT: Newman.

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.

APPROVING THE AGREEMENT BETWEEN ROGER SCHWISOW, TRUSTEE, ELDONNA SCHWISOW, TRUSTEE, HARTLAND HOMES, DETWEILER PROPERTIES I, AND THE CITY OF LINCOLN, RELATING TO THE REDEVELOPMENT PROJECT GENERALLY LOCATED AT N. 56TH STREET AND ALVO ROAD. (RELATED ITEMS: 07R-24, 07-7, 07R-26, 07R-27) (ACTION DATE: 2/5/07)- PRIOR to reading:

COOK Moved to continue Public Hearing with action for one week to 2/5/07.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Svoboda; NAYS: None; ABSENT: Newman.

APPROVING THE LANDOWNER AGREEMENT NOT TO PROTEST TAX ASSESSMENTS AND TO PAY TAXES BETWEEN VARIOUS PROPERTY OWNERS AND THE CITY OF LINCOLN, RELATING TO THE COMMUNITY REDEVELOPMENT GENERALLY LOCATED AT N. 56TH STREET AND ARBOR ROAD. (RELATED ITEMS: 07R-24, 07-7, 07R-26, 07R-27) (ACTION DATE: 2/5/07) - PRIOR to reading:

COOK Moved to continue Public Hearing with action for one week to 2/5/07.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Svoboda; NAYS: None; ABSENT: Newman.

APPROVING THE 14TH STREET AND SALTILLO ROAD CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN NEBCO, INC., WESTERN HEMISPHERE HOLDING COMPANY LLC, AND THE CITY OF LINCOLN RELATING TO THE ANNEXATION OF APPROXIMATELY 81.83 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF SALTILLO ROAD BETWEEN SOUTH 14TH STREET AND SOUTH 25TH STREET. (RELATED ITEMS: 07R-29, 07R-30, 07-8, 07-9, 07-10) (ACTION DATE: 2/5/07) - PRIOR to reading:

COOK Moved to continue Public Hearing with action for one week to 2/5/07.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Svoboda; NAYS: None; ABSENT: Newman.

APPROVING THE 25TH STREET AND SALTILLO ROAD CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN GARY TEMPLETON AND ROSE TEMPLETON, CLARK E. DEVRIES AND LISA J. DEVRIES, AND THE CITY OF LINCOLN RELATING TO THE ANNEXATION OF APPROXIMATELY 7.06 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF SALTILLO ROAD BETWEEN SOUTH 25TH STREET AND THE FORMER MISSOURI PACIFIC RAILROAD RIGHT-OF-WAY. (RELATED ITEMS: 07R-29, 07R-30, 07-8, 07-9, 07-10) (ACTION DATE: 2/5/07) - PRIOR to reading:

COOK Moved to continue Public Hearing with action for one week to 2/5/07.

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

ANNEXATION 06012 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 340.45 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF S. 14TH STREET AND SALTILLO ROAD AND NORTHWEST OF S. 27TH STREET AND SALTILLO ROAD. (RELATED ITEMS: 07R-29, 07R-30, 07-8, 07-9, 07-10) - PRIOR to reading:

COOK Moved to continue Public Hearing with action for one week to 2/5/07.

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

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 06042 - APPLICATION OF WESTERN HEMISPHERE HOLDING COMPANY LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 25TH STREET AND SALTILLO ROAD. (RELATED ITEMS: 07R-29, 07R-30, 07-8, 07-9, 07-10) - PRIOR to reading:

COOK Moved to continue Public Hearing with action for one week to 2/5/07.

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

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.

CHANGE OF ZONE 06043 - APPLICATION OF NEBCO, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 14TH STREET AND SALTILLO ROAD. (RELATED ITEMS: 07R-29, 07R-30, 07-8, 07-9, 07-10) - PRIOR to reading:

COOK Moved to continue Public Hearing with action for one week to 2/5/07.

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

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 THE PRAIRIE VILLAGE NORTH CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN DUBOIS LAND LLC, PRAIRIE VILLAGE NORTH, LLC, PRAIRIE HOME BUILDERS, INC., RYLAND GROUP, LLC, AND NORTH 47 GROUP, LLC AND THE CITY OF LINCOLN, RELATING TO THE ANNEXATION OF APPROXIMATELY 23.34 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF N. 84TH STREET AND ADAMS STREET. (RELATED ITEMS: 07R-21, 07-15, 07-16) (ACTION DATE: 2/5/07).

ANNEXATION 06021 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 23.34 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF NORTH 84TH STREET, NORTH OF ADAMS STREET. (RELATED ITEMS: 07R-21, 07-15, 07-16) - 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 05054A - APPLICATION OF PRAIRIE HOME BUILDERS INC. TO AMEND PRAIRIE VILLAGE NORTH PLANNED UNIT DEVELOPMENT FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 AND R-5 RESIDENTIAL DISTRICTS, FROM R-3 AND R-5 RESIDENTIAL DISTRICTS AND O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, AND FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO O-3 OFFICE PARK DISTRICT, ON PROPERTY LEGALLY DESCRIBED AS LOTS 28, 29, 35, 36, AND 41 I.T. AND A PORTION OF LOTS 23, 42, AND 43 I.T. ALL LOCATED IN SECTION 11-10-7, AND OUTLOT C, PRAIRIE VILLAGE ADDITION, ALL OF LOTS 106 AND 107 I.T., AND A PORTION OF LOT 96 I.T., ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 14-10-7, LANCASTER COUNTY, NEBRASKA, GENERALLY LOCATED AT N. 84TH STREET AND ADAMS STREET; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW A MAXIMUM OF 1,063 DWELLING UNITS AND 600,000 SQUARE FEET OF COMMERCIAL FLOOR AREA NORTH OF ADAMS STREET AND 285,000 SQUARE FEET OF COMMERCIAL FLOOR AREA SOUTH OF ADAMS STREET. (RELATED ITEMS: 07R-21, 07-15, 07-16) - CLERK read an ordinance, introduced by Robin Eschliman, amending the City of Lincoln Zoning District Maps attached to and made a part of Title 27 or the Lincoln Municipal Code, changing the boundaries of the districts established and shown on said City of Lincoln Zoning District Maps as provided in Section 27.05.020 of the Lincoln Municipal Code and approving the designation of the area hereinafter described as a planned unit development, the second time.

RESOLUTIONS

APPEAL OF JULIE SHIPMAN BURNS FROM THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 06062 FOR AUTHORITY TO OPERATE SAND, GRAVEL AND SOIL EXCAVATION ON PROPERTY GENERALLY LOCATED ONE-QUARTER MILE EAST OF NORTH 56TH STREET/HIGHWAY 77 BETWEEN WAVERLY ROAD AND MILL ROAD. (12/11/06 - PUBLIC HEARING & ACTION CON'T. TO 1/29/07)- PRIOR to reading:
ESCHLIMAN Moved to delay action on Bill No. 06R-231 for one week to 2/5/07.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Svoboda; NAYS: None; ABSENT: Newman.

DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, PURCHASE AND INSTALLATION OF LIGHT POLES FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA CERTIFICATES OF PARTICIPATION- CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84214 A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, PURCHASE AND INSTALLATION OF LIGHT POLES AND RELATED EQUIPMENT FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA CERTIFICATES OF PARTICIPATION

BE IT RESOLVED by the Council (the Council) of the City of Lincoln, Nebraska (the City) as follows:

Section 1. Findings.

(a) The City has begun the acquisition and installation of light poles and related equipment (the Project) in the current fiscal year for the lighting of streets to provide for the health, safety and welfare of its residents.

(b) Pursuant to Section 15-201.02, Reissue Revised Statutes of Nebraska, as amended (Section 15-201.02), the City is authorized to enter into installment contracts for the purchase of personal property, which contracts need not be restricted to a single year and may provide for the purchase of the property in installment payments to be paid over more than one fiscal year.

(c) The City anticipates entering into a lease-purchase agreement (the Lease Agreement) pursuant to its authority under Section 15-201.02 in connection with the Project to finance all or a portion of the costs of the Project through issuance, sale and delivery of not to exceed One Million Dollars (\$1,000,000) in aggregate principal amount of Certificates of Participation in the Lease Agreement (the "COPs")

(d) The City anticipates incurring a portion of the costs of the Project prior to the issuance of the COPs and desires to preserve its ability to reimburse such costs under the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and the applicable regulations thereunder (the Regulations).

(e) The Regulations govern the City's use of proceeds derived from the sale of the COPs to reimburse original expenditures made by the City prior to the authorization of the COPs. Specifically, the Code requires the City to declare its official intent to reimburse original expenditures made in furtherance of the

Project not later than 60 days after payment of such original expenditures. The Code requires that tax-exempt obligations be issued, and a reimbursement allocation be made, from the proceeds of those obligations within 18-months after the later of the date the original expenditure is paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid.

(f) It is necessary, desirable, advisable and in the best interests of the City that the requirements of the Regulations be satisfied to preserve the ability of the City to reimburse costs of the Project made by the City from and after the date of the passage and adoption of this resolution from the proceeds of the COPs.

Section 2. Declaration of Intent and Related Matters.

(a) In accordance with the provisions of this Resolution and Section 1.150-2 of the Regulations, the Council hereby declares the official intent of the City to reimburse all or part of the costs of the Project through the execution and delivery of the Lease Agreement and the issuance of the COPs in connection therewith, the interest portion of which will be excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended. Prior to the execution and delivery of the Lease Agreement and the issuance of the COPs, the City is authorized to advance moneys in an amount not to exceed \$1,000,000 for the purposes hereinbefore described.

(b) Except for (i) expenditures to be paid or reimbursed from sources other than the COPs, (ii) de minimus expenditures defined under Section 1.150-2(f)(1) of the Regulations, and (iii) preliminary expenditures defined under Section 1.150-2(f)(2) of the Regulations, no expenditures made in furtherance of the Project have been paid by the City more than 60 days prior to the adoption of this resolution.

(c) Payments under the Lease Agreement constituting debt service on the COPs will be paid from the City's General Fund.

(d) The COPs will be issued in the amount, and upon the terms and conditions agreed to between or among the City, the lessor under the Lease Agreement and the purchaser(s) of the COPs, as authorized by the Council at a meeting held for such purpose.

(e) As of the date of this resolution, there are no funds of the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than the contemplated issuance of the COPs.

Section 3. Authorizations.

(a) The Finance Director and the City Controller (each an Authorized Officer) are hereby authorized to take any further action that is necessary to preserve the ability of the City to reimburse original expenditures made in furtherance of the Project from and after the date of the passage and adoption of this resolution from the proceeds of the COPs.

(b) The Authorized Officers be, and each of them hereby is, authorized to execute on behalf of the City and to deliver any and all other instruments and documents including, but not limited to, such certificates or instruments as may be required under the terms of this Resolution necessary to be executed and delivered in connection with this Resolution and the approvals made hereby.

(c) An Authorized Officer shall be responsible for making the reimbursement allocations described in Section 1.150-2 of the Regulations by transferring the appropriate amount of COPs proceeds to the City accounts used to temporarily finance some or all of the Project. Each allocation must be evidenced by an entry on the official books of the City maintained for the Project and must specifically identify the original expenditure being reimbursed.

Section 4. Ratification. All acts and deeds heretofore done by any officer, employee or agent of the City, on behalf of the City, to preserve the City's ability to reimburse expenditures made in furtherance of the Project with the proceeds of the COPs are hereby ratified, confirmed and approved.

Section 5. Effective Dates. This resolution will be in full force and effect from and after its passage and adoption by the Council.

Section 6. Conflicting Resolutions Repealed. All resolutions of the Council, or parts thereof, in conflict with the provisions of this resolution are, to the extent of such conflict, hereby repealed.

Introduced by Annette McRoy

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

APPROVING A TWO-YEAR CONTRACT BETWEEN THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES FINANCE AND SUPPORT SYSTEM AND THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR THE MEDICAID ACCESS TO CARE PROGRAM- CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84215 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the Nebraska Department of Health and Human Services Finance and Support System and the Lincoln-Lancaster County Health Department for the Medicaid Access to Care Program, 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 of Lincoln. The term of this Agreement is two years with the option of two one-year renewals.

The City Clerk is directed to return the executed copies of the Agreement to Bruce Dart, Lincoln-Lancaster County Health Department, for transmittal and execution by the Nebraska Department of Health and Human Services.

Introduced by Robin Eschliman

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 1 - 15, 2007- CLERK Read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84216 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated January 16, 2007, 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</u>	<u>ALLOWED OR SETTLED</u>
Cynthia Gibson	NAS*	Travis Sedersten \$ 99.00
Ross Kaiser & Amber Kaiser	\$ 905.56	Larry Jones 238.08
Ismael Cuevas	NAS*	John Oder 523.84
John Ladd	900,000.00	Dean Hillhouse/Dean's Radiator 958.00
Don Rutt	NAS*	
Ted Schultz	15.00	
Abdul Al-mugotir	956.28	

* 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 Robin Eschliman

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

DECLARING APPROXIMATELY 25 ACRES GENERALLY LOCATED WEST OF N.W. 48TH STREET AND SOUTH OF THE FUTURE WEST CUMING STREET AS SURPLUS PROPERTY - PRIOR to reading:

MCROY Moved to waive the rules to change the order of business to vote this item prior to Item #24.

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

CLERK Read an ordinance, introduced by Jonathan Cook, declaring the City-owned property generally located at west of N.W. 48th Street and south of the future West Cuming Street as surplus and authorizing the sale thereof, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18874**, is recorded in Ordinance Book #25, Page

APPROVING AN AGREEMENT BETWEEN THE LINCOLN AIRPORT AUTHORITY, LINCOLN PUBLIC SCHOOLS AND THE CITY OF LINCOLN TO CONVEY, TRANSFER AND DEVELOP CERTAIN PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND WEST CUMINGS FOR THE VARIOUS PUBLIC AGENCIES' PURPOSES - PRIOR to reading:

MCROY Moved to waive the rules to change the order of business to vote Bill No. 07-5 prior to this item.

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

CLERK Read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84217 WHEREAS, the City of Lincoln conveyed, transferred and assigned to the Airport Authority of the City of Lincoln, a body politic and corporation, (hereinafter "Authority") pursuant to Resolution No. A46618, passed by the City Council of the City on May 11, 1959, certain property legally described as a portion of Lot 17, Irregular Tracts in the Southwest Quarter of Section 6, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, excluding 20.35 acres, more or less, conveyed to the Housing Authority of the City of Lincoln by Deed No. 1994 021468 filed in the office of the Register of Deeds of Lancaster County, Nebraska, on March 24, 1994. Said property comprises 71.73 acres, more or less; and

WHEREAS, Lancaster County School District 001, a governmental entity, (hereinafter "LPS") wishes to acquire a site for a new school in the vicinity of Northwest 48th Street and West Cuming and the Authority is agreeable to transferring a portion of the above described property to LPS for use as a school site, with the concurrence of the City; and

WHEREAS, the Authority may, pursuant to Neb. Rev. Stat. § 3-503(5) (2004 Cum. Supp.) surrender its use and occupancy of real property, which is no longer required for its corporate purposes to the City, but pursuant to restrictions on the diversion of Airport revenue contained in the "Policy and Procedures Concerning the Use of Airport Revenue" promulgated by the Department of Transportation Federal Aviation Administration [Policy 4910 13], proceeds from the sale, lease, or other disposal of Airport property are considered Airport revenue and must be retained for payment of capital or operating costs of the Airport, the local Airport system, or other local facilities owned or operated by the Airport owner or operator; and

WHEREAS, the Authority also wishes to clarify future use of the remaining portions of said Lot 17 in anticipation of future development in the immediate vicinity of the proposed school site.

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

That the Agreement between the City of Lincoln, Nebraska, a municipal corporation, and the Airport Authority of the City of Lincoln and Lancaster County School District 001, a governmental entity, attached hereto as Exhibit "A" is hereby approved and the Mayor is authorized to execute such agreement on behalf of the City.

The City Clerk is directed to return two fully executed copies of said Agreement to Stephen Henrichsen, Planning Department, for execution by the parties.

Introduced by Robin Eschliman

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

APPROVING A TEMPORARY EARLY RETIREMENT INCENTIVE PROGRAM AND ESTABLISHING ELIGIBILITY REQUIREMENTS, ENROLLMENT PERIOD, REQUIRED RETIREMENT DATE AND INCENTIVE AMOUNTS - PRIOR to reading:

CAMP Moved to continue Public Hearing with action for one week to 2/5/07.

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 12, 2007 AT 1:30 P.M. FOR THE APPLICATION OF GRATA, LLC DBA GRATA FOR A CLASS C LIQUOR LICENSE LOCATED AT 2755 JAMIE LANE, SUITE 1516 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84218 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., February 12, 2007 at 1:30 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 Grata, LLC dba Grata for a Class C liquor license located at 2755 Jamie Lane, Suite 1516.

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

Introduced by Annette McRoy

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 12, 2007 AT 1:30 P.M. FOR THE APPLICATION OF ROBIN, INC. DA ROC'S STOP & SHOP FOR A CLASS D LIQUOR LICENSE LOCATED AT 5757 S. 85TH STREET- CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84219 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., February 12, 2007 at 1:30 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 Robin, Inc. dba ROC's Stop & Shop for a Class D liquor license located at 5757 S. 85th Street.

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

Introduced by Annette McRoy

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

MISCELLANEOUS REFERRALS

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED DECEMBER 31, 2006- CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84221 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended December 31, 2006, \$358,944.03 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 Annette McRoy

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

INFORMAL PETITION FOR AN ALLEY RE-PAVING DISTRICT BE CREATED FOR THE ALLEY BOUND BY O AND P STREETS AND 17TH AND 18TH STREET BY MIKE SCHAFER - CLERK presented said petition which was referred to the Public Works & Utilities Department.

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 12, 2007 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF BARNEY COSNER FOR NEBRASKA STATE BOARD OF AG DBA NEBRASKA STATE FAIR LOCATED AT 1800 STATE FAIR PARK - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84220 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., February 12, 2007 at 1:30 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 Barney L. Cosner for Nebraska State Board of Ag dba Nebraska State Fair located at 1800 State Fair Park Dr.

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

Introduced by Annette McRoy

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

REPORTS OF CITY OFFICERS

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS DECEMBER 31, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

AMENDING THE PAY SCHEDULE FOR CERTAIN EMPLOYEE GROUPS BY CHANGING THE TITLE OF POLICE PROPERTY AND EVIDENCE SUPERVISOR TO POLICE PROPERTY AND EVIDENCE MANAGER - CLERK read an ordinance, introduced by Annette McRoy, amending Section 1 of Ordinance No. 18780 passed August 14, 2006, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "C" by amending the job classification title of "Police Property and Evidence Supervisor" to "Police Property and Evidence Manager", the first time.

AMENDING CHAPTER 24.12 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LINCOLN PLUMBING CODE BY ADDING A NEW SECTION 24.12.062 TO AMEND SECTION 220.0 OF THE UNIFORM PLUMBING CODE TO ADD A DEFINITION FOR RAIN SENSOR; AMENDING SECTION 24.12.160 TO AMEND SECTION 603.4.6 OF THE UNIFORM PLUMBING CODE, PROTECTION FROM LAWN SPRINKLER AND IRRIGATION SYSTEMS, TO REQUIRE THE PLANS ACCOMPANYING AN APPLICATION FOR A PERMIT FOR THE INSTALLATION OF ANY UNDERGROUND IRRIGATION SYSTEM SHOW THE INCLUSION OF A RAIN SENSOR - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 24.12 of the Lincoln Municipal Code relating to the Lincoln Plumbing Code, by adding a new section numbered 24.12.062 to amend Section 220.0 of the Uniform Plumbing Code to add a definition for rain sensor; amending Section 24.12.160 of the Lincoln Municipal Code to amend Section 603.4.6 of the Uniform Plumbing Code, Protection from Law Sprinkler and Irrigation Systems, to require the plans accompanying an application for a permit for the installation of any underground irrigation system show the inclusion of a rain sensor; and repealing Section 24.12.160 of the Lincoln Municipal Code as hitherto existing, the first time.

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

APPROVING AN AGREEMENT FOR TOWER SPACE AND APPURTENANCES AND A MEMORANDUM OF AGREEMENT BETWEEN THE CITY AND NEW CINGULAR WIRELESS PCS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY AT 5500 W. SUPERIOR STREET - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving the License Agreement between the City of Lincoln, Nebraska, a municipal corporation, and New Cingular Wireless PCS, LLC dba Cingular for the place ment of telecommunications facilities upon City property located in 5500 W. Superior Street and authorizing the Mayor to sign such license Agreement on behalf of the City, 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, Svoboda; NAYS: None; ABSENT: Newman.

The ordinance, being numbered **#18871**, is recorded in Ordinance Book #25, Page

VACATION NO. 03021 - VACATING A PORTION OF SOUTH 87TH STREET AND RE-DEDICATING IT AS A PRIVATE ROADWAY GENERALLY LOCATED BETWEEN ANDERMATT DRIVE AND HIGHWAY 2 AT PRAIRIE LAKES SHOPPING CENTER - CLERK read an ordinance, introduced by Jonathan Cook, vacating a portion of S. 87th Street and re-dedicating it as a private roadway, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18872**, is recorded in Ordinance Book #25, Page

VACATION NO. 06008 - VACATING RUDOLPH STREET FROM THE EAST RIGHT-OF-WAY OF N. 15TH STREET TO THE WEST RIGHT-OF-WAY OF N. 16TH STREET. (RELATED ITEMS: 07-3, 07R-19) - CLERK read an ordinance, introduced by Jonathan Cook, vacating Rudolph Street from the east right-of-way line of North 15th Street to the west right-of-way line of North 16th Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, 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, Svoboda; NAYS: None; ABSENT: Newman.

The ordinance, being numbered **#18873**, is recorded in Ordinance Book #25, Page

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN THE JOINT ANTELOPE VALLEY AUTHORITY AND THE CITY OF LINCOLN OVER APPROXIMATELY .14 ACRES IN RUDOLPH STREET FROM N. 15TH STREET TO N. 16TH STREET, TO PRESERVE THE FLOOD STORAGE CAPACITY ON THE PROPERTY. (RELATED ITEMS: 07-3, 07R-19) (ACTION DATE: 1/29/07)- CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84222 WHEREAS, the Joint Antelope Valley Authority has offered to grant a conservation easement to preserve the flood storage capacity and to restrict the development of the property over an area generally located at Rudolph Street, vacated from 15th Street to the west line of the 16th Street right-of-way, and legally described as a portion of the vacated Rudolph Street right-of-way and a contiguous parcel to the north (Lot E); and

WHEREAS, acquisition of this conservation easement by the City would further the goals of the Comprehensive Plan relating to preserving the flood storage capacity by restricting the development of the property.

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

That, on behalf of the City of Lincoln, Nebraska, the offer of a conservation easement by the Joint Antelope Valley Authority over the tract of land legally described above and in accordance with the terms of the Conservation Easement Agreement, attached hereto and marked as Exhibit "A", is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Conservation Easement Agreement on behalf of the City of Lincoln, Nebraska.

Introduced by Jonathan Cook

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

RECONSIDERATION

APPROVING AN AMENDED REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND HYVEE, INC. PREVIOUSLY ADOPTED BY THE CITY COUNCIL WITH RESOLUTION NO. A-83893 ON JUNE 26, 2006, TO PROVIDE OR CONSTRUCTION OF N. 50TH STREET:

SVOBODA Moved to reconsider Bill No. 07R-8.

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

REGISTERED TO SPEAK SESSION

Cory Lamborn - Topic: Anti-discrimination laws - Did not come forward to speak.

OPEN MICROPHONE SESSION

Danny Walker, 427 "E" Street, came forward with several requests in regards to the South Salt Creek Neighborhood and the South Street revitalization project. Discussion followed.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

APPROVING THE AGREEMENT REGARDING THE ANNEXATION OF FIRETHORN BETWEEN FIRETHORN INVESTMENT, FIRETHORN GOLF COMPANY LLC, FIRETHORN UTILITY SERVICE CO., AND THE CITY OF LINCOLN, RELATING TO THE ANNEXATION OF APPROXIMATELY 303.66 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 84TH STREET AND PIONEERS BLVD. (RELATED ITEMS: 07R-25, 07-11, 07-12, 07-13, 07R-20) (ACTION DATE: 2/5/07) (1/22/07 - PLACED ON PENDING TO INTRODUCE: 2/5/07; P.H. 2/12/07; ACTION DATE: 2/26/07);

ANNEXATION 06020 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 303.66 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 84TH STREET AND PIONEERS BLVD. (RELATED ITEMS: 07R-25, 07-11, 07-12, 07-13, 07R-20) (1/22/07 - PLACED ON PENDING TO INTRODUCE: 2/5/07; P.H. 2/12/07; ACTION DATE: 2/26/07) (1/22/07 - PLACED ON PENDING TO INTRODUCE: 2/5/07; P.H. 2/12/07; ACTION DATE: 2/26/07);

CHANGE OF ZONE 06077 - APPLICATION OF FIRETHORN INVESTMENT FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-1 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 84TH STREET AND PIONEERS BLVD. (RELATED ITEMS: 07R-25, 07-11, 07-12, 07-13, 07R-20) (1/22/07 - PLACED ON PENDING TO INTRODUCE: 2/5/07; P.H. 2/12/07; ACTION DATE: 2/26/07) (1/22/07 - PLACED ON PENDING TO INTRODUCE: 2/5/07; P.H. 2/12/07; ACTION DATE: 2/26/07);

STREET NAME CHANGE 06010 - RENAMING MONTELLO ROAD GENERALLY LOCATED BETWEEN S. 84TH STREET AND S. 91ST STREET AS FIRETHORN LANE. (RELATED ITEMS: 07R-25, 07-11, 07-12, 07-13, 07R-20) (1/22/07 - PLACED ON PENDING TO INTRODUCE: 2/5/07; P.H. 2/12/07; ACTION DATE: 2/26/07) (MOVED TO PENDING W/NO DATE CERTAIN, 6-0);

SPECIAL PERMIT 872F - APPLICATION OF FIRETHORN INVESTMENT TO EXPAND THE BOUNDARIES OF THE FIRETHORN COMMUNITY UNIT PLAN TO ADD 95 SINGLE FAMILY LOTS AND TO ALLOW UP TO 545 DWELLING UNITS ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 84TH STREET AND PIONEERS BLVD. (RELATED ITEMS: 07R-25, 07-11, 07-12, 07-13, 07R-20) (ACTION DATE: 2/5/07) (1/22/07 - PLACED ON PENDING TO INTRODUCE: 2/5/07; P.H. 2/12/07; ACTION DATE: 2/26/07):

COOK Moved to place Bill Nos. 07R-25, 07-11, 07-12, 07-13, and 07R-20 on Pending w/no date certain.

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

CAMP Moved to extend the Pending List to February 5, 2007.

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

UPCOMING RESOLUTIONS -

CAMP Moved to approve the remaining resolutions to have Public Hearing on February 5, 2007.

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

ADJOURNMENT 10:55 P.M.

CAMP Moved to adjourn the City Council meeting of January 29 2007.

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

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

