

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MARCH 17, 2008 AT 1:30 P.M.**

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

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

READING OF THE MINUTES

COOK Having been appointed to read the minutes of the City Council proceedings of March 10, 2008 reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

MAYOR'S AWARD OF EXCELLENCE FOR THE MONTH OF FEBRUARY 2008 WAS PRESENTED TO DEMON WIMES, ANIMAL CONTROL OFFICER WITH THE HEALTH DEPARTMENT, NOMINATED IN THE CATEGORIES OF VALOR AND CUSTOMER RELATIONS - Diane Gonzales, Citizen Information Center, came forward on behalf of Mayor Beutler to present the award to DeMon Wimes, who was nominated for his history as going above and beyond his duties to care for Lincoln's people and animals. DeMon recently arrived for a follow-up visit at the home of a 93 year-old legally blind woman. He assisted her needs before and after Fire and Rescue personnel arrived to respond to her smoke filled home.

Bruce Dart, Health Department Director, came forward expressing appreciation for Mr. Wimes' service to the community.

Jim Weverka, Animal Control Division Manager, came forward to state that Mr. Wimes is an excellent employee and a benefit to pet owners in the City.

DeMon Wimes came forward to accept his award in appreciation. Chair Marvin thanked him for his service to Lincoln.

PUBLIC HEARING

MANAGER APPLICATION OF AMANDA PERCIVAL FOR METRO DIVERSIFIED INC. DBA THE OFFICE GENTLEMEN'S CLUB AT 640 W. PROSPECTOR COURT, SUITE 200 - Amanda Percival, 640 Prospector Ct., Suite 200, came forward to take oath and answer questions. Ms. Percival stated she now understands the open container laws. Discussion followed.

This matter was taken under advisement.

AMENDING SECTION 9.36.100 OF THE LINCOLN MUNICIPAL CODE RELATING TO UNLAWFUL POSSESSION OF FIREARMS, TO AMEND SUBSECTION (A) LISTING THE OFFENSES FOR WHICH A CONVICTION WITHIN THE LAST TEN YEARS PROHIBITS A PERSON FROM POSSESSING A FIREARM TO INCLUDE THE OFFENSE OF "CRIMINAL ATTEMPT" WHEN THE CRIME ATTEMPTED IS A FELONY OR VIOLATION OF ANY OF THE NEBRASKA STATE STATUTE MISDEMEANORS LISTED IN SECTION 9.36.100(A) - Jim Peschong, Assistant Chief of Police, came forward to state that this amendment clarifies wording in the ordinance. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 3312 - APPLICATION OF RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND FLETCHER AVE.;

USE PERMIT 135 - APPLICATION OF RIDGE DEVELOPMENT TO DEVELOP APPROXIMATELY 198,825 SQ. FT. OF RETAIL FLOOR AREA, WITH WAIVERS TO REDUCE THE FRONT YARD SETBACKS AND INTERNAL YARD SETBACKS, ON PROPERTY GENERALLY LOCATED

AT N. 14TH STREET AND FLETCHER AVE. - DeNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward on behalf of the applicants, Southview Inc., and Northern Lights LLC, to explain the change of zone and use permit and give a historical overview of this property and working with neighbors. Discussion followed.

Mike Rierden, 645 "M" Street, Suite 200, came forward representing North Hills Owners Association expressing concerns of drainage, signage and design criteria. Discussion followed.

J.R. Brown, 5501 Rockford Dr., came forward as Treasurer and Acting President of North Hills Owners Association to express appreciation toward Ms. Kalkowski's neighborhood involvement but requested a City enforcement mechanism to handle neighborhood issues, especially drainage. Discussion followed.

Council Member Camp discussed setbacks along I-80.

Marvin Krout, Director of Planning, came forward to answer questions and stated the building envelope setback is 40 feet with parking at 20 feet. Discussion followed.

Chad Blahak, Public Works & Utilities, stated a traffic light at 14th & Fletcher would not be a part of this project. Discussion followed.

Council Member Cook suggested this project be put on hold for three to four weeks.

Ms. Kalkowski came forward in rebuttal. Discussion followed.

This matter was taken under advisement.

APPROVING THE 14TH AND ALVO ROAD CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN LANCASTER COUNTY SCHOOL DISTRICT 001 AND THE CITY OF LINCOLN RELATING TO THE ANNEXATION OF APPROXIMATELY 40 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF N. 14TH STREET AND ALVO ROAD;

ANNEXATION 07004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 40 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF N. 14TH STREET AND ALVO ROAD;

CHANGE OF ZONE 07062 - APPLICATION OF LINCOLN PUBLIC SCHOOLS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF N. 14TH STREET AND ALVO ROAD - Scott Wieskamp, Lincoln Public Schools Director of Facilities, came forward in support of this project.

Don Day, Olsson Associates Engineer of Record, was on hand for questioning.

This matter was taken under advisement.

CHANGE OF ZONE 08006 - AMENDING SECTION 27.45.020 OF THE LINCOLN MUNICIPAL CODE TO ADD CHURCHES AS A PERMITTED USE IN THE H-4 GENERAL COMMERCIAL DISTRICT - Marvin Krout, Planning Director, 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 FEBRUARY 1 - 15, 2008 - Christina Collins, 201 Bridger Road, came forward to speak on behalf of her claim. Discussion followed.

Steve Owen, Public Works & Utilities, came forward to present the findings on this issue saying the water meter froze and the bottom failed as is intended. Discussion followed.

Robert Reece, 3117 N. 66th, came forward stating he winterized the home and kept it heated.

This matter was taken under advisement.

WAIVER 07009 - APPLICATION OF GERALD SPAHN TO WAIVE STREET PAVING FOR Q STREET, SIDEWALKS FOR Q STREET AND N. 36TH STREET, AND STREET TREES FOR Q STREET AND N. 36TH STREET, ASSOCIATED WITH AN ADMINISTRATIVE FINAL PLAT;

ORDERING CONSTRUCTION OF PAVING UNIT NO. 141 IN Q STREET FROM 35TH TO 36TH STREETS AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - Gerald Spahn, 3528 Q St., came forward to request the subdivision of his property. Discussion followed.

Barbara Pool, 300 N. 35th St., came forward in opposition. Discussion followed.

Marvin Krout, Planning Department, came forward to answer questions. Discussion followed.

Elmer Cole, Public Works & Utilities, came forward to answer questions and present financial figures stating that a 50% reduction is provided by Ordinance 18842. Discussion followed.

Council Member Camp verified the cost breakdown: Total cost \$55,000, of that, 50% (\$27,500) is to be paid by the City; \$13,700 by Wyuka; leaving \$13,750 among five property owners that could be paid over a 20-year period.

This matter was taken under advisement.

COMPREHENSIVE PLAN CONFORMANCE 08001 - ADOPTING THE SOUTH 19TH STREET REDEVELOPMENT PLAN ON PROPERTY GENERALLY BOUNDED BY SOUTH 18TH STREET ON THE WEST, SOUTH 19TH STREET ON THE EAST, INCLUDING LOTS ON THE EAST SIDE AND ABUTTING SOUTH 19TH STREET, BY WASHINGTON STREET ON THE NORTH AND GARFIELD STREET ON THE SOUTH - David Landis, Urban Development Director, came forward to answer questions relating to TIF, stating 16 townhomes were projected to be built. Discussion followed.

Wynn Hjermsstad, Urban Development, was on hand for questioning.

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 FEBRUARY 16 - 29, 2008 - Chair Marvin stated for the record that Council received a letter from Mr. Steve Duden reporting his disagreement with the City's decision to deny his claim.

Rick Peo, City Law Dept., came forward to answer questions and stated that there were no residential snow plows on North 60th Street at that time period. Discussion followed.

This matter was taken under advisement.

AMENDING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR THE S.W. 40TH STREET/BNSF OVERPASS PROJECT (CITY PROJECT NO. 700132) TO REMOVE THE THREE YEAR AGREEMENT TERMINATION CLAUSE - Chad Blahak, Public Works & Utilities, came forward to answer questions.

This matter was taken under advisement.

SPECIAL PERMIT 08004 - APPEAL OF LAND CONSTRUCTION, INC. TO THE CONDITIONAL APPROVAL ALLOWING MINING/EXTRACTION OF SOIL ON AGRICULTURAL ZONED PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF N. 40TH STREET AND WAVERLY ROAD - Peter Katt, 600 Wells Fargo Center, 1248 O St., came forward representing the applicant to ask for flexibility to operate on Saturdays and to remove the requirement to seal the pond.

Gary Varley, 5840 NW Gary St., Project Manager of Land Construction, Inc., came forward to present project concerns which are affected by the weather.

James Peterson, 3601 Waverly Rd., owner of the property, came forward in support.

Mike DeKalb, Planning Department, came forward to clarify the activity. Discussion followed.

Council Chair Marvin suggested a policy may be needed for soil mining hours of operation and said this may be a Common Meeting Agenda item.

Mr. Katt came forward in rebuttal. Discussion followed.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 08001 - AMENDING THE 2030 LINCOLN CITY/LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT THE WASTEWATER FACILITIES MASTER PLAN - Steve Henrichsen, Planning Dept., came forward to answer questions and to state that this Master Plan was in conformance with the goals of the Comprehensive Plan. Discussion followed.

Steve Masters, Public Works & Utilities Administrator, came forward to answer questions. Discussion followed.

Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing the Home Builders Assoc. in support.

Lynn Moorner, 404 S. 27th St., came forward in opposition. Ms. Moorner lobbied for a centralized facility. Discussion followed.

Janine Copple, 920 S. 8th St., came forward in opposition and suggested a task force be implemented.

Dan Lutz, 3950 Apple St., came forward in opposition but in support of a task force.

Jackie Barnhardt, 3001 S. 13th St., came forward in opposition but in support of a task force.

Steve Larrick, 920 S. 8th St., came forward in opposition but in support of a task force. Discussion followed.

Mr. Henrichsen came forward in rebuttal stated that the Carollo Engineering study is a complete and thorough analysis and unbiased study. Discussion followed.

Mr. Masters came forward in rebuttal to state that both the Northeast Treatment Plant and Theresa Street Wastewater Plant meet the requirement as centralized facilities which will carry the City of Lincoln forward. He stated that Appendix "N" is a public record of work that was done and has valuable information. Discussion followed.

Chair Marvin stated for the record that the study is a 1291 page report and removing Appendix "N" would take about 200 pages out of it.

This matter was taken under advisement.

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

TOOK BREAK 4:57 P.M.

RECONVENED 5:06 P.M.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING JOSE QUINTERO TO THE LINCOLN COMMISSION ON HUMAN RIGHTS FOR A THREE-YEAR TERM EXPIRING DECEMBER 31, 2010 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84774 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska ka:

That the appointment of Jose Quintero to the Lincoln Commission on Human Rights for a three-year term expiring December 31, 2010, is hereby approved.

Introduced by Jonathan Cook

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

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JANUARY 31, 2008 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84775 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska ka:

That during the month ended January 31, 2008, \$740,746.91 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Doug Emery

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MARCH 3, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, MARCH 24, 2008 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF MATTHEW PRUSA FOR WHITEHEAD OIL CO. DBA U-STOP CONVENIENCE SHOP LOCATED AT 924 S. 27TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84776 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set of Monday, March 24, 2008, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for the manager application of Matthew Prusa for Whitehead Oil Co., dba U Stop Convenience Shop located at 942 S. 27th Street.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MONDAY, MARCH 24, 2008 AT 1:30 P.M. FOR THE APPLICATION OF KABREDLO'S, INC. DBA KABREDLO'S #104 FOR A CLASS D LIQUOR LICENSE LOCATED AT 2500 NW 12TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84777 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 24, 2008, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for the application of Kabredlo's, Inc. dba Kabredlo's #104 for a Class D liquor license located at 2500 NW 12th Street.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MONDAY, MARCH 24, 2008 AT 1:30 P.M. FOR THE APPLICATION OF WHITEHEAD INC. DBA U-STOP CONVENIENCE SHOP FOR A CLASS D LIQUOR LICENSE LOCATED AT 110 WEST O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84778 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 24, 2008, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for the application of Whitehead Inc. dba U-Stop Convenience Shop for a Class D liquor license located at 110 West O Street.

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

Introduced by Doug Emery

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

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 08010 - App. of Hub Hall Real Estate, Inc., Hub Hall Commercial Center Planned Unit Development, for a change of zone from R-3 Residential District to B-2 Planned Neighborhood Business District PUD on property generally located at NW 48th St. and West Holdrege St. for a Planned Unit Development District designation of said property; and for approval of a development plan which proposes a waiver of the required preliminary plat process to develop a commercial center in the underlying R-3 zoned area.

Special Permit No. 08017 - App. of LeGrande Excavating, Inc. for extraction of soil on property generally located at N. 56th St. (Highway 77) and Bluff Road. The Planning Commission action is final action, unless appealed to the City Council.

Use Permit No. 137A - App. of Olsson Associates for an amendment to waive the front yard setback and to adjust the site layout on property located at 1600 Normandy Court.

MISCELLANEOUS BUSINESS - NONE

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF AMANDA PERCIVAL FOR METRO DIVERSIFIED INC. DBA THE OFFICE GENTLEMEN'S CLUB AT 640 W. PROSPECTOR COURT, SUITE 200 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84779 WHEREAS, Metro Diversified Inc. dba The Office Gentlemen's Club located at 640 W. Prospector Court, Suite 200, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Amanda Percival be named manager;

WHEREAS, Amanda Percival 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 Amanda Percival 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, Emery, Marvin, Spatz, Svoboda; NAYS: Cook, Eschliman.

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

AMENDING SECTION 9.36.100 OF THE LINCOLN MUNICIPAL CODE RELATING TO UNLAWFUL POSSESSION OF FIREARMS, TO AMEND SUBSECTION (A) LISTING THE OFFENSES FOR WHICH A CONVICTION WITHIN THE LAST TEN YEARS PROHIBITS A PERSON FROM POSSESSING A FIREARM TO INCLUDE THE OFFENSE OF "CRIMINAL ATTEMPT" WHEN THE CRIME ATTEMPTED IS A FELONY OR VIOLATION OF ANY OF THE NEBRASKA STATE STATUTE MISDEMEANORS LISTED IN SECTION 9.36.100(A) - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 9.36.100 of the Lincoln Municipal Code relating to Unlawful Possession of Firearms, to amend subsection (a) listing the offenses for which a conviction within the last ten years prohibits a person from possessing a firearm to provide that the offense of "criminal attempt" (Neb. Rev. Stat. §28-201) shall apply when the crime attempted is a felony or violation of any of the Nebraska State Statute misdemeanors listed in Section 9.36.100(a); and repealing Section 9.36.100 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 3312 - APPLICATION OF RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND FLETCHER AVE. (RELATED ITEMS 08-26, 08R-71) (ACTION DATE: 3/24/08) - PRIOR to reading:

COOK Moved to continue Public Hearing with Action on Bill No. 08-26 to 4/7/08.

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

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 second time.

USE PERMIT 135 - APPLICATION OF RIDGE DEVELOPMENT TO DEVELOP APPROXIMATELY 198,825 SQ. FT. OF RETAIL FLOOR AREA, WITH WAIVERS TO REDUCE THE FRONT YARD SETBACKS AND INTERNAL YARD SETBACKS, ON PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND FLETCHER AVE. (RELATED ITEMS 08-26, 08R-71) (ACTION DATE: 3/24/08) - PRIOR to reading:

COOK Moved to continue Public Hearing with Action on Bill No. 08R-71 to 4/7/08.

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

APPROVING THE 14TH AND ALVO ROAD CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN LANCASTER COUNTY SCHOOL DISTRICT 001 AND THE CITY OF LINCOLN RELATING TO THE ANNEXATION OF APPROXIMATELY 40 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF N. 14TH STREET AND ALVO ROAD. (RELATED ITEMS: 08R-74, 08-27, 08-28) (ACTION DATE: 3/24/08).

ANNEXATION 07004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 40 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF N. 14TH STREET AND ALVO ROAD. (RELATED ITEMS: 08R-74, 08-27, 08-28) (ACTION DATE: 3/24/08) - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 07062 - APPLICATION OF LINCOLN PUBLIC SCHOOLS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF N. 14TH STREET AND ALVO ROAD. (RELATED ITEMS: 08R-74, 08-27, 08-28) (ACTION DATE: 3/24/08) - 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 second time.

CHANGE OF ZONE 08007 - APPLICATION OF MURRAY AND LAURIE DUNN FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 6610 S. 84TH STREET - 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 second time.

CHANGE OF ZONE 08006 - AMENDING SECTION 27.45.020 OF THE LINCOLN MUNICIPAL CODE TO ADD CHURCHES AS A PERMITTED USE IN THE H-4 GENERAL COMMERCIAL DISTRICT - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 27.45.020 of the Lincoln Municipal Code to add churches as a permitted use in the H-4 General Commercial District; and repealing Section 27.45.020 of the Lincoln Municipal code as hitherto existing, the second time.

PUBLIC HEARING RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 1 - 15, 2008. (3/3/08 - CLAIM OF CHRISTINA COLLINS PLACED ON PENDING FOR 2 WEEKS W/CON'T. P.H. ON 3/17/08) - PRIOR to reading:

EMERY Moved to adopt Bill No. 08R-62C as read.

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

COOK Moved to reconsider Bill No. 08R-62C.

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

CLERK Read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84780 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 February 18, 2008, 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/SETTLED</u>
Christina Collins	8,828.00

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 Doug Emery

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

WAIVER 07009 - APPLICATION OF GERALD SPAHN TO WAIVE STREET PAVING FOR Q STREET, SIDEWALKS FOR Q STREET AND N. 36TH STREET, AND STREET TREES FOR Q STREET AND N. 36TH STREET, ASSOCIATED WITH AN ADMINISTRATIVE FINAL PLAT - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption.

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

The ordinance, having **LOST**, was assigned the File #38-4566 & was placed on file in the Office of the City Clerk.

ORDERING CONSTRUCTION OF PAVING UNIT NO. 141 IN Q STREET FROM 35TH TO 36TH STREETS AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES. (2/25/08 - PLACED ON INDEFINITE PENDING) (3/3/08 - REMOVED FROM PENDING TO HAVE P.H. ON 3/17/08) - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84781 WHEREAS, the City of Lincoln, Nebraska, is authorized under Neb. Rev. Stat. §18-2001, et seq., to pave a portion of a street otherwise paved so as to make one continuous paved street and to do so without petition or creating a street improvement district; and

WHEREAS, a portion of "Q" Street, 35th to 36th Streets is unpaved and should be paved to make one such continuous paved street.

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

That "Q" Street, 35th to 36th Streets is hereby designated as Paving Unit No. 141 and is hereby ordered paved.

The roadway to be paved shall be 27 feet in width; grading to be from lot line to lot line, and the cost of grading, curbing, guttering, and paving the same; including the cost of grading, curbing, guttering, and paving the intersections and returns, and the cost of grading the sidewalk space and relaying the sidewalks, and all expenses incidental to all of said improvements shall be assessed against the real estate benefitted, to wit: Lots 1 thru 6, Block 14 and Lots 11 thru 16, Block 13, Ridgeway all in the South Half of Section 19, Township 10 North, Range 7 East of the Sixth Principle Meridian in the City of Lincoln, Lancaster County, Nebraska, the assessments against said property benefitted to be in proportion to the benefits, not exceeding the cost thereof, provided, however, that a portion of such assessments shall be paid out of the Highway Allocation Construction Fund. In the event that easements or additional right-of-way must be acquired for the completion of this project, such property rights may be acquired by negotiation and purchase or by condemnation, if necessary, as provided by law.

BE IT FURTHER RESOLVED that, in the event that the actual bid price exceeds 25 percent over the preliminary cost estimate for the improvements, then such bid shall not be awarded until the Council has approved such bid by resolution.

Introduced by John Spatz

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

COMPREHENSIVE PLAN CONFORMANCE 08001 - ADOPTING THE SOUTH 19TH STREET REDEVELOPMENT PLAN ON PROPERTY GENERALLY BOUNDED BY SOUTH 18TH STREET ON THE WEST, SOUTH 19TH STREET ON THE EAST, INCLUDING LOTS ON THE EAST SIDE AND ABUTTING SOUTH 19TH STREET, BY WASHINGTON STREET ON THE NORTH AND GARFIELD STREET ON THE SOUTH. (3/10/08 - P.H. & ACTION CON'T. 1 WEEK TO 3/17/08) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84782 WHEREAS, the City's Urban Development Department has prepared the South 19th Street Redevelopment Plan ("Redevelopment Plan") to cover an area generally bounded by South 18th Street on the west, South 19th Street on the east, including lots on the east side abutting South 19th Street, by Washington Street on the north, and Garfield Street on the south; and

WHEREAS, the City Council, after consideration of the South 19th Street Redevelopment Area, Lincoln, Nebraska, Blight and Substandard Determination Study, determined that the area was blighted and substandard and declared the area blighted and substandard on February 25, 2008; and

WHEREAS, the Director of Urban Development has filed with the City Clerk the Redevelopment Plan generally consisting of public improvements to sidewalks and storm drainage. It also includes improvements to separate residential uses from incompatible uses, decreases conflict between residential and non-residential traffic, improves residential options, increases opportunities to maximize home ownership in the area, and encourages diverse and affordable housing. Said plan is attached hereto and marked Attachment "A", and made a part hereof by reference. The Director of Urban Development has reviewed said plan and has found that the plan meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (R.S. Supp. 2006); and

WHEREAS, on February 1, 2008 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on February 13, 2008 before the Lincoln City - Lancaster County Planning Commission regarding the Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachments "B" and "C" respectively; and

WHEREAS, said proposed Redevelopment Plan has been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendation, and said Planning Commission on February 13, 2008 found the plan to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on February 22, 2008 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on March 10, 2008 regarding the proposed Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on February 22, 2008 and February 29, 2008 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on March 10, 2008 regarding the proposed Redevelopment Plan, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on March 10, 2008 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

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

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

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

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

3. That such substandard and blighted conditions are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing. The elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

4. That for projects utilizing funds authorized in Section 18-2147 of the Community Development Law, (a) the redevelopment activities provided for in the plan would not be economically feasible without the use of tax-increment financing, (b) the redevelopment activities would not occur in the community redevelopment area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and have been found to be in the long-term best interest of the community impacted by the redevelopment activities all as more specifically set forth in the Plan as Redevelopment Activities and Estimated Expenditures.

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

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

BE IT FURTHER RESOLVED that the Urban Development Director or his authorized representative is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan.

Introduced by Jon Camp

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

After the vote, Council Member Camp suggested a Pre-Council meeting with David Landis to discuss TIF Policy.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 16 - 29, 2008
A-84783

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 March 3, 2008, 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/SETTLED</u>	
Steve Duden	\$3,124.84	David Prochnow on behalf	
Jared & Tiarra Osentowski	202.69	of Ardis Prochnow	\$ 584.65
Gerald Swenson	55.00	Bridgette McKay	2,300.00
Lavonne Sessions	283.59	Lori Michelle Tieszen	604.94
Thea Van Der Zanden	150.00	Douglas R. Oxley	865.77
Joshua & Suenea Coy	NAS*	Travis Billesbach	368.44
Beth Anderson	NAS*	Michael Hoxie	369.05
Shawnteesa Phillippi	NAS*		
Stewart D. Jordal	138.52		

* 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 Jonathan Cook

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

AMENDING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR THE S.W. 40TH STREET/BNSF OVERPASS PROJECT (CITY PROJECT NO. 700132) TO REMOVE THE THREE YEAR AGREEMENT TERMINATION CLAUSE - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84784 WHEREAS, the City of Lincoln and the Railroad Transportation Safety District (RTSD) entered into an Interlocal Agreement on July 14, 2005 approved by and attached to Resolution A-83407 as Attachment "A" for the S.W. 40th Street/BNSF Overpass project, City Project No. 700132; and

WHEREAS, paragraph 1 of said Interlocal Agreement states that the duration of the Agreement shall be until the completion of all obligations but no more than three years from the date of execution of the Agreement;

WHEREAS, the project's schedule has been lengthened due in part to discussions with BNSF and design considerations of soil stability and the parties desire to remove the duration language in order to avoid agreement termination.

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

That the attached Amendment No. 1 to the Interlocal Agreement between the City and the Railroad Transportation Safety District, adopted by Resolution A-83407 on July 14, 2005, amending paragraph 1 to read as follows:

1. Duration. The duration of this Agreement shall be until the completion of all obligations hereunder, ~~in any event, not to exceed three years from the date of execution of this Agreement.~~ is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is hereby directed to transmit a copy of this Resolution and two originals of Amendment No. 1 to Kris Humphrey, Department of Public Works & Utilities, for transmittal and execution by RTSD.

Introduced by Jonathan Cook

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

APPROVING A ONE YEAR/200 HOUR LEASE WITH OPTION TO RENEW FOR THREE ONE-YEAR PERIODS BETWEEN THE CITY AND PLATTE VALLEY EQUIPMENT COMPANY TO PROVIDE A MECHANICAL FRONT WHEEL ASSISTED TRACTOR TO APPLY BIOSOLIDS GENERATED AT THE NORTHEAST WASTEWATER TREATMENT FACILITY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84785 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Lease Agreement between the City and Platte Valley Equipment Company which is attached hereto, marked as Attachment "A" and made a part hereof by reference, for the lease of a John Deere 8030

Tractor mechanical front wheel assisted tractor for a one year/200 hour period with the option to renew for additional one-year periods not to exceed three years, is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute said lease agreement on behalf of the City.

Introduced by Jonathan Cook

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

SPECIAL PERMIT 08004 - APPEAL OF LAND CONSTRUCTION, INC. TO THE CONDITIONAL APPROVAL ALLOWING MINING/EXTRACTION OF SOIL ON AGRICULTURAL ZONED PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF N. 40TH STREET AND WAVERLY ROAD - PRIOR to reading:

COOK Moved to amend Bill No. 08R-72 in the following manner:

1. On page 2, line 9, delete the word Friday and replace with the word Saturday.

CAMP Moved a friendly amendment to call this Amendment #1A.

COOK Accepted.

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

CAMP Moved Amendment #1B to Bill No. 08R-72 by amending in the following manner:

1. On page 2, delete lines 30 and 31, being all of paragraph 5.v.
2. Renumber the subsequent paragraphs accordingly.

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

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

A-84786 WHEREAS, James D. and Bonnie D. Peterson have submitted an application designated as Special Permit No. 08004 for authority to allow mining/extraction of soil on Agricultural zoned property located southwest of the intersection of N. 40th Street and Waverly Road, and legally described as:

Lot 8 in the Northeast Quarter of Section 18, Township 11 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on said application and approved the same; and

WHEREAS, Land Construction Inc. has filed a Notice of Appeal appealing the action of the Planning Commission approving Special Permit No. 08004; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this mining/extraction of soil will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of James D. and Bonnie D. Peterson, hereinafter referred to as "Permittee," to operate a mining/extraction of soil be and the same is hereby granted under the provisions of Section 27.63.360 of the Lincoln Municipal Code upon condition that the operation of said mining/extraction of soil be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a soil, sand and gravel excavation operation for a period of one year from the date of approval of this special permit. The conditions listed in the Lancaster County Engineering Department communication from Ken D. Schroeder, County Surveyor, to Mike DeKalb dated January 23, 2007 shall apply and said conditions are hereby incorporated by reference.

2. The construction entrance shall be closed when not in operation.
 3. Operating hours shall be limited to daylight hours Monday through ~~Friday~~ Saturday only.
 4. At the conclusion of the operation, the permittee shall provide to the Building & Safety Department a certificate from an engineer stating that the final grading substantially reflects the finish contours shown on the approved site plan and request a release of the performance bond or escrow agreement.
 5. Before engaging in excavation operations:
 - a. The Permittee must:
 - i. Receive review and permits, if required, for the Federal NPDES and 404 Permits.
 - ii. Receive required driveway permits for access onto Waverly Road from the Lancaster County Engineer.
 - iii. Add a note to the site plan indicating that topsoil shall be stripped and kept on site for redistribution at the conclusion of the extraction process. Compacted subsoil shall be broken up prior to reapplying topsoil. Reapplied topsoil shall meet or exceed the depth of that removed.
 - iv. Add a note to the site plan that soils and topography shall conform to the grading plan and seeded in the first growing season after extraction ceases.
 - ~~v. Add a note that the bottom of the pond shall be sealed to prevent seepage from the pond into the aquifer.~~
 - ~~v.~~ vi. Post and maintain a 4' x 8' sign on the property at the entrance clearly visible and legible to the public showing the special permit number, the name of the permittee and operator and the telephone numbers where the permittee, operator and the Building & Safety Department can be contacted.
 - ~~vi.~~ vii. Post a \$5,000 performance bond or escrow agreement in a form acceptable to the City Attorney / County Attorney.
 - b. The construction plans must comply with the approved plans.
6. All privately-owned improvements shall be permanently maintained by the Permittee.
7. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.
8. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
9. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jonathan Cook

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

COMP. PLAN AMENDMENT 08001 - AMENDING THE 2030 LINCOLN CITY/LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT THE WASTEWATER FACILITIES MASTER PLAN - PRIOR to reading:

COOK Moved to amend Bill No. 08R-76 by deleting Appendix "N" from the Master Plan.

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

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

A-84787 WHEREAS, the Planning Director has made application to amend the 2030 Lincoln/Lancaster County Comprehensive Plan to incorporate the Wastewater Facilities Master Plan as a subarea plan and to adjust the Future Land Use Plan accordingly; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended approval of said proposed amendment.

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

That the 2030 Lincoln/Lancaster County Comprehensive Plan be amended as follows:

1. Update the City of Lincoln Wastewater Improvements map on page 78 to reflect the updated Tier I improvements from Figure 1.4, Chapter 1, "Executive Summary" of the Wastewater Facilities Master Plan on page 1 - 11.
2. Amend the following text on page 155, Future Conditions - Plan Realization, "Subarea Planning"
- Lincoln Wastewater Facilities Master Plan, Public Works and Utilities Department; ~~March 2003~~ November 2007.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform to such specific amendments.

Introduced by Jonathan Cook

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

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

AUTHORIZING THE CITY OF LINCOLN, NEBRASKA TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK & TRUST COMPANY, LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$7,500,000 FOR THE ACQUISITION OF STREET LIGHTING EQUIPMENT AND THE CONSTRUCTION OF PARK IMPROVEMENTS IN CONNECTION WITH THE ANTELOPE VALLEY PROJECT - CLERK read an ordinance, introduced by Doug Emery, authorizing and approving a lease-purchase transaction with Union Bank & Trust Company, the proceeds of which will be used to pay the costs of (A) acquiring, constructing and installing street lights and related improvements and (B) improvements to a portion of the Antelope Creek Channel bounded by "O" Street, "R" Street, 21st Street and 22nd Street; and related amenities; approving the issuance, sale and delivery of not to exceed \$7,500,000 principal amount of certificates of participation in such lease; fixing in part and providing for the fixing in part of certain provisions of the Lease; and related matters, the first time.

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

CREATING ALLEY PAVING DISTRICT NO. 364 IN THE ALLEY FROM D STREET TO F STREET, BETWEEN 33RD STREET AND 34TH STREET, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Jon Camp, creating Alley Paving District No. 364 defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, 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.

CAMP Moved to pass the ordinance as read.
Seconded by Svoboda & **LOST** by the following vote: AYES: Emery;
NAYS: Camp, Cook, Eschliman, Marvin, Spatz, Svoboda.
The ordinance, having **LOST**, was assigned the File #38-4567 & was placed on
file in the Office of the City Clerk.

APPROVING A LEASE AGREEMENT BETWEEN B&J PARTNERSHIP LTD. AND THE CITY OF
LINCOLN FOR OFFICE SPACE AT 850 Q STREET FOR A PERIOD OF MARCH 1, 2008
THROUGH FEBRUARY 29, 2012 - PRIOR to reading:

CAMP Moved to amend Bill No. 08-22 by accepting the attached Substitute
Agreement between the City and B&J Partnership, as Attachment "A" to
Bill No. 08-22, showing the following revisions:

1. Paragraph 3 Renewal Option, change notice period from 180
days to 90 days prior to expiration.
2. Paragraph 15 Holding Over, change the holdover penalty fee
from one and one-half times the last rental rate to one and
one-quarter times the last rental rate.

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

CLERK Read an ordinance, introduced by Jon Camp, accepting and approving
a Lease Agreement between B&J Partnership, Ltd. and the City of Lincoln
for a lease of approximately 3,217 square feet of space at 850 Q Street,
Lincoln, Lancaster County, Nebraska for a four-year term commencing
March 1, 2008 and continuing until February 29, 2012 for office use by
Parking Services of the Urban Development Department, the third time.

CAMP Moved to pass the amended ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered #19059, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to March 24, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on March
24, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

REGULAR MEETING
March 17, 2008
Page 726

ADJOURNMENT 5:39 P.M.

CAMP Moved to adjourn the City Council meeting of March 17, 2008.
 Seconded by Svoboda & carried by the following vote: AYES: Camp,
 Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
 So ordered.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant