

THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 9, 2009 AT 1:30 P.M.

The Meeting was called to order at 1:30 p.m. Present: Council Chair Eschliman; Council Members: Camp, Emery, Marvin, Spatz, Svoboda; City Clerk, Joan E. Ross; Cook arrived at 2:18 p.m.

Council Chair Eschliman 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 February 2, 2009 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF RED9, LLC DBA RED9 FOR A CLASS C LIQUOR AND CLASS K CATERING LICENSE AT 322 SOUTH 9TH STREET;

MANAGER APPLICATION OF TROY D. PETERSON FOR RED9, LLC DBA RED9 AT 322 SOUTH 9TH STREET - Troy Peterson, 3745 Mohawk, took the oath and came forward to answer questions. He stated they opened two months ago and have currently applied for a beer garden which will be on the north side with a six foot chain link fence and asphalt flooring. The parking lot will have a storm sewer drain. It is planned to have live music outside occasionally.

Russ Fosler, Police Department, came forward to answer questions and stated the parking lot will need to be in compliance to approve this application for a Class CK license.

This matter was taken under advisement.

COMP. PLAN CONFORMITY 08028 - APPROVING AND ADOPTING PROPOSED AMENDMENTS TO THE ANTELOPE VALLEY REDEVELOPMENT PLAN TO ADD THE "ANTELOPE VILLAGE PROJECT" FOR REDEVELOPMENT OF THE BLOCK BETWEEN 23RD AND 24TH STREETS, P AND Q STREETS, FOR AN OFFICE/CONDOMINIUM BUILDING TO INCLUDE OFFICE SPACE, A COMMUNITY ROOM, WORKOUT FACILITIES, 8 TO 10 CONDO UNITS ON THE SECOND AND THIRD FLOORS AND 18 TOWNHOUSES FOR HOME OWNERSHIP;

CHANGE OF ZONE 08066 - APPLICATION OF THE PLANNING DIRECTOR FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION FOR THE ANTELOPE VILLAGE PUD AND MODIFICATIONS TO THE STANDARDS OF THE UNDERLYING ZONING DISTRICT, SUBDIVISION ORDINANCE AND DESIGN STANDARDS, FOR DWELLINGS ON THE FIRST FLOOR IN THE B-3 DISTRICT, REDUCTION OF FRONT AND REAR SETBACKS, INCREASE IN HEIGHT LIMIT FOR THE R-6 DISTRICT, REDUCTION OF LOT AREA FOR TWO-FAMILY, TOWNHOUSES AND MULTIPLE DWELLINGS, REDUCTION OF PARKING REQUIREMENTS IN THE R-6 DISTRICT, PORCHES IN THE REQUIRED FRONT YARD, PROHIBIT OFF PREMISES SIGNS, PROHIBIT POLE SIGNS AND ALLOW INCREASED AREA FOR GROUND SIGNS, OVER A FOUR-BLOCK AREA FROM N. 22ND STREET TO N. 24TH STREET AND FROM P STREET TO R STREET - Wynn Hjermstad, Urban Development, stated these blocks were originally selected for this project because of the proximity to Union Plaza Park since it is out of the flood plain and was an area that could start housing revitalization right away. It will also be used for mixed use projects where NeighborWorks Lincoln will build their new office building and have eight to ten condominiums above their office for home ownership. They will have a community room included in this project to be used for public meetings. The remainder of the block will be 18 townhomes to be sold for home ownership. There will be a parking lot that will be used by NeighborWorks and the homeowners in the area as well as being available to the public in the evenings and weekends. There will be approximately eight million in private investments and \$450,000 in Core Area TIF is included as one of the funding sources.

Steve Henrichsen, Planning Department, stated the Antelope Village PUD covers the area from 22nd Street to 24th Street from P Street to R Street including the block facing the future Union Plaza on the east side which is zoned R-6 and B-3 today which this adds the PUD conditions on top of the underlying zoning. It adds commercial uses on the lower floors where residential uses can be above the commercial use. Existing uses will be grandfathered in. Certain signage will be prohibited.

Ms. Hjermstad stated should TIF not come in as estimated the developer is responsible for paying the difference. The TIF money is to be used only for this one block area.

Tom Huston, 233 S. 13th Street, Suite 1900, came forward representing NeighborWorks Lincoln. Jennifer Buxton was also available for questions. NeighborWorks Lincoln owns this block except for Lot 8 and the south 100' of Lot 7 which the City owns. NeighborWorks would

like to purchase the city property which will be negotiated in the redevelopment agreement. It will not be possible to build this project without the approval of this PUD. The TIF policy in the City of Lincoln is in accordance with requirements of Nebraska Community Development law. Federal funding is not mostly being used as revenue for the developers to secure bonds. They have to work through the private financial sector construction lender with the repayment coming from the sale of the units which will be paying real estate taxes on an annual basis which then will be used to retire the TIF indebtedness.

David Landis, Director of Urban Development, stated the assessed value in Lincoln is under 2% of TIF that has to be used in a blighted area. Lincoln has used about 12% at this time.

Peggy Struwe, 530 N. 25th Street, President of the Hartley Neighborhood Assn. and a long-term officer and board member of the North 27th Street Business and Civic Organization and owner of the Hawley Bed & Breakfast, came forward in favor of the Neighborworks project.

Ed Patterson, 700 N. 24th Street, came forward in favor as a proponent of mixed use.

This matter was taken under advisement.

COMP. PLAN CONFORMITY 08026 - APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE NORTH 27TH STREET CORRIDOR AND ENVIRONS REDEVELOPMENT PLAN TO ADD THE "LITTLE SAIGON COMMERCIAL DEVELOPMENT PROJECT" FOR AN APPROXIMATELY 8,400 SQ. FT. COMMERCIAL/RETAIL BUILDING, ON PROPERTY GENERALLY LOCATED AT NORTH 26TH STREET AND W STREET;

CHANGE OF ZONE 08067 - APPLICATION OF THE URBAN DEVELOPMENT DEPARTMENT FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT AND R-6 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY OWNED BY T. NGUYEN HUNG, GENERALLY LOCATED BETWEEN N. 26TH STREET AND N. 27TH ST., NORTH OF W STREET - Ernie Castillo, Urban Development, came forward to state the owners at 940 N. 26th Street plan to build an 8400 sq. ft. building with 3200 sq. ft. of the building being a restaurant and offering five bays for lease. They already have leased to a Chinese bakery, nail salon and a hair salon. Total rehabilitation of their existing building will complement the new building being constructed. There have been meetings with the Clinton and Hartley neighborhoods and will be with the Hartley neighborhood the third week of February.

Casey Conrad, 1012 N. 27th Street, current president of the North 27th Street Business and Civic Association and owner of Hartland Optical came forward in favor of this project.

This matter was taken under advisement.

COMP. PLAN CONFORMITY 08027 - APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE NORTH 27TH STREET CORRIDOR AND ENVIRONS REDEVELOPMENT PLAN TO ADD THE "MATT TALBOT KITCHEN AND OUTREACH PROJECT" TO RENOVATE THE EXISTING CARNEGIE LIBRARY AND CONSTRUCT AN ADDITIONAL APPROXIMATELY 9,000 SQUARE FOOT BUILDING AND RELATED PARKING GENERALLY LOCATED AT 2121 N. 27TH STREET - Dave Landis, Director of Urban Development, stated this project is under a quick time line because of the development of the Assurity Insurance Company. The values to achieve are to rehabilitate the Carnegie Library and replace the existing building that houses Matt Talbot Kitchen and St. Vincent DePauly with an attractive building for Assurity Insurance which will increase the tax base at that location. This will be a suitable home for an important social service which is close to it's clientele, on a bus route, self-contained parking, relatively remote and will allow recovery of \$344,000 of value for the City. \$400,000 will be used from the North 27th Street Redevelopment TIF project. The Carnegie Library land was initially funded by the Federal government, therefore when the land is sold they will need to be repaid at the current appraised value which is \$185,000.

Tony Ojeda, 7101 S. 82nd Street, Member of Board of Directors of Matt Talbot Kitchen and Outreach, stated this site was selected over several other locations considered. The majority of clients served live in the 68503 neighborhood which is important to the location selected.

Tammy Daniels, 1343 N. 22nd Street, came forward as a former client who used the Matt Talbot resources offered and is in favor of the move.

Robert Johnson, 1609 N. 23rd Street, stated he has lived in Lincoln for three years and has used the services of Matt Talbot. He is in favor of the move.

Jeff Chambers, Project Director at the University of Nebraska Lincoln Center on Children, Families and the Law, came forward to provide information from data taken from the Lincoln Community Services Management Information System. The greatest percentage of the persons who used the services in 2008 were in the 68503 area.

Topher Hansen, Executive Director of Centerpointe, 2633 P Street. He is also a member of the Board of Directors of the North 27th Street Business and Civic Organization and came in support of the Matt Talbot

move. He believes the organizational structure, the programming developed and the loyalty of over 800 volunteers and consumers speak highly of the organization which will make this a success.

Scott Young, Food Bank of Lincoln and President of the Human Services Federation, came forward to comment on the high credibility of Matt Talbot Kitchen and Outreach which will be a real asset to the neighborhood. He is in favor of this move.

Mary Jo Bousek, 2001 S. 24th Street, stated she has been a volunteer at Matt Talbot Kitchen & Outreach for 16 years and is in favor of the move.

Lori Wilson, 839 Elmwood, Staff Attorney with Legal Aide in Nebraska and Chair of the Homeless Coalition for Lincoln Lancaster County, came forward in favor of the move.

Clarice Mackey, Director of Services at the Salvation Army, 2625 Potter Street, stated they work in collaboration with Matt Talbot and is in support of the move.

Bobbie Jones, 236 S. 27th Street, stated she has benefitted from Matt Talbot's service and was in support of their move.

Casey Conrad, 1012 N. 27th Street, President of the North 27 Business & Civic Organization, came forward to state the Board of Directors has voted to endorse this project.

Curt Donaldson, 2860 R Street, Vice President of the North 27th Street Business and Civic Association, came forward in support of using TIF funding for the move of Matt Talbot.

Rick Carter, 3135 S. 25th Street, Executive Director of Human Services Federation, stated he works with 125 non-profit agencies and Matt Talbot is one of the best in showing compassion. He is in favor of the move.

Susanne Blue, 3135 S. 25th Street, Director of Matt Talbot Kitchen and Outreach, asked for the consideration of thinking of Matt Talbot as a center of hope and recovery, a place where goodness is common. There are five off-duty police officers who rotate weekend coverage. She is in hopes this amendment will be approved.

TOOK BREAK 3:29 P.M.

RECONVENED 3:40 P.M.

Maurice Baker, 3259 Starr Street, came forward in opposition to moving Matt Talbot to 2121 N. 27th Street considered to be a front door to the neighborhood.

Ed Patterson, 700 N. 24th Street, came forward in opposition of the Matt Talbot proposed location.

Marilyn Hutchinson, 3249 Holdrege, resident of Clinton Neighborhood, came forward to state she does not feel this area will best serve the Matt Talbot clientele and is in opposition to Matt Talbot moving to her neighborhood.

Cecilia Lawson, 3260 Potter Street, resident of Clinton neighborhood and past president of the Clinton Neighborhood Assn. in 1992 when the Carnegie Library was moved. She is in opposition of using the library for Matt Talbot Kitchen and Outreach and for moving to her neighborhood.

Mike Morosin, 1500 N. 15th St., came forward to express his opinion of this move.

Mr. Landis stated there has been some resources collected over time in the North 27th area which will be used to pay back TIF.

Mr. Ojeda came forward for rebuttal.

This matter was taken under advisement.

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

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY COUNCIL ON JANUARY 26, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk.

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

A-85217 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended December 31, 2009, \$1,000,642.57 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 Jonathan Cook

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

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF OCTOBER 2008: NEBRASKA TECHNOLOGY & TELECOMM.; OCTOBER - DECEMBER 2008: AMERIVISION, INETWORKS GROUP, DIGIZIE.COM, THE SIENNA GROUP, ENHANCED, NECC, ASSOCIATION ADMINISTRATORS, T- MOBILE CENTRAL, OPEX, WINDSTREAM, COMTECH 21; NOVEMBER 2008: QWEST, GRANITE, TWC DIGITAL PHONE, NEW CINGULAR WIRELESS, USCOC OF GREATER IOWA, AT&T COMM. OF MIDWEST, CRICKET, WINDSTREAM NEBRASKA, WINDSTREAM SYSTEMS OF THE MIDWEST, NEBRASKA TECHNOLOGY & TELECOMM., AT&T COMM. OF MIDWEST, GRANITE, LEVEL 3, UCN, CIMCO, KDDI AMERICA, VERIZON SELECT SERVICES, MCLEODUSA, QWEST, TRANS NATIONAL COMM. INT'L, BROADBAND DYNAMICS, CINCINNATI BELL, ONSTAR, BROADWING, GLOBAL CROSSING, WORKING ASSETS, USCOC OF NE/KS, PRIMUS, TCG OMAHA, VIRGIN MOBILE USA, VERIZON LONG DISTANCE, GRANITE, TELECORP, ACN, VOICECOM, ATI, TRACFONE WIRELESS, NEW EDGE NETWORKS, XO COMM., EARTHLINK, GLOBALSTAR USA, INTELICALL OPERATOR SERVICES, BUSINESS PROD. SOLUTIONS, QUANTUM SHIFT, IBM GLOBAL, TON SERVICES; DECEMBER 2008: ACCESS2GO, AT&T COMM. OF MIDWEST, TWC DIGITAL PHONE, NEXTEL WEST, BUDGET PREPAY, UNITE PRIVATE NETWORKS, ATS MOBILE, 360NETWORKS, GLOBALCOM, FIRST COMM., SBC LONG DISTANCE, COVISTA, WHOLESALE CARRIER, NOS, BUSINESS TELECOM, ENHANCED COMM. NETWORK, ZONE, 800 RESPONSE INFORMATION, BT AMERICAS, TRI-M, GTC, LIGHTYEAR NETWORK, TALK AMERICA, NEXTEL, MCI, SPRINT, SPRINT SPECTRUM, D&D, ALLTEL, ALLTEL COMM.OF NE, BUDGET PREPAY, COMTEL TELECOM ASSETS, AT&T COMM. OF MIDWEST, ACN, 8X8, LEVEL 3, QWEST - CLERK presented said report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 23, 2009 AT 5:30 P.M. FOR APPLICATION OF WIYUAL RUACH DBA JOHNNY DISCO FOR A CLASS I LIQUOR LICENSE LOCATED AT 5800 CORNHUSKER HWY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85218 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 23, 2009 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of Wiyual Ruach dba Johnny Disco for a Class I liquor license located at 5800 Cornhusker Hwy., Bldg. 1, Ste. 10 & 11.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 23, 2009 AT 5:30 P.M. FOR APPLICATION OF EL PLANATAR INC. DBA LA TAPATILLA FOR A CLASS C LIQUOR LICENSE LOCATED AT 1037 L STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85219 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 23, 2009 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of El Planatar, Inc. Dba La Tapatilla for a Class C liquor license located at 1037 L Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 23, 2009 AT 5:30 P.M. FOR APPLICATION OF GJJRB LLC DBA THE SPIGOT LOUNGE FOR A CLASS C LIQUOR LICENSE LOCATED AT 1624 O STREET- CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85220 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 23, 2009 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of GJJRB LLC dba The Spigot Lounge for a Class C liquor license located at 1624 O Street.

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

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

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF RED9, LLC DBA RED9 FOR A CLASS C LIQUOR AND CLASS K CATERING LICENSE AT 322 SOUTH 9TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85221 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 red9, LLC dba red9 for a Class "C/K" liquor and catering license at 322 South 9th Street, Lincoln, Nebraska, for the license period ending October 31, 2009, be approved with the condition that the premise complies in every respect with all city and state regulations and that specifically, the applicant cease use of the premise as a parking lot until premise is brought into compliance. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

MANAGER APPLICATION OF TROY D. PETERSON FOR RED9, LLC DBA RED9 AT 322 SOUTH 9TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85222 WHEREAS, red9, LLC dba red9 located at 322 S. 9th Street, Lincoln, Nebraska has been approved for a Retail Class "C/K" liquor and catering license, and now requests that Troy D. Peterson be named manager;

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

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

APPROVING A FOUR YEAR/5,000 HOUR LEASE AGREEMENT WITH A BUY OUT OPTION BETWEEN THE CITY AND 1ST SOURCE BANK FOR THE LEASE OF ONE FOUR-WHEEL STREET SWEEPER FOR SWEEPING OF RESIDENTIAL AND ARTERIAL STREETS - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a three-year lease agreement with option to purchase between the City of Lincoln, Nebraska and 1st Source Bank for a 2009 Elgin Eagle "F" Dual Driver Sweeper for use by the Department of Public Works & Utilities, the second time.

COMP. PLAN CONFORMITY 08028 - APPROVING AND ADOPTING PROPOSED AMENDMENTS TO THE ANTELOPE VALLEY REDEVELOPMENT PLAN TO ADD THE "ANTELOPE VILLAGE PROJECT" FOR REDEVELOPMENT OF THE BLOCK BETWEEN 23RD AND 24TH STREETS, P AND Q STREETS, FOR AN OFFICE/CONDOMINIUM BUILDING TO INCLUDE OFFICE SPACE, A COMMUNITY ROOM, WORKOUT FACILITIES, 8 TO 10 CONDO UNITS ON THE SECOND AND THIRD FLOORS AND 18 TOWNHOUSES FOR HOME OWNERSHIP. (RELATED ITEMS: 09R-17, 09-12) (ACTION DATE: 2/23/09)

CHANGE OF ZONE 08066 - APPLICATION OF THE PLANNING DIRECTOR FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION FOR THE ANTELOPE VILLAGE PUD AND MODIFICATIONS TO THE STANDARDS OF THE UNDERLYING ZONING DISTRICT, SUBDIVISION ORDINANCE AND DESIGN STANDARDS, FOR DWELLINGS ON THE FIRST FLOOR IN THE B-3 DISTRICT, REDUCTION OF FRONT AND REAR SETBACKS, INCREASE IN HEIGHT LIMIT FOR THE R-6 DISTRICT, REDUCTION OF LOT AREA FOR TWO-FAMILY, TOWNHOUSES AND MULTIPLE DWELLINGS, REDUCTION OF PARKING

REQUIREMENTS IN THE R-6 DISTRICT, PORCHES IN THE REQUIRED FRONT YARD, PROHIBIT OFF PREMISES SIGNS, PROHIBIT POLE SIGNS AND ALLOW INCREASED AREA FOR GROUND SIGNS, OVER A FOUR-BLOCK AREA FROM N. 22ND STREET TO N. 24TH STREET AND FROM P STREET TO R STREET. (RELATED ITEMS: 09R-17, 09-12 - CLERK read an ordinance, introduced by Jon Camp, 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.

COMP. PLAN CONFORMITY 08026 - APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE NORTH 27TH STREET CORRIDOR AND ENVIRONS REDEVELOPMENT PLAN TO ADD THE "LITTLE SAIGON COMMERCIAL DEVELOPMENT PROJECT" FOR AN APPROXIMATELY 8,400 SQ. FT. COMMERCIAL/RETAIL BUILDING, ON PROPERTY GENERALLY LOCATED AT NORTH 26TH STREET AND W STREET. (RELATED ITEMS: 09R-19, 09-13) (ACTION DATE: 2/23/09)

CHANGE OF ZONE 08067 - APPLICATION OF THE URBAN DEVELOPMENT DEPARTMENT FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT AND R-6 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY OWNED BY T. NGUYEN HUNG, GENERALLY LOCATED BETWEEN N. 26TH STREET AND N. 27TH ST., NORTH OF W STREET. (RELATED ITEMS: 09R-19, 09-13) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code by changing the boundaries of the districts established and shown thereon, the second time.

PUBLIC HEARING RESOLUTIONS

COMP. PLAN CONFORMITY 08027 - APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE NORTH 27TH STREET CORRIDOR AND ENVIRONS REDEVELOPMENT PLAN TO ADD THE "MATT TALBOT KITCHEN AND OUTREACH PROJECT" TO RENOVATE THE EXISTING CARNEGIE LIBRARY AND CONSTRUCT AN ADDITIONAL APPROXIMATELY 9,000 SQUARE FOOT BUILDING AND RELATED PARKING GENERALLY LOCATED AT 2121 N. 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85223 WHEREAS, the City Council, on June 19, 2000, adopted Resolution No. A-80238 finding an area generally bounded by "N" Street on the south; the viaduct over the Burlington Northern Santa Fe right-of-way, parallel to Cornhusker Highway on the north; 23rd Street on the west; and 31st Street on the east to be blighted and substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, the City Council has previously adopted the North 27th Street Corridor and Environs Redevelopment Plan and amendments thereto (hereinafter the "Plan") including plans for various redevelopment projects within said blighted and substandard area in accordance with the requirements and procedures of the Nebraska Community Development Law; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk proposed amendments to the Plan (hereinafter the "Amendments") for said blighted and substandard area contained in the document entitled "Proposed Amendment to the North 27th Street Corridor and Environs Redevelopment Plan - Matt Talbot Kitchen and Outreach", which is attached hereto, marked as Attachment "A", and made a part hereof by reference; and

WHEREAS, the Director of Urban Development has reviewed said Amendment and has found that if adopted the Amendment and the Plan meet the conditions set forth in Neb. Rev. State. § 18-2113 (Reissue 2007); and

WHEREAS, said proposed Amendment to the Plan has been submitted to the Lincoln City - Lancaster County Planning Commission for review and recommendation; and

WHEREAS, on January 2, 2009 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 January 14, 2009 before the Lincoln City - Lancaster County Planning Commission regarding the Amendment, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission on January 14, 2009 held a public hearing relating to the proposed Amendment to the North 27th Street Redevelopment Plan and found the Amendment to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on January 23, 2009 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 February 9, 2009 regarding the proposed Amendment, a copy of said notice having been attached hereto as Exhibit "D"; and

WHEREAS, on January 23, 2009 and January 30, 2009 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 February 9, 2009 regarding the proposed Amendment to the Plan for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on February 9, 2009 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 Amendments to the North 27th Street Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed Amendment to the Plan; and

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

WHEREAS, the City Council now desires to modify said Plan by establishing the Matt Talbot Kitchen and Outreach Project on property generally located at 2121 North 27th Street ("Matt Talbot Kitchen and Outreach Project Area"), to accommodate the development of the existing Carnegie Library and construction of an additional 9,000 square foot building and related parking.

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

1. That the Amendment is described in sufficient detail and are 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 recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That incorporating the Matt Talbot Kitchen and Outreach Project into 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 the substandard and blighted conditions in the Matt Talbot Kitchen and Outreach Project 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.

4. That elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

5. That the Matt Talbot Kitchen and Outreach Project would not be economically feasible without the use of tax-increment financing.

6. That the Matt Talbot Kitchen and Outreach Project would not occur in the Redevelopment Area without the use of tax-increment financing.

7. That 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 City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

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

1. That, pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the Proposed Amendment to the North 27th Street Corridor and Environs Redevelopment Plan attached hereto as Attachment "A" establishing the Matt Talbot Kitchen and Outreach Project is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. 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 as they relate to the above-described amendment.

3. That the Urban Development Director, or the Director's authorized representative, is hereby authorized and directed to contact the owners and tenants of those properties listed herein for the purpose of negotiation of contracts or options for the acquisition of all interests in said real estate in accordance with the land acquisition procedures of the City of Lincoln; and to take all steps necessary for the acquisition of said property by purchase, if possible.

4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents for the authorization to provide necessary funds, including Community Improvement Financing in accordance with the provisions of the Community Development Law, to finance necessary and appropriate public acquisitions, improvements, and activities set forth in said Amendments to the North 27th Street Redevelopment Plan.

Introduced by Jon Camp

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

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

CHANGE OF ZONE 08070 - APPLICATION OF THE HISTORIC PRESERVATION COMMISSION ON BEHALF OF CHURCH OF THE NAZARENE TO DESIGNATE THE STANDARD OIL COMPANY BARN AND GARAGE AT 1219 NORTH 14TH STREET AS A HISTORIC LANDMARK AND TO CHANGE THE ZONING FROM I-1 INDUSTRIAL TO B-3 COMMERCIAL DISTRICT - CLERK read an ordinance, introduced by Jonathan Cook, amending the City of Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal and designating certain property as a Landmark, the first time.

ANNEXATION NO. 08009 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 105.4 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND CORNHUSKER HIGHWAY - 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 first time.

ANNEXATION NO. 08010 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 443 ACRES OF PROPERTY GENERALLY LOCATED FROM SOUTH 66TH STREET TO SOUTH 84TH STREET, FROM PINE LAKE ROAD TO THE RAILROAD TRACKS NORTH OF YANKEE HILL ROAD - 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 first time.

ANNEXATION NO. 08012 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 22.2 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 27TH STREET AND ROKEBY ROAD AND NORTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND ROKEBY ROAD - 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 first time.

ANNEXATION NO. 08014 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 145.2 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 1ST STREET AND VAN DORN STREET AND SOUTH 6TH STREET AND PIONEERS BOULEVARD - 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 first time.

ANNEXATION NO. 08015 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 117 ACRES OF PROPERTY GENERALLY LOCATED NEAR SOUTH FOLSOM STREET FROM WEST PROSPECTOR PLACE TO WEST PIONEERS BOULEVARD - 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 first time.

ANNEXATION NO. 08016 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 243.1 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND INTERSTATE 80 - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

ANNEXATION NO. 08017 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 32.2 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 40TH STREET AND WEST ADAMS STREET - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

ANNEXATION NO. 08018 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 6.8 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND U.S. HIGHWAY 34 - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

ANNEXATION NO. 08021 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 133.8 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 44TH STREET AND SUPERIOR STREET - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND SLICK GRAPHIX FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 370 FIFTH STREET, DAVID CITY, NE 68632 FOR A TERM OF MARCH 1, 2009 THROUGH FEBRUARY 28, 2010 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Slick Graphix for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program located at 370 Fifth Street, David City, NE 68632, for a term of March 1, 2009 through February 28, 2010, the first time.

VACATION 08012 - APPLICATION OF HUNG T. NGUYEN AND THUY LE NGUYEN TO VACATE THAT PORTION OF THE EAST-WEST ALLEY IN BLOCK 8, TRESTERS ADDITION, FROM THE EAST LINE OF NORTH 26TH STREET TO THE WEST LINE OF THE VACATED NORTH-SOUTH ALLEY (EXTENDED) IN SAID BLOCK 8, TRESTERS ADDITION, GENERALLY LOCATED BETWEEN N. 26TH STREET AND N. 27TH STREET, NORTH OF W STREET - CLERK read an ordinance, introduced by Jonathan Cook, vacating the east-west alley from the east line of N. 26th Street east approximately 125 feet between N. 26th Street and N. 27th Street, north of W Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

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

CHANGE OF ZONE NO. 08064 - AMENDING SECTION 27.11.080 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEIGHT AND AREA REGULATIONS IN THE R-1 RESIDENTIAL DISTRICT TO REDUCE REQUIRED SIDE YARDS OF SINGLE-FAMILY DWELLING LOTS IN EXISTENCE ON NOVEMBER 2, 1953 TO A WIDTH OF NOT LESS THAN TEN PERCENT OF THE WIDTH OF THE LOT, BUT NOT LESS THAN FIVE FEET; AND REPEALING SECTION 27.11.080 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 27.11.080 of the Lincoln Municipal Code relating to height and area regulations in the R-1 Residential District to reduce required side yards of single-family dwelling lots in existence on November 2, 1953 to a width of not less than ten percent of the width of the lot, but not less than five feet; and repealing Section 27.11.080 of the Lincoln Municipal Code as hitherto existing, the third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered #19200, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE NO. 08069 - APPLICATION OF THE PLANNING DIRECTOR TO REDUCE THE BUILDING LINE DISTRICT FROM 125 FEET TO 105 FEET ADJACENT TO THE RESIDENTIAL COMPONENT OF APPLE'S WAY PLANNED UNIT DEVELOPMENT GENERALLY LOCATED AT SOUTH 66TH STREET AND HIGHWAY 2. (RELATED ITEMS 09-8, 09-9) - CLERK read an ordinance, introduced by Ken Svoboda, to amend the Building Line District Map attached to and made part of Title 27 of the Lincoln Municipal Code by reducing the Building Line District on the south side of Highway 2 from 125 feet to 105 feet adjacent to Lots 9-16, Block 2, Artisan Meadows Addition, generally located at South 66th Street and Highway 2, the third time.

SVOBODA Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered #19201, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE NO. 05026B - APPLICATION OF APPLE'S WAY, LLC, FOR EXPANSION OF APPLE'S WAY PUD TO INCLUDE OUTLOT E, ARTISAN MEADOWS ADDITION, AND TO ADJUST SETBACKS FOR A SUBDIVISION IDENTIFICATION SIGN ON PROPERTY GENERALLY LOCATED AT SOUTH 66TH STREET AND HIGHWAY 2. (RELATED ITEMS 09-8, 09-9) - 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 to expand the boundary of the Apple's Way Planned Unit Development District to include additional land for a subdivision identification sign and amending the development plan for the Apple's Way Planned Unit Development to include adjustments to setbacks, on property generally located at S. 66th Street and Highway 2, the third time.

SVOBODA Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered #19202, is recorded in Ordinance Book #26, Page

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE, 2008 AND DECEMBER, 2008 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Ken Svoboda, adopting the supplements to the Lincoln Municipal Code dated June 2008 and December 2008 as part of the official Lincoln Municipal Code, the third time.

SVOBODA Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered #19203, 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 February 23, 2009.
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 February 23, 2009.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 4:30 P.M.

CAMP Moved to adjourn the City Council meeting of February 9, 2009.
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

Judy Roscoe, Senior Office Assistant

REGULAR MEETING
FEBRUARY 9, 2009
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