

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MARCH 2, 2009 AT 1:30 P.M.**

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

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**

EMERY Having been appointed to read the minutes of the City Council proceedings of February 23, 2009 reported having done so, found same correct.

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

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Beutler came forward to present the Mayor's Award of Excellence for the month of January 2009 to Sgt. Gregory Sorensen of the Criminal Investigations Division for the Lincoln Police Department in the category of Productivity. He has worked for the Lincoln Police Department for over 35 years and was nominated by the second shift Criminal Investigation Unit because of his work ethic, energy and the sharing of his knowledge.

Jon Sundermeier, Lincoln Police Department in charge of the Criminal Investigation Unit. He stated that Greg is one of the best Criminal Investigators in the Unit. The new investigators learn a lot from him who is quick to praise and slow to criticize.

Tom Casady, Chief of Police, stated it has been an honor to have worked with Greg. His legacy is what he has done to raise the bar for the people who have worked for him and with him and pass on his skills to the next generation of detectives and investigators.

Greg Sorensen came forward to thank those who nominated him and stated one isn't totally involved in a case it's a group of people. He stated it was great to work with those he supervises.

**PUBLIC HEARING**

AMENDING CHAPTER 23.10 OF THE LINCOLN MUNICIPAL CODE, THE LINCOLN ELECTRICAL CODE, BY AMENDING SECTION 23.10.010 TO ADOPT THE 2008 EDITION OF THE NATIONAL ELECTRICAL CODE; AMENDING SECTION 23.10.140 RELATING TO ELECTRICAL PERMITS TO ALLOW FOR ROUTINE MAINTENANCE WITHOUT A PERMIT; AMENDING SECTION 23.10.160 RELATING TO INSTALLATION BY HOMEOWNER FOR BRANCH CIRCUIT AND FEEDER WIRING; AMENDING SECTION 23.10.190 RELATING TO REQUESTS FOR INSPECTIONS BY HOMEOWNERS; AMENDING SECTION 23.10.290 RELATING TO WIRING METHODS REQUIRING SEPARATE CONDUCTORS FOR GROUNDING, PVC COATING FOR METALLIC RACEWAYS, AND INSTALLATION OF ALTERNATE ENERGY SOURCES; AMENDING SECTION 23.10.300 RELATING TO SERVICE DISCONNECTIONS AND METERING REQUIREMENTS; AND REPEALING IN THEIR ENTIRETY, SECTIONS 23.10.310, 23.10.312, 23.10.320, 23.10.323, 23.10.324, 23.10.327, 23.10.329, 23.10.330, 23.10.331, 23.10.332, 23.10.333, 23.10.335, 23.10.337, 23.10.340, 23.10.345, 23.10.347, 23.10.350, 23.10.351, 23.10.353, 23.10.355, 23.10.380, 23.10.385, 23.10.390, 23.10.393, 23.10.395, 23.10.400, 23.10.402, 23.10.410, 23.10.417, 23.10.420, 23.10.425, 23.10.430, 23.10.440, 23.10.457, 23.10.458, 23.10.459, 23.10.460, 23.10.470, 23.10.475, 23.10.480, 23.10.490, 23.10.495, 23.10.500 TO DELETE SPECIFIC SECTIONS OF THE 2002 NATIONAL ELECTRICAL CODE PREVIOUSLY AMENDED OR DELETED IN THE LINCOLN ELECTRICAL CODE; AMENDING SECTION 23.10.510 RELATING TO CODE COORDINATION WITH THE INTERNATIONAL CODES; AND REPEALING SECTION 23.10.010, 23.10.140, 23.10.160, 23.10.190, 23.10.290, 23.10.300, AND 23.10.510 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Ron Peery, Building & Safety, came forward to state the Electrical Task Force consisting of two engineers, two commercial contractors and two residential contractors recommended these changes. Tamper resistant electrical covers and an Arc Circuit Interrupter are two items that will be required. The 2005 ASCI is required in the bedrooms at present, but will include the entire house which the City will need to change after the State adopts this requirement. These new codes pertain to new construction or if you replace an item. Ed Bergstraesser, City Chief Electrical Inspector, was available for questions.

Jonathan Cook, Council Member, commented that in the amendment of the fee schedule under Service Equipment on page 2, line 12 the number 1601 is crossed out, but not replaced with another number.

Mr. Peery stated it should be replaced with 401.

This matter was taken under advisement.

VACATION 08011 - VACATING SOUTHBOUND TALLGRASS PARKWAY FROM THE NORTH RIGHT-OF-WAY LINE OF ASTER ROAD NORTH TO THE END OF THE RIGHT-OF-WAY AND PENROSE DRIVE FROM THE WEST RIGHT-OF-WAY LINE OF NORTHBOUND TALLGRASS PARKWAY WEST TO THE END OF THE RIGHT-OF-WAY, RETAINING TITLE THERETO, AND AUTHORIZING THE EXCHANGE THEREOF TO NEBCO FOR NEW RIGHT-OF-WAY BEING DEDICATED FOR THE NEW ALIGNMENT OF TALLGRASS PARKWAY AND PENROSE DRIVE - Marvin Krout, Director of Planning Department, stated this is a minor relocation of already dedicated rights of way to Tallgrass Parkway and Aster Road in the Fallbrook neighborhood. The developer is wanting to make 100 feet in shifts which will result in the dedication of new right-of-way which is equal to the right-of-way that had been dedicated so it is an even trade. There will be no compensation.  
This matter was taken under advisement.

VACATION 05007 - VACATING A PORTION OF STOCKWELL STREET WEST OF SOUTH 52<sup>ND</sup> STREET WITHIN THE UNION COLLEGE CAMPUS, RETAINING TITLE THERETO, AND AUTHORIZING THE SALE THEREOF TO UNION COLLEGE - Marvin Krout, Director of Planning Department, came forward to answer questions and stated this dates back to 2005 when the Special Permit was approved and after that time a parking lot was constructed on this right-of-way which did not go through the normal building permit process. When an expansion of the Special Permit was requested the applicant realized a street vacation had not been requested.  
Roger Figard, Public Works & Utilities Dept., came forward to comment on the process.  
This matter was taken under advisement.

STREET NAME CHANGE 09001 - RENAMING WEST STANTON STREET WEST OF N.W. 48<sup>TH</sup> STREET AS MIKE SCHOLL STREET - Marvin Krout, Director of Planning Department, came forward with information that Debbie and Jack Chandler requested the street renaming to commemorate Mrs. Chandler's son's life, Marine Lance Corporal Mike Shull, who was killed in Iraq in 2006. This street leads to the new Arnold school and is in the area Lance Corporal Shull grew up and who had also attended the old Arnold school. It will be named Mike Shull street.  
Cliff Leach, no address given, came forward as part of the motorcycle honor procession in favor of this request.  
Jack and Debbie Chandler, 5312 Wilkins Street, came forward to give some history of Mrs. Chandler's son, Lance Corporal Shull, and to thank all those who made this possible.  
Erich Kaiser, 3730 S. 77<sup>th</sup> Street, came forward as a friend and mentor to Michael to say thank you for making this possible.  
John Brehm, 1215 Fairfield Street, came forward representing the Patriot Guard Riders and American Guards stating a casualty deserves to have a street named after them.  
Dan Marvin, City Council member, stated letters in favor of renaming this street can be read online.  
This matter was taken under advisement.

CHANGE OF ZONE 08073 - APPLICATION OF SOUTH RIDGE VILLAGE, LLC, FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 29TH STREET AND PORTER RIDGE ROAD;  
SPECIAL PERMIT 08052 - APPLICATION OF SOUTH RIDGE VILLAGE, LLC, TO DEVELOP AN EARLY CHILDHOOD CARE FACILITY FOR 130 CHILDREN WITH A REQUEST TO WAIVE THE REQUIREMENT TO BE LOCATED ON AN ARTERIAL STREET, GENERALLY LOCATED AT SOUTH 29TH STREET AND PORTER RIDGE ROAD;  
USE PERMIT 100B - APPLICATION OF SOUTH RIDGE VILLAGE, LLC, TO EXPAND THE SOUTH RIDGE VILLAGE USE PERMIT ON PROPERTY GENERALLY LOCATED AT SOUTH 29TH STREET AND PORTER RIDGE ROAD Rick Krueger, manager of South Ridge Village, LLC, came forward with a request to add a daycare to this site. The finished floor of this facility would be two or three feet below the southern existing lot line at this point. It will have a no paint exterior. People will come down 29<sup>th</sup> Street, turn into the site to drop off the children, and then go back out to the commercial subdivision to 29<sup>th</sup> Street going north or south. It will have a 40' setback from the east property line which is in conformance of the O-3 zoning and 15' on the south side which is in the O-3 zoning. The playground area is approximately 5,800 sq. ft. and the building area is 7850 on the main floor and 2610 in the basement because this is an over and under situation because of the topography. Trees will be added on the east and the population has been reduced from 130 to 100. The financial benefit is about a \$950,000 improvement providing additional property taxes, sales tax, permanent jobs and the cost to the City would be zero. The 29<sup>th</sup> Street sidewalk will be in the regular location. A letter will be submitted to law for the waiver requests. South Ridge Village, LLC and Porter Ridge Road are exempt from impact fees because they are part of the South Ridge Coalition with an annexation agreement in 1997.  
Jane Mohling, 3225 Stephanos, Commercial Realty Group, came

forward representing the client in finding a location for the daycare. She feels this is a good site as most of her clients are in this area. It was determined that building to suit with a long-term lease would be in her best interest.

Tanya Porter, 3020 W. Peach, came forward as a friend of the daycare provider who attended daycare classes with her. She is also a consultant for Family Service Childcare and has done unannounced visits to the provider's daycare and found her to have a quality daycare.

Pam Dahlberg, no address given, instructor for the daycare training program stated this provider is a wonderful daycare provider and is in support of this childcare center.

Steve Moeller, 7300 S. 30<sup>th</sup> Street, came forward in opposition of the daycare. He stated there were 257 homeowners contacted and 227 signed the petition in opposition of the daycare. These were received prior to the plan revision.

Steve Peek, 2841 Porter Ridge Rd., came forward as President of the Porter Ridge West Townhome Association in opposition due to heavy traffic in the area.

Steve Goosic, 7301 S. 30<sup>th</sup> Street, came forward with noise concerns and is in opposition to the daycare and changing the zoning to R-3.

Jane Peek, 2841 Porter Ridge Rd., past president of Porter Ridge Townhome Association came forward to state she has done research of some of the daycare's in Lincoln and it was found that only one was at capacity. They feel there is not a need for more daycare's and is concerned with traffic issues. She is in opposition to this change.

Bruce Hahn, 7307 S. 30<sup>th</sup> Street, a realtor, came forward in opposition to the zoning change from R-3 to O-3. He has been told the market value of homes in this area will take a hit of 5% to 10% of the value because of the close proximity to such a large daycare facility.

Marvin Krout, Director of Planning Department, stated there will be an amendment to the legislation that will change the limit of the development from 130 to 100 children and eliminate the request for waivers on both the side yard and the rear yard. Mr. Krueger needs to submit the motion to amend to Law Department for review before it is voted on. The Comprehensive Plan does talk about daycare centers being appropriate within neighborhoods. It takes a waiver to have more than 30 children that's not fronting an arterial street. If the daycare closes this facility can be used for office use only.

Mr. Krueger came forward for rebuttal. He stated parking has been revised from 31 stalls required to 43.

John Lehman, no address given, came forward as an appraiser to state he found no evidence that property valuations abutting businesses had decreased.

This matter was taken under advisement.

AMENDING SECTIONS 7.04.050 AND 7.04.200 OF THE LINCOLN MUNICIPAL CODE TO REMOVE STAND-BY AMBULANCE SERVICE FROM THE DEFINITION OF EMERGENCY AMBULANCE SERVICE AND LIMIT THE DEFINITION OF STAND-BY AMBULANCE SERVICE; AND REPEALING SECTIONS 7.04.050 AND 7.04.200 AS HITHERTO EXISTING - Ken Svoboda, Council Member, stated this ordinance would allow the private sector and non-profit organizations to hire an ambulance for standby services from the private sector such as Midwest Medical or the Lincoln Fire & Rescue on a competitive basis.

Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing Midwest Medical. This ordinance would expand the availability of standby for people who right now cannot afford it as Midwest Medical have in other cities been able to offer their service at a reduced rate or free of charge as a public service. In the case of an advanced life support transport situation where Midwest Medical was already on the scene they would identify the need and have ready for the Lincoln Fire & Rescue to transport. It is projected there will be a modest loss of revenue to Lincoln Fire & Rescue.

Jay Wilger, Marketing Manager Paramedic for Midwest Medical Transport Company, stated that advanced life support that is provided by paramedics is advanced stabilization at the scene prior to transport which can be provided by Midwest Medical until Lincoln Fire & Rescue arrives. They have been doing this for years in other cities. In answer to a question posed him he stated cities smaller than Lincoln have more than five ambulances which can improve response time.

This matter was taken under advisement.

**BREAK 3:32 P.M.**

**RECONVENED 4:42 P.M.**

APPROVING THE LINCOLN FLATS/BANK OF THE WEST REDEVELOPMENT AGREEMENT BETWEEN CONCORDE MANAGEMENT AND DEVELOPMENT, INC. AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 13TH AND 14TH STREETS, ON THE NORTH SIDE OF O STREET;

AUTHORIZING THE ISSUANCE OF SERIES A AND SERIES B TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED ~~\$614,000.00~~ \$764,000.00 FOR THE CITY OF LINCOLN, LINCOLN FLATS/BANK OF THE WEST REDEVELOPMENT PROJECT;  
APPROVING AMENDMENT NO. 1 TO THE UNIVERSITY SQUARE REDEVELOPMENT AGREEMENT BETWEEN CONCORDE MANAGEMENT AND DEVELOPMENT, INC., FOUNDATION FOR EDUCATION SERVICES, INC., UNIVERSITY TOWERS CONDOMINIUM ASSOCIATION, AND THE CITY RELATING TO THE PRIVATE SECTOR PARKING ARRANGEMENT AT THE UNIVERSITY SQUARE PARKING GARAGE AT 14TH AND O STREETS - David Landis, Director of Urban Development, stated the first floor will be finished for commercial space, then the creation of 24 condo units with 16 single one bedrooms and eight two bedrooms on the second to the fifth floor. Parking will be needed for the fulltime residents therefore the alteration of the redevelopment parking agreement for the University Square parking lot. The TIF money will be used for expanding the storm sewer since residential usage is considerably greater than commercial usage and will be used for a pedestrian alley which is an ingress/egress for the building and access to downtown as well. Paving and lights would be added and TIF will be used for facade enhancements. The condos will be purchased not rented. If the increment grows it would be supported by creating the Series B TIF bond which would be developer purchased. Series B bond is referred to as the "spill over TIF" which is TIF beyond what was anticipated for the increment underlying the TIF because of valuation changes. Series B bonds can be negotiated. The amount of \$614,000 does not include the \$150,000. The \$614,000 is what has been anticipated and tried to confirm this increment would be the Series A bond.

Lauren Wismer, Gilmore and Bell City's bond consultant, stated they would like to make one change in the ordinance where it states "monies would be allocated by the following priorities: next section" should read in Section 7.3 instead of saying "the following priorities" it should say "as specified in Section 7.4." This ordinance permits the developer to purchase the bond, but also the third party is agreeable to both the developer and the City with provision of satisfactory documentation to be sure all the legal requirements are satisfied.

David Schmidt, 3727 Stockwell, Concorde Management and Development, came forward representing the redeveloper and are collaborating with Tallgrass Development as well on this project. Most of the improvements will be on the facade and the pedestrian alley way. There is one commercial suite that will be accessed directly from the alley. The residential condominiums will range from \$165,000 to \$285,000 and 900 square foot range to 1550 square foot. Some units could be ready for sale this summer. The alley is not the City's.

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, 2009 - City Clerk stated she was contacted by Tina Tafoya who was unable to attend this meeting and requested to have her claim be continued for public hearing and action to March 9, 2009.

Mike Rieder, came forward to dispute the denial of his claim of a snowplow breaking off the side mirror of his son's vehicle on 12/8/08 and to read a letter from John Cambridge at whose residence the accident occurred.

John Hendry, City Attorney, stated the police did not have a report of witnesses to this incident so the letter read from John Cambridge and the pictures he took will be considered. He was in agreement to hold this claim for one week to research this matter further.

This matter was taken under advisement.

DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, PURCHASE AND INSTALLATION OF LIGHT POLES FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA CERTIFICATES OF PARTICIPATION - Don Herz, Finance Director, came forward to state the City anticipates bringing a lease/purchase ordinance before the City Council to allow the lease/purchase of street lights and probably a computerized dispatch system for the 911 Center. It is just the street lights that need the reimbursement resolution, but there may be some cost before issuing some bonds.

Roger Figard, Public Works & Utilities and RTSD, verified that the lights on the A Street bridge were paid by RTSD, the State of Nebraska, and the Railroad. The Harris Overpass is a City management project which the RTSD also funded, but the funding for the lights were reimbursed to Public Works from the General Fund. This was also the funding process for the Big X overpass.

Dan Marvin, Council Member, suggested reimbursement funding come from RTSD to cover the cost of lighting.

Mr. Herz, stated they will have that discussion before the lease/purchase ordinance comes before Council.

Lauren Wismer was available for questions.

This matter was taken under advisement.

APPROVING THE ACQUISITION OF APPROXIMATELY 7.52 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF THE INTERSECTION OF SUTHERLAND STREET AND YANKEE HILL ROAD BY THE PARKS AND RECREATION DEPARTMENT FOR PUBLIC USE - Lynn Johnson, Director of Parks and Recreation Dept., came forward to propose acquiring 7.5 acres between the new alignment of Yankee Hill Road and 91<sup>st</sup> Street and the northern boundary of Jensen Park. This will be replacement of land sold to Talent Plus and is part of the conversion to the Holmes Lake process. This has been approved by the Nebraska Game and Parks Commission and the National Parks Service.

This matter was taken under advisement.

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

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

APPROVING THE CITY OF LINCOLN'S INVESTMENT ACTIVITY REPORT FROM THE CITY TREASURER FOR THE FOURTH QUARTER, FISCAL YEAR 2007-08 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85238 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the Investment Activity report and attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Dan Marvin

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

### **PETITIONS & COMMUNICATIONS**

SETTING THE HEARING DATE OF MONDAY, MARCH 16, 2009 AT 1:30 P.M. FOR APPLICATION OF NGUYEN'S CORP. DBA AMBIANCE NAIL SPA FOR A CLASS C LIQUOR LICENSE LOCATED AT 2755 JAMIE LANE #3 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85239 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 16, 2009 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Nguyen's Corp. dba Ambiance Nail Spa for a Class C liquor license located at 2755 Jamie Lane #3.

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

Introduced by Dan Marvin

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

SETTING THE HEARING DATE OF MONDAY, MARCH 16, 2009 AT 1:30 P.M. FOR APPLICATION OF DAU & NGUYEN PROPERTIES, INC. DBA SOUTH FAST BREAK FOR A CLASS B LIQUOR LICENSE LOCATED AT 1648 SOUTH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85240 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 16, 2009 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Dau & Nguyen Properties, LLC dba South Fast Break for a Class B liquor license located at 1648 South Street.

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

Introduced by Dan Marvin

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

SETTING THE HEARING DATE OF MONDAY, MARCH 16, 2009 AT 1:30 P.M FOR APPLICATION OF ROBERT STARK DBA THE VILLE GRILLE FOR A CLASS C LIQUOR LICENSE LOCATED AT 2701 N. 48<sup>TH</sup> STREET, STE. 4 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85241 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 16, 2009 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Robert Stark dba The Ville Grille for a Class C liquor license located at 2701 N. 48<sup>th</sup> Street, Ste. 4.

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

Introduced by Dan Marvin

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

INFORMAL PETITION FOR THE CREATION OF FIVE SPECIAL ASSESSMENT DISTRICTS FOR INSTALLATION OF WATER LINES AND ONE SPECIAL ASSESSMENT DISTRICT FOR INSTALLATION OF SANITARY SEWER LINES EAST OF NORTH 56<sup>TH</sup> STREET, FROM SALT CREEK TO I-80 SUBMITTED BY MARK HUNZEKER - CLERK presented said petition which was referred to the Public Works & Utilities Department.

**MISCELLANEOUS REFERRALS - NONE**

**LIQUOR RESOLUTIONS - NONE**

**ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

AMENDING CHAPTER 23.10 OF THE LINCOLN MUNICIPAL CODE, THE LINCOLN ELECTRICAL CODE, BY AMENDING SECTION 23.10.010 TO ADOPT THE 2008 EDITION OF THE NATIONAL ELECTRICAL CODE; AMENDING SECTION 23.10.140 RELATING TO ELECTRICAL PERMITS TO ALLOW FOR ROUTINE MAINTENANCE WITHOUT A PERMIT; AMENDING SECTION 23.10.160 RELATING TO INSTALLATION BY HOMEOWNER FOR BRANCH CIRCUIT AND FEEDER WIRING; AMENDING SECTION 23.10.190 RELATING TO REQUESTS FOR INSPECTIONS BY HOMEOWNERS; AMENDING SECTION 23.10.290 RELATING TO WIRING METHODS REQUIRING SEPARATE CONDUCTORS FOR GROUNDING, PVC COATING FOR METALLIC RACEWAYS, AND INSTALLATION OF ALTERNATE ENERGY SOURCES; AMENDING SECTION 23.10.300 RELATING TO SERVICE DISCONNECTIONS AND METERING REQUIREMENTS; AND REPEALING IN THEIR ENTIRETY, SECTIONS 23.10.310, 23.10.312, 23.10.320, 23.10.323, 23.10.324, 23.10.327, 23.10.329, 23.10.330, 23.10.331, 23.10.332, 23.10.333, 23.10.335, 23.10.337, 23.10.340, 23.10.345, 23.10.347, 23.10.350, 23.10.351, 23.10.353, 23.10.355, 23.10.380, 23.10.385, 23.10.390, 23.10.393, 23.10.395, 23.10.400, 23.10.402, 23.10.410, 23.10.417, 23.10.420, 23.10.425, 23.10.430, 23.10.440, 23.10.447, 23.10.457, 23.10.458, 23.10.459, 23.10.460, 23.10.470, 23.10.475, 23.10.480, 23.10.490, 23.10.495, 23.10.500 TO DELETE SPECIFIC SECTIONS OF THE 2002 NATIONAL ELECTRICAL CODE PREVIOUSLY AMENDED OR DELETED IN THE LINCOLN ELECTRICAL CODE; AMENDING SECTION 23.10.510 RELATING TO CODE COORDINATION WITH THE INTERNATIONAL CODES; AND REPEALING SECTION 23.10.010, 23.10.140, 23.10.160, 23.10.190, 23.10.290, 23.10.300, AND 23.10.510 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Clerk read an ordinance, introduced by Doug Emery, amending Chapter 23.10 of the Lincoln Municipal Code, the Lincoln Electrical Code, by amending Section 23.10.010 to adopt the 2008 Edition of the National Electrical Code; amending Section 23.10.140 relating to electrical permits to allow for routine maintenance without a permit; amending Section 23.10.160 relating to installation by homeowner for branch circuit and feeder wiring; amending Section 23.10.190 relating to requests for inspections by homeowners; amending Section 23.10.290 relating to wiring methods requiring separate conductors for grounding, PVC coating for metallic raceways, and installation of alternate energy sources; amending Section 23.10.300 relating to service disconnections and metering requirements; and repealing in their entirety, Sections 23.10.310, 23.10.312, 23.10.320, 23.10.323, 23.10.324, 23.10.327, 23.10.329, 23.10.330, 23.10.331, 23.10.332, 23.10.333, 23.10.335, 23.10.337, 23.10.340, 23.10.345, 23.10.347, 23.10.350, 23.10.351, 23.10.353, 23.10.355, 23.10.380, 23.10.385, 23.10.390, 23.10.393, 23.10.395, 23.10.400, 23.10.402, 23.10.410, 23.10.417, 23.10.420, 23.10.425, 23.10.430, 23.10.440, 23.10.447, 23.10.457, 23.10.458, 23.10.459, 23.10.460, 23.10.470, 23.10.475, 23.10.480, 23.10.490, 23.10.495, 23.10.500 to delete specific sections of the 2002 National Electrical Code previously amended or deleted in the Lincoln Electrical Code; amending Section 23.10.510 relating to code coordination with the international codes; and repealing Section 23.10.010, 23.10.140, 23.10.160, 23.10.190, 23.10.290, 23.10.300, and 23.10.510 of the Lincoln Municipal Code as hitherto existing, the second time.

VACATION 08011 - VACATING SOUTHBOUND TALLGRASS PARKWAY FROM THE NORTH RIGHT-OF-WAY LINE OF ASTER ROAD NORTH TO THE END OF THE RIGHT-OF-WAY AND PENROSE DRIVE FROM THE WEST RIGHT-OF-WAY LINE OF NORTHBOUND TALLGRASS PARKWAY WEST TO THE END OF THE RIGHT-OF-WAY, RETAINING TITLE THERETO, AND AUTHORIZING THE EXCHANGE THEREOF TO NEBCO FOR NEW RIGHT-OF-WAY BEING DEDICATED FOR THE NEW ALIGNMENT OF TALLGRASS PARKWAY AND PENROSE DRIVE - CLERK read an ordinance, introduced by Doug Emery, vacating southbound Tallgrass Parkway from the north right-of-way line of Aster Road north to the end of the right-of-way for southbound Tallgrass Parkway and vacating Penrose Drive from the west right-of-way line of northbound Tallgrass Parkway west to the end of the right-of-way for Penrose Drive, and retaining title thereto, all in Fallbrook 18th Addition, Lincoln, Lancaster County, Nebraska, the second time.

VACATION 05007 - VACATING A PORTION OF STOCKWELL STREET WEST OF SOUTH 52<sup>ND</sup> STREET WITHIN THE UNION COLLEGE CAMPUS, RETAINING TITLE THERETO, AND AUTHORIZING THE SALE THEREOF TO UNION COLLEGE - CLERK read an ordinance, introduced by Doug Emery, vacating Stockwell Street west of South 52nd Street within the Union College Campus, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

STREET NAME CHANGE 09001 - RENAMING WEST STANTON STREET WEST OF N.W. 48<sup>TH</sup> STREET AS MIKE SCHOLL STREET - CLERK read an ordinance, introduced by Doug Emery, changing the name of "West Stanton Street" located west of N.W. 48th Street to "Mike Scholl Street", as recommended by the Street Name Committee, the second time.

CHANGE OF ZONE 08073 - APPLICATION OF SOUTH RIDGE VILLAGE, LLC, FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 29TH STREET AND PORTER RIDGE ROAD. (RELATED ITEMS: 09-30, 09R-28, 09R-29) - CLERK read an ordinance, introduced by Doug Emery, 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.

SPECIAL PERMIT 08052 - APPLICATION OF SOUTH RIDGE VILLAGE, LLC, TO DEVELOP AN EARLY CHILDHOOD CARE FACILITY FOR 130 CHILDREN WITH A REQUEST TO WAIVE THE REQUIREMENT TO BE LOCATED ON AN ARTERIAL STREET, GENERALLY LOCATED AT SOUTH 29TH STREET AND PORTER RIDGE ROAD. (RELATED ITEMS: 09-30, 09R-28, 09R-29) (ACTION DATE: 3/9/09)

USE PERMIT 100B - APPLICATION OF SOUTH RIDGE VILLAGE, LLC, TO EXPAND THE SOUTH RIDGE VILLAGE USE PERMIT ON PROPERTY GENERALLY LOCATED AT SOUTH 29TH STREET AND PORTER RIDGE ROAD. (RELATED ITEMS: 09-30, 09R-28, 09R-29) (ACTION DATE: 3/9/09)

AMENDING SECTIONS 7.04.050 AND 7.04.200 OF THE LINCOLN MUNICIPAL CODE TO REMOVE STAND-BY AMBULANCE SERVICE FROM THE DEFINITION OF EMERGENCY AMBULANCE SERVICE AND LIMIT THE DEFINITION OF STAND-BY AMBULANCE SERVICE; AND REPEALING SECTIONS 7.04.050 AND 7.04.200 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Doug Emery, amending Sections 7.04.050 and 7.04.200 of the Lincoln Municipal Code to remove Stand-by Ambulance Service and limit the definition of Stand-by Ambulance Service; and repealing Section 7.04.050 and 7.04.200 of the Lincoln Municipal Code as hitherto existing, the second time.

APPROVING THE LINCOLN FLATS/BANK OF THE WEST REDEVELOPMENT AGREEMENT BETWEEN CONCORDE MANAGEMENT AND DEVELOPMENT, INC. AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 13TH AND 14TH STREETS, ON THE NORTH SIDE OF O STREET. (RELATED ITEMS: 09R-32, 09-32, 09R-33) (ACTION DATE: 3/9/09)

AUTHORIZING THE ISSUANCE OF SERIES A AND SERIES B TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED ~~\$614,000.00~~ \$764,000.00 FOR THE CITY OF LINCOLN, LINCOLN FLATS/BANK OF THE WEST REDEVELOPMENT PROJECT. (RELATED ITEMS: 09R-32, 09-32, 09R-33) - CLERK read an ordinance, introduced by Doug Emery, Authorizing and providing for the issuance of City of Lincoln, Nebraska Taxable Tax Allocation Bonds in one or more series, in a principal amount not to exceed \$764,000 for the purpose of (1) Paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the City's Lincoln Flats/Bank of the West Redevelopment Project Area, including acquiring any real estate and/or interests in real estate in connection therewith, (2) Making a deposit into such accounts as may be established in the Reserve Account established in the Special Fund and (3) Paying the costs of issuance thereof; prescribing the form and certain details of the

bond; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bond as the same become due; limiting payment of the bonds to such tax revenues; creating and establishing funds and accounts; authorizing the sale of the bonds; delegating, authorizing and directing the Finance Director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bond not specified herein; providing for the application of the proceeds of the bonds; providing for the payment of the principal of and interest on the bonds; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

APPROVING AMENDMENT NO. 1 TO THE UNIVERSITY SQUARE REDEVELOPMENT AGREEMENT BETWEEN CONCORDE MANAGEMENT AND DEVELOPMENT, INC., FOUNDATION FOR EDUCATION SERVICES, INC., UNIVERSITY TOWERS CONDOMINIUM ASSOCIATION, AND THE CITY RELATING TO THE PRIVATE SECTOR PARKING ARRANGEMENT AT THE UNIVERSITY SQUARE PARKING GARAGE AT 14TH AND O STREETS. (RELATED ITEMS: 09R-32, 09-32, 09R-33) (ACTION DATE: 3/9/09)

**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, 2009 - PRIOR to reading:

EMERY Moved to delay action & continue public hearing for one week on claims of Tina Tafoya and Michael Reeder.  
Seconded by Svoboda.

MARVIN Moved to make a friendly amendment to split the question.

EMERY Moved to delay action on Tina Tafoya claim of Bill No. 09R-30 for one week to March 9, 2009.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Emery, Eschliman, Svoboda; NAYS: Cook, Marvin, Spatz.

EMERY Moved to delay action on Michael Reeder claim of Bill No. 09R-30 for one week to March 9, 2009.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Svoboda; NAYS: Spatz.

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

A-85242 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 17, 2009, 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>
<del>Tina Tafoya</del>	<del>\$500,000.00</del>	USAA Insurance	
<del>Michael W. Reeder</del>	<del>246.72</del>	(Claim No. 8506654-7101-3-8508)	\$2,894.75
Damon Gruber	297.95	Larry Stoll	478.79
Steven Vasquez	240.00	Elizabeth A. Olson-Jones	550.00
Roger Winkelhake	108.84	Nadine & Bill Wiley	200.00
Teresa Baird	48.11	Beau & Keri Daffer	1,651.46
Anica & Jeff Brown	322.61	Ron Coniglio	545.82
Michael J. Rust	18.16	Jessica McAdams	120.00
Jeffrey A. Sheppard	35.00		

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, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

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

A-85243 A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, PURCHASE AND INSTALLATION OF LIGHT POLES AND RELATED EQUIPMENT FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA CERTIFICATES OF PARTICIPATION

BE IT RESOLVED by the Council (the "Council") of the City of Lincoln, Nebraska (the "City") as follows:  
Section 1. Findings.



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

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

(c) The City anticipates entering into a lease-purchase agreement (the "Lease Agreement") pursuant to its authority under Section 15-201.02 in connection with the Project to finance all or a portion of the costs of the Project through issuance, sale and delivery of Certificates of Participation in the Lease Agreement (the "COPs").

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

(e) The Regulations govern the City's use of proceeds derived from the sale of the COPs to reimburse "original expenditures" made by the City prior to the authorization of the COPs. Specifically, the Code requires the City to declare its official intent to reimburse original expenditures made in furtherance of the Project not later than 60 days after payment of such original expenditures. The Code requires that tax-exempt obligations be issued, and a reimbursement allocation be made, from the proceeds of those obligations within 18-months after the later of the date the original expenditure is paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid.

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

#### **Section 2. Declaration of Intent and Related Matters.**

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

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

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

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

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

#### **Section 3. Authorizations.**

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

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

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

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

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

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

Introduced by Doug Emery

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

ACCEPTING AND APPROVING A CONTRACT BETWEEN THE CITY AND PREMIER CATERING TO PROVIDE CATERING SERVICES FOR THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT'S ANNUAL MEETING AND AWARDS CEREMONY ON APRIL 17, 2009 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85244 WHEREAS, the City of Lincoln desires to issue a purchase order for Premier Catering to provide catering services for the Lincoln-Lancaster County Health Department's Annual Meeting and Awards Ceremony on April 17, 2009; and

WHEREAS, the City's Purchasing Agent issued a request for bids, two bids were received, and Premier Catering was selected as the vendor who could provide all the requested services at the lowest responsible bid; said bid is attached hereto as Attachment "A"; and

WHEREAS, Tony Messineo is a member of the Lincoln-Lancaster County Board of Health and he and/or his family has a significant financial interest in Premier Catering; and

WHEREAS, pursuant to Lincoln Municipal Code § 2.54.030 any officer or employee, as defined in § 2.54.020, shall make known such interest by filing a sworn disclosure statement with the City Clerk; a copy of said disclosure statement is attached thereto as Attachment "B"; and

WHEREAS, Lincoln Municipal Code § 2.54.040 provides that no contract entered into with the interested officer or employee, as defined in § 2.54.020, will be valid unless approved by resolution of the City Council.

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

That the bid of Premier Catering to provide catering services for the Lincoln-Lancaster County Health Department's Annual Meeting and Awards Ceremony on April 17, 2009 which is attached hereto as Attachment "A" is hereby accepted and approved and the Purchasing Agent is authorized to purchase the same on behalf of the City.

The City Clerk is directed to return one fully executed copy of this resolution and the Contract to the Purchasing Department and the Lincoln-Lancaster County Health Department for transmittal to Premier Catering.

Introduced by Doug Emery

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

APPROVING THE ACQUISITION OF APPROXIMATELY 7.52 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF THE INTERSECTION OF SUTHERLAND STREET AND YANKEE HILL ROAD BY THE PARKS AND RECREATION DEPARTMENT FOR PUBLIC USE - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85245 A RESOLUTION authorizing the City of Lincoln Parks and Recreation Department to purchase for public use 7.52 acres of property generally located south of the intersection of Sutherland Street and Yankee Hill Road and legally described as Lot 119 I.T., located in the Southwest Quarter of Section 23, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska.

WHEREAS, said property is located adjacent to the northern boundary of an area of land consisting of approximately 190 acres owned by the City of Lincoln and identified in the Comprehensive Plan for future development as a regional park (Jensen Park) located near South 91st Street and Yankee Hill Road; and

WHEREAS, in 2007 the City Council authorized the sale of 1.32 acres of land at Holmes Golf Course subject to provisions of the Federal Land and Water Conservation Fund Program; and

WHEREAS, under the Federal Land and Water Conservation Fund Program the City must replace such park property on a value-to-value basis; and

WHEREAS, the subject property is appraised at a value similar to the Holmes Golf Course property; and

WHEREAS, on February 11, 2009 the Planning Commission found the proposed acquisition of property for public use to be in conformance with the Comprehensive Plan.

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

That the purchase of 7.52 acres of property generally located south of the intersection of Sutherland Street and Yankee Hill Road and legally described above, for use by the City of Lincoln Parks and Recreation Department for public use, is hereby approved.

Introduced by Doug Emery

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

#### ORDINANCE - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (AS REQUIRED)

CHANGE OF ZONE 08072 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTION 27.07.040, 27.09.040 AND 27.49.040 TO ADD EXCAVATION AND STONE MILLING AS A PERMITTED SPECIAL USE IN THE AG, AGR, AND I-2 ZONING DISTRICTS, RESPECTIVELY; BY AMENDING SECTION 27.63.160 TO ALLOW EXCAVATION AND STONE MILLING TO BE APPROVED BY SPECIAL PERMIT IN THE AG, AGR, R-3, B-2, H-2, H-3, H-4, AND I-2 ZONING DISTRICTS AND TO PROVIDE CONDITIONS GOVERNING SAID USE; AMENDING SECTIONS 27.15.040, 27.31.050, 27.35.020, 27.41.040, 27.43.040, 27.45.030, 27.47.030, AND 27.51.030 TO PROVIDE CONSISTENCY IN THE TERMINOLOGY USED IN EACH SECTION RELATING TO EXCAVATION AND STONE MILLING; BY REPEALING SECTIONS 27.63.310 AND 27.63.360 IN THEIR ENTIRETY; AND REPEALING SECTIONS 27.07.040, 27.09.040, 27.15.040, 27.31.050, 27.35.020, 27.41.040, 27.43.040, 27.45.030, 27.47.030, 27.49.040, 27.51.030, AND 27.63.160 OF THE LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Dan Marvin, an Ordinance amending Title 27 of the Lincoln Municipal Code relating to zoning by amending Section 27.07.040, 27.09.040 and 27.49.040 to add excavation and stone milling as a permitted special use in the AG, AGR, and I-2 zoning districts, respectively; by amending Section 27.63.160 to allow excavation and stone milling to be approved by special permit in the AG, AGR, R-3, B-2, H-2, H-3, H-4, and I-2 zoning districts and to provide conditions governing said use; amending Sections 27.15.040, 27.31.050, 27.35.020, 27.41.040, 27.43.040, 27.45.030, 27.47.030, and 27.51.030 to provide consistency in the terminology used in each section relating to excavation and stone milling; by repealing Sections 27.63.310 and 27.63.360 in their entirety; and repealing Sections 27.07.040, 27.09.040, 27.15.040, 27.31.050, 27.35.020, 27.41.040, 27.43.040, 27.45.030, 27.47.030, 27.49.040, 27.51.030, and 27.63.160 of the Lincoln Municipal Code as hitherto existing, the first time.

#### ORDINANCES - 3<sup>RD</sup> 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 third time.

COOK 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 #19207, is recorded in Ordinance Book #26, Page

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 third time.

COOK Moved to pass the 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 **#19208**, is recorded in Ordinance Book #26, Page

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 third time.

COOK Moved to pass the ordinance as read.  
Seconded by Emery & **LOST** by the following vote: AYES: Spatz; NAYS: Camp, Cook, Emery, Eschliman, Marvin, Svoboda.  
The ordinance, having **LOST**, was assigned the File **#38-4589** & was placed on file in the Office of the City Clerk.

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 third time.

COOK Moved to pass the 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 **#19209**, is recorded in Ordinance Book #26, Page

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 third time.

COOK 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 **#19210**, is recorded in Ordinance Book #26, Page

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 third time.

COOK Moved to pass the ordinance as read.  
Seconded by Emery & carried by the following vote: AYES: Camp, Emery, Marvin, Spatz, Svoboda; NAYS: Cook, Eschliman.  
The ordinance, being numbered **#19211**, is recorded in Ordinance Book #26, Page

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 third time -PRIOR to reading:

Seconded by Emery.  
CAMP Moved to split Bill No. 09-20 into two split ordinances, 09-20(a) & 09-20(b).  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
CAMP Moved to introduce Bill No. 09-20(a).  
Seconded by Marvin.

SVOBODA Moved to put 09-20(a) on Pending to have action only in two weeks on 3/16/09.

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

CAMP Moved to put 09-20(b) on Pending Indefinitely.

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

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 third 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 third time.

COOK 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 **#19212**, is recorded in Ordinance Book #26, Page

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 third time.

COOK 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 **#19213**, is recorded in Ordinance Book #26, Page

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 third time.

COOK 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 **#19214**, is recorded in Ordinance Book #26, Page

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 Firth Street, David City, NE 68632, for a term of March 1, 2009 through February 28, 2010, the third time.

COOK Moved to pass the 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 **#19215**, is recorded in Ordinance Book #26, Page

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. 26<sup>th</sup> Street east approximately 125 feet between N. 26<sup>th</sup> Street and N. 27<sup>th</sup> Street, north of W Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

COOK Moved to pass the ordinance as read.  
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered **#19216**, is recorded in Ordinance Book #26, Page

**OPEN MICROPHONE SESSION - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

ANNEXATION NO. 08003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 63.13 ACRES OF PROPERTY GENERALLY LOCATED AT N. 35TH STREET AND SUPERIOR STREET -CLERK read an ordinance, introduced by Jon Camp, 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.

MARVIN Moved to Withdraw Bill No. 08-63.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, having been **WITHDRAWN**, was assigned the File **#38-4590** & was placed on file in the Office of the City Clerk.

CAMP Moved to extend the remainder of the Pending List to March 9,2009.  
Seconded by Emery & 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 9, 2009.  
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**ADJOURNMENT 4:43 P.M.**

CAMP Moved to adjourn the City Council meeting of March 2, 2009.  
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
So ordered.

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Joan E. Ross, City Clerk

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Judy Roscoe, Senior Office Assistant