

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, APRIL 9, 2007 AT 1:30 P.M.**

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

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

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of April 2, 2007, reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Seng presented the Mayor's Award of Excellence for the month of March, 2007 to Padmanabharaju (Raju) Kakarlapudi, an Epidemiologist for the Lincoln-Lancaster County Health Department, in the category of Productivity.

Bruce Dart, Director of Health Dept., came forward to thank Raju for the great job he does for the Health Dept.

Steve Frederick, Health Dept., stated that Raju is very good at his job and goes above and beyond to help co-workers.

This matter was taken under advisement.

PUBLIC HEARING

APPLICATION OF LMM, INC. DBA LIBATIONS AND GRAND ROOM FOR A CLASS C LIQUOR LICENSE AT 317 S. 11TH STREET:

MANAGER APPLICATION OF HARLAN R. MUSIL FOR LMM, INC. DBA LIBATIONS AND GRAND ROOM AT 317 S. 11TH STREET - Harlan Musil and James Mudloff, 2525 Shaunte Ct., took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF K-SARA ENTERPRISES, INC. DBA KEVIN MEIER IMPORTS FOR A CLASS C LIQUOR LICENSE AT 3540 VILLAGE DRIVE, SUITE 200:

MANAGER APPLICATION OF KEVIN R. MEIER FOR K-SARA ENTERPRISES, INC. DBA KEVIN MEIER IMPORTS AT 3540 VILLAGE DRIVE, SUITE 200 - Kevin R. Meier, 3540 Village Dr., Ste. 200, President/Manager of K-Sara Enterprises took oath and came forward to answer questions.

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 5, 2007 THROUGH JUNE 26, 2007 - Linda Hubka, 3169 Puritan Avenue, came forward as Market Manager for the Jazz in June public market to request approval for use of public streets.

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 FROM MAY 5, 2007 THROUGH OCTOBER 13, 2007 AND ON 8TH STREET FROM P TO Q STREET FROM JUNE 16, 2007 THROUGH AUGUST 11, 2007 - Linda Hubka, 3169 Puritan Avenue, came forward as Market Manager for the public market on public streets in the Haymarket area from May 5, 2007 through October 13, 2007.

Hallie Salem, Urban Development, came forward to answer questions referenced to hooded meters. Discussion followed.

This matter was taken under advisement.

REGULAR MEETING

April 9, 2007

Page 188

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LINCOLN PUBLIC SCHOOLS FOR JOINT FUNDING OF AN INDOOR AIR QUALITY PROJECT AT CALVERT ELEMENTARY SCHOOL/CALVERT RECREATION CENTER - Curt Donaldson, 2860 R Street, came forward in support. Discussion followed.

Lynn Johnson, Parks & Recreation Director, came forward to answer questions. Discussion followed.

Sandy Myers, Recreation Manager for Parks & Recreation Dept., came forward to answer questions about usage of the City's recreation facilities. Discussion followed.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LANCASTER COUNTY REGARDING THE PAVING OF YANKEE HILL ROAD FROM S. 40TH STREET TO S. 56TH STREET AND APPROVING THE USE OF HIGHWAY ALLOCATION BONDS IN AN AMOUNT OF \$200,000.00 FOR THE PROJECT - Dan Marvin, Council Member, asked if this can be managed with caps on the amounts for both City and County?

Roger Figard, Public Works & Utilities Dept., stated that the agreement states if the project goes over the cost then the City Engineer and County Engineer would be required to go back to their elective bodies for additional direction. Discussion followed.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE LINCOLN-LANCASTER COUNTY RAILROAD TRANSPORTATION SAFETY DISTRICT FOR FUNDING OF RAILROAD CROSSING IMPROVEMENTS TO ESTABLISH A QUIET ZONE FOR BURLINGTON NORTHERN SANTA FE TRACK CROSSINGS AT 70TH STREET, 44TH STREET, ADAMS STREET, AND 33RD STREET - Dan Marvin, Council Member, asked is this to have a contract with someone so the City can be the introducer with the Federal Government for a quiet zone?

Roger Figard stated the RTSD agreed to do the design engineering and pay for the construction to implement the quiet zone. The City agrees to take ownership to maintain and operate that infrastructure that has been put in place. Discussion followed.

Earl Visser, 3646 N. 48th Street, came forward to compliment the action taken by Roger Figard and Staff.

This matter was taken under advisement.

APPROVING THE HIRING OF AN AUDITOR IN THE FINANCE DEPARTMENT OF THE CITY OF LINCOLN TO IDENTIFY AREAS OF SAVINGS TO THE CITY IN THE PREPARATION OF THE 2007-2008 BUDGET - Patricia Owen, Public Policy Coordinator for Lincoln Chamber of Commerce, came forward in support. Discussion followed.

Mayor Seng came forward to state this position has been in the budget for two years. It was advertised last fall with five applications being received, but none of the applicants met the requirements. The position is currently open. Discussion followed.

Don Herz, Director of Finance Dept., came forward to answer questions. Discussion followed.

Coby Mach, 4725 Fir Hollow Lane, came forward representing LIBA in support.

Joe Hampton, 1660 S. 70th St., came forward representing LIBA in support.

Earl Visser, 3646 N. 48th Street, came forward in support.

Don Taute, Director of Personnel Dept., came forward to answer questions pertaining to amending the resolution and the requirements for the auditor position. Discussion followed.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF LMM, INC. DBA LIBATIONS AND GRAND ROOM FOR A CLASS C LIQUOR LICENSE AT 317 S. 11TH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-84316 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 LMM, Inc. dba Libations and Grand Room for a Class "C" liquor license at 317 S. 11th Street, Lincoln, Nebraska, for the license period ending October 31, 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 Dan Marvin

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

MANAGER APPLICATION OF HARLAN R. MUSIL FOR LMM, INC. DBA LIBATIONS AND GRAND ROOM AT 317 S. 11TH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-84317 WHEREAS, LMM, Inc. dba Libations and Grand Room located at 317 S. 11th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Harlan R. Musil be named manager; WHEREAS, Harlan R. Musil 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 Harlan R. Musil 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 Dan Marvin

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

APPLICATION OF K-SARA ENTERPRISES, INC. DBA KEVIN MEIER IMPORTS FOR A CLASS C LIQUOR LICENSE AT 3540 VILLAGE DRIVE, SUITE 200 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-84318 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 K-Sara Enterprises, Inc. dba Kevin Meier Imports for a Class "C" liquor license at 3540 Village Drive, Suite 200, Lincoln, Nebraska, for the license period ending October 31, 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 Dan Marvin

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

MANAGER APPLICATION OF KEVIN R. MEIER FOR K-SARA ENTERPRISES, INC. DBA KEVIN MEIER IMPORTS AT 3540 VILLAGE DRIVE, SUITE 200 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-84319 WHEREAS, K-Sara Enterprises, Inc. dba Kevin Meier Imports located at 3540 Village Drive, Suite 200, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Kevin R. Meier be named manager;

WHEREAS, Kevin R. Meier 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 Kevin R. Meier 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 Dan Marvin

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

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE ASIAN COMMUNITY & CULTURAL CENTER FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2615 O STREET, FOR A PERIOD OF MARCH 1, 2007 THROUGH SEPTEMBER 30, ~~2008~~ 2007 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln and Asian Community & Cultural Center for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2615 O Street, Lincoln, NE for a term beginning March 1, 2007 through September 30, 2007, 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 5, 2007 THROUGH JUNE 26, 2007 - CLERK read an ordinance, introduced by Jon Camp, 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 5, 2007 through June 26, 2007, and authorizing the Mayor to sign such Contract on behalf of the City, 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 FROM MAY 5, 2007 THROUGH OCTOBER 13, 2007 AND ON 8TH STREET FROM P TO Q STREET FROM JUNE 16, 2007 THROUGH AUGUST 11, 2007 - CLERK read an ordinance, introduced by Jon Camp, 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 5, 2007 through October 13, 2007, and on 8th Street from P to Q Street from June 16, 2007 through August 11, 2007, and authorizing the Mayor to sign such Contract on behalf of the City, the second time.

RESOLUTIONS

APPROVING A LEASE AGREEMENT BETWEEN THE AMERICAN RED CROSS AND THE CITY OF LINCOLN FOR THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT TO LEASE SPACE FOR THE HAZARDOUS MATERIALS VEHICLE FOR A THREE YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84320 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Lease Agreement between the City and the American Red Cross, Lancaster County Chapter, for the lease of space for a three-year term located at 220 Oakcreek Drive for storage of the Hazmat Vehicle, 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 City Clerk is directed to return an original Agreement to the Health Department for transmittal to the American Red Cross.

Introduced by Jon Camp

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LINCOLN PUBLIC SCHOOLS FOR JOINT FUNDING OF AN INDOOR AIR QUALITY PROJECT AT CALVERT ELEMENTARY SCHOOL/CALVERT RECREATION CENTER - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84321 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln, Nebraska and Lincoln Public Schools for funding the joint indoor air quality project for the Calvert Elementary School/Recreation Center, in accordance with the terms and conditions contained in said Interlocal Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreements to Steve Henrichsen, Planning Department, for transmittal to Lincoln Public Schools.

Introduced by Jon Camp

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

APPROVING AN AMENDMENT TO RESOLUTION A-84097, WHICH GRANTED THE USE OF PUBLIC RIGHT-OF-WAY TO OHANA LLC FOR CONSTRUCTION OF A NEW FACADE AND ACCESSIBLE RAMP AT 1442 O STREET, TO LIMIT THE PERMISSION TO OCCUPY THE PUBLIC RIGHT-OF-WAY TO THE ACTUAL DATES OF CONSTRUCTION COMMENCING ON MAY 1, 2007 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84322 WHEREAS, Ohana, LLC was granted permission to use the public right-of-way abutting the east side of the building at 1442 O Street for the purpose of constructing a new facade and accessible ramp by Resolution No. A-84097 adopted by the City Council on November 6, 2006; and

Whereas Ohana, LLC has requested that the permission granted be modified in order to reduce the rental fee by specifying that the permission granted shall not commence until May 1, 2007, the scheduled date of construction; and

WHEREAS, the City is not opposed to said modification.

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

That Resolution No. A-84097 be amended by amending page 1, line 12, to insert the words commencing on May 1, 2007 following the word Street.

BE IT FURTHER RESOLVED that all other conditions of approval for the use of public space shall remain in full force and effect.

Introduced by Jon Camp

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LANCASTER COUNTY REGARDING THE PAVING OF YANKEE HILL ROAD FROM S. 40TH STREET TO S. 56TH STREET AND APPROVING THE USE OF HIGHWAY ALLOCATION BONDS IN AN AMOUNT OF \$200,000.00 FOR THE PROJECT - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84323 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the attached Interlocal Agreement between the City of Lincoln and Lancaster County, to clarify the respective obligations for the division of costs and such other matters pertaining to the paving of Yankee Hill Road, S. 40th Street to S. 56th Street, as contained in Attachment "A", upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City of Lincoln.

BE IT FURTHER RESOLVED that the previously approved Highway Allocation Bonds will be used in an amount up to \$200,000.00 for the City's contribution to the project.

The City Clerk is directed to return one fully executed copy of said Interlocal Agreement to Susan Starcher, Lancaster County Clerk's Office for filing with the County.

Introduced by Jon Camp

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

REGULAR MEETING

April 9, 2007

Page 192

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE LINCOLN-LANCASTER COUNTY RAILROAD TRANSPORTATION SAFETY DISTRICT FOR FUNDING OF RAILROAD CROSSING IMPROVEMENTS TO ESTABLISH A QUIET ZONE FOR BURLINGTON NORTHERN SANTA FE TRACK CROSSINGS AT 70TH STREET, 44TH STREET, ADAMS STREET, AND 33RD STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84324 WHEREAS, the Interlocal Cooperation Act, *Neb. Rev. Stat. § 13-801, et seq.*, permits local government units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln/Lancaster County Railroad Transportation Safety District (District) desire to cooperate in the design and construction activities for the improvement of medians and/or installation of directional horns where required at existing BNSF railroad crossings at 70th Street, 44th Street, Adams Street, and 33rd Street for the purpose of establishing a Quiet Zone at those locations in the City (herein the "Cornhusker Highway Quiet Zone Project").

WHEREAS, the District agrees to fund the required improvements and installation for the Cornhusker Highway Quiet Zone Project and has budgeted and authorized the expenditure of funds for such project.

WHEREAS, the District will pay the City \$259,000 to be applied to said project; and the City will bill the District \$259,000 as expenditures are incurred by the City for such work.

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

That the Interlocal Agreement between the City and the District attached hereto as Exhibit "A" in connection with the BNSF Cornhusker Highway Quiet Zone Project in Lincoln, Lancaster County, Nebraska, is hereby approved and the Mayor is authorized to execute said agreement on behalf of the City.

Introduced by Jon Camp

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

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$31,000.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84325 WHEREAS, Resolution No. A-75378 provides that five percent of the gross proceeds realized by the City of Lincoln from the operation of a keno lottery shall be designated for such human services as may be recommended and approved by the Joint Budget Committee, City Council and Lancaster Board of Commissioners; and

WHEREAS, the Joint Budget Committee has recommended that the City Council and Lancaster County Board of Commissioners approve the designation of \$31,000.00 from said gross funds for the human services listed in Attachment "A" (Keno Prevention Fund Round 26) attached hereto and incorporated herein by reference.

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

The designation of the \$31,000.00 from gross funds from the operation of keno lottery for the human services listed in Attachment "A" is hereby approved and the Mayor is authorized to enter into grant contracts with Lancaster County, Nebraska and the respective agencies providing said human services.

Introduced by Jon Camp

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

APPROVING THE HIRING OF AN AUDITOR IN THE FINANCE DEPARTMENT OF THE CITY OF LINCOLN TO IDENTIFY AREAS OF SAVINGS TO THE CITY IN THE PREPARATION OF THE 2007-2008 BUDGET - PRIOR to reading:

ESCHLIMAN Moved to amend Bill No. 07R-86 on page 1, line 3, delete the word "June" and insert in lieu thereof the word July and on page 1 delete lines 7 and 8.

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

SVOBODA Moved a friendly amendment to ask personnel to change the job classification from M1 to M2.

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

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

A-84326 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That an auditor be obtained using funds that were budgeted in the Finance Department in the 2006-2007 budget, no later than June 1, 2007.

This position is directed to place a special emphasis on identifying areas of savings in the preparation of the 2007-2008 City budget, and subsequently, in the 2008-2009 City budget.

The City Council also approves a salary increase of up to \$64,100 for this position if necessary.

On the one-year anniversary of the hire, the City Council shall evaluate and assess the cost savings and efficiencies discovered by this position during the course of the past year and shall determine if the duties, reporting, or structure of the position should be changed. City Council will make this determination within 30 days after the one year anniversary.

Introduced by Robin Eschliman

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF APRIL 23, 2007 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF RACHEL RICKLEY FOR SUPER TARGET LIQUOR OF NEBRASKA, INC. DBA TARGET STORE T-0217 LOCATED AT 333 N. 48TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84327 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., April 23, 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 Rachel Rickley for Super Target Liquor of Nebraska, Inc., dba Target Store T-0217 located at 333 N. 48th Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF APRIL 23, 2007 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF LUCAS R. PROFFITT FOR HARDAGE HOTELS I, LLC DBA CHASE SUITE HOTEL LOCATED AT 200 S. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84328 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., April 23, 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 Lucas R. Proffitt for Hardage Hotels I, LLC dba Chase Suite Hotel located at 200 S. 68th Place.

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

Introduced by Jonathan Cook

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

MISCELLANEOUS REFERRALS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY COUNCIL ON MARCH 26, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY COUNCIL ON APRIL 2, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF FEBRUARY, 2007 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REGULAR MEETING

April 9, 2007

Page 194

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR MARCH 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF JULY, 2006 - SEPT. 2006: AMP'D MOBILE; NOVEMBER, 2006: AMP'D MOBILE, INC.; JANUARY, 2007: CRICKET, NEW CINGULAR, AT&T OF MIDWEST, WINDSTREAM OF MIDWEST, WINDSTREAM NEBRASKA, USCOC OF GREATER IOWA, NEBRASKA TECHNOLOGY, XO COMMUNICATIONS, TELEPHONE WIRELESS, BUSINESS PRODUCTS, CIMCO, GLOBAL CROSSING, VERIZON-BELL ATLANTIC, VERIZON SELECT, ADVANCED TEL, INC., CINCINNATI BELL, VOICECOM, GUARANTEED PHONE SERVICE, NORSTAN NETWORK, TELECORP, GLOBAL CROSSING, TELECOMM. OF MARYLAND, INTELICALL OPERATOR, QWEST, GLOBALSTAR USA, BROADBAND DYNAMICS, BROADWING, WORKING ASSETS, USCOC OF NE/KS, VIRGIN MOBILE USA, ACN, PRIMUS, TRANS NAT'L, ANDIAMO, MCLEODUSA, ONSTAR, UCN, QUANTUM SHIFT, KDDI AMERICA, IBM GLOBAL, EARTHLINK, TRACFONE, LDMI, AMP'D MOBILE; FEBRUARY, 2007: NPCR DBA NEXTEL, ALLTEL OF NEBRASKA, ALLTEL, SPRINT SPECTRUM, WINDSTREAM OF MIDWEST, WINDSTREAM NEBRASKA, TWC INFO SERVICES, SPRINT, MCI WORLDCOM, NETWORK BILLING SYSTEMS, GTC TELECOM, ENHANCED, LIGHTYEAR, TRI-M, ZONE, CINCINNATI BELL, ACCERIS, NEXTEL WEST, GLOBALCOM, BT AMERICAS, SBC LONG DISTANCE, ACCERIS MANAGEMENT & ACQUISTION, 360NETWORKS, NOS, NOSVA, COVISTA, AFFINITY NETWORK, ATS MOBILE - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REQUEST OF THE PUBLIC WORKS DEPARTMENT TO SET THE PUBLIC HEARING DATE OF MONDAY, APRIL 30, 2007 AT 5:30 P.M. ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

To provide authority to create and order constructed under Special Assessment District a 6-inch water main in South 34th Street from Van Dorn Street north approximately 300 feet and assess the costs thereof against the benefitted property.

CLERK Requested a motion to approve Public Works Dept. request to have public hearing on Monday, April 30, 2007 at 5:30 p.m.

COOK So moved.

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

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

CHANGE OF ZONE 07010 - APPLICATION OF STEVE M. CHAMPOUX FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 134TH AND A 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 first time.

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

CREATING AN ALLEY REPAVING DISTRICT NO. 48 IN THE EAST/WEST ALLEY OF O TO P STREETS, 17TH TO 18TH STREETS AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Ken Svoboda, creating Alley Re-paving District No. 48, defining the limits thereof, establishing the width of the alley roadway to be repaved, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the third time.

SVOBODA 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 #18907, is recorded in Ordinance Book #25, Page

APPROVING THE WOODLANDS AT YANKEE HILL CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN CARL AND VICKIE SCHMIDT, SAP-SE LLC, MIDWEST NET LEASE INVESTORS SE LLC, AND CALRUBY LLC, AND THE CITY OF LINCOLN, RELATING TO THE ANNEXATION OF APPROXIMATELY 194 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 70TH STREET SOUTH OF YANKEE HILL ROAD. (RELATED ITEMS: 07R-79, 07-45, 07-46) (ACTION DATE: 4/9/07)- CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption as amended:

A-84329 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Woodlands at Yankee Hill Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between Carl and Vickie Schmidt, SAP-SE LLC, Midwest Net Lease Investors-SE LLC, and Calruby LLC, (collectively "Owner") and the City of Lincoln, Nebraska, outlining certain conditions and understandings relating to the annexation of approximately 194.83 acres of property owned by Owner generally located on the east side of 70th Street south of Yankee Hill Road, 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 Carl and Vickie Schmidt, SAP-SE LLC, Midwest Net Lease Investors-SE LLC, and Calruby LLC.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this Agreement to Michaela Hansen, Impact Fee Administrator.

Introduced by Ken Svoboda

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

ANNEXATION 05015 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 245 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF S. 70TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 07R-79, 07-45, 07-46) - CLERK read an ordinance, introduced by Ken Svoboda, 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.

SVOBODA 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 **#18908**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 05068 - APPLICATION OF CARL SCHMIDT, MIDWEST NET LEASE INVESTORS, AND SAP-SE, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT FOR A PLANNED UNIT DEVELOPMENT AND APPROVING A DEVELOPMENT PLAN FOR APPROXIMATELY 500 DWELLING UNITS AND APPROXIMATELY 324,000 SQUARE FEET OF COMMERCIAL AND OFFICE AREA OVER THE UNDERLYING R-3 ZONING DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF S. 70TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 07R-79, 07-45, 07-46) - CLERK read an ordinance, introduced by Ken Svoboda, 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.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18909**, is recorded in Ordinance Book #25, Page

REGULAR MEETING

April 9, 2007

Page 196

ANNEXATION 07001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 118 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 98TH AND O STREETS. (RELATED ITEMS: 07-47, 07-48)- CLERK read an ordinance, introduced by Ken Svoboda, 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.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18910**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 07002 - APPLICATION OF WATERFORD ESTATES, LLC, FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO B-1 LOCAL BUSINESS DISTRICT AND FROM AG AGRICULTURAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, R-3 RESIDENTIAL DISTRICT AND R-4 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 98TH AND O STREETS. (RELATED ITEMS: 07-47, 07-48) - CLERK read an ordinance, introduced by Ken Svoboda, 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.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18911**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 07008 - APPLICATION OF PREMIUM PROTEIN PRODUCTS, LLC, FOR A CHANGE OF ZONE FROM I-2 INDUSTRIAL PARK DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF N.W. 48TH STREET AND W. ADAMS STREET - CLERK read an ordinance, introduced by Ken Svoboda, 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.

SVOBODA 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 **#18912**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 07009 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-1 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SUNDANCE DRIVE AND CAMPFIRE CIRCLE - CLERK read an ordinance, introduced by Ken Svoboda, 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.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18913**, is recorded in Ordinance Book #25, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

WAIVER 06009 - APPLICATION OF GEICO DEVELOPMENT TO WAIVE THE DESIGN STANDARDS AND SUBDIVISION ORDINANCE REQUIREMENTS FOR STORMWATER ASSOCIATED WITH USE PERMIT NO. 04008 ON PROPERTY GENERALLY LOCATED AT S.W. 17TH STREET AND WEST A STREET. (REQUEST TO PLACE ON PENDING) (1/22/07 - PLACED ON PENDING)

CAMP Moved to Withdraw Bill No. 07R-18.

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

The resolution, having been **WITHDRAWN**, was assigned the File **#38-4552** & was placed on file in the Office of the City Clerk.

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) (1/29/07 - PLACED ON PENDING, NO DATE CERTAIN):

CAMP Moved to Withdraw Bill No. 07-13.

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

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4553 & was placed on file in the Office of the City Clerk.

AMENDING SECTIONS 10.12.030 AND 10.14.220 OF THE LINCOLN MUNICIPAL CODE TO ADD A DEFINITION FOR RED ARROW AND TO PROHIBIT RIGHT-HAND TURNS BY VEHICLES FACING A STEADY RED TURN ARROW. (4/2/07 - PLACED ON PENDING, NO DATE CERTAIN) (REQUEST TO WITHDRAW):

CAMP Moved to Withdraw Bill No. 07-44.

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

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4554 & was placed on file in the Office of the City Clerk.

CAMP Moved to extend the Pending List to April 16, 2007.

Seconded by Cook & 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 16, 2007.

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

ADJOURNMENT 3:21 P.M.

CAMP Moved to adjourn the City Council meeting of April 9, 2007.

Seconded by Cook & 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

REGULAR MEETING
April 9, 2007
Page 198