

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, APRIL 6, 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 March 30, 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.

**PRESENTATION OF THE 2009 JUSTICE ASSISTANCE GRANT**

Tom Casady, Chief of Police, came forward to publicly accept the 2009 Justice Assistance Grant from the American Reinvestment & Recovery Act in the amount of \$1.408 million. He stated that the grant funds are proposed to be used for one-time only expenditures, 50% of which will be used to replace the aging emergency communication center computer dispatch software and hardware equipment. Chief Casady stated while it is a critical mission to provide safety and security to the City, this valuable equipment serves not only the Police Department but also the Sheriff's Department, Lincoln Fire & Rescue, Lancaster County Emergency Management and Rural Fire Agencies in Lancaster County. He said sharing the Justice Assistant Grant funds by a city and county is required if the county bears more than half of the cost of the prosecution and incarceration of people who are arrested and prosecuted for crimes. He said other proposed expenditures include police cruiser ballistic shields, a digital transcription system and other digital/technology requirements.

Terry Wagner, Lancaster County Sheriff, came forward to state that grant funds will provide an opportunity to upgrade technology with the latest advancements made in the past few years. Other equipment needs include mobile data computing & digital camera systems for patrol cars, weapons enhancement and radio upgrades.

In response to Council questions, Chief Casady said an upgrade in computer software could accommodate surrounding counties in providing dispatch services upon arrangement. He clarified that the City's only other option was to enter into a lease purchase of a computer dispatch system at a cost of \$120,000 annually for seven years; therefore, grant funds will relieve the City's operating budget.

In response to Council questions about relocating the 911 facility, Sheriff Wagner stated that there is reluctance to spend one-time grant funds on brick & mortar and people projects because funding may not be available in the future to sustain them.

This matter was taken under advisement.

**PUBLIC HEARING**

APPROVING THE PHASE I ANTELOPE VALLEY PARKWAY PLAZA TRIANGLE REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND ASSURITY LIFE INSURANCE COMPANY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN THE FUTURE ANTELOPE VALLEY PARKWAY AND FUTURE UNION PLAZA, AND Q AND R STREETS IN EAST DOWNTOWN LINCOLN;

VACATION 09001 - APPLICATION OF THE JOINT ANTELOPE VALLEY AUTHORITY AND ASSURITY LIFE INSURANCE CO. TO VACATE 20TH STREET BETWEEN S AND Q STREET; 21ST STREET BETWEEN R AND Q STREETS; R STREET BETWEEN PROPOSED ANTELOPE VALLEY PARKWAY AND 21ST STREET; S STREET BETWEEN PROPOSED

ANTELOPE VALLEY PARKWAY AND 20TH STREET; A PORTION OF THE EAST-WEST ALLEY, BLOCK 4, LINCOLN DRIVING PARK COMPANY'S 2ND SUBDIVISION; AND THE EAST-WEST ALLEY IN BLOCK 7 AND 8, KINNEY'S O STREET ADDITION, AND RETAINING TITLE IN THE CITY OF LINCOLN;

AUTHORIZING THE ISSUANCE OF A TAX ALLOCATION BOND WITH A TOTAL NOT TO EXCEED \$7.2 MILLION FOR THE CITY OF LINCOLN, PHASE I ANTELOPE VALLEY PARKWAY PLAZA TRIANGLE REDEVELOPMENT PROJECT;

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND NEIGHBORHOODS, INC. DBA NEIGHBORWORKS LINCOLN FOR THE PROPERTY LOCATED IN BLOCK 1 AND 3, DEERFIELD SUBDIVISION, INCLUDING THE OLD CARNEGIE LIBRARY AND ASSOCIATED PARKING AT 2121 N. 27TH STREET FOR A 13 MONTH TERM;

APPROVING THE ANTELOPE VILLAGE PROJECT REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND NEIGHBORHOODS, INC. DBA NEIGHBORWORKS LINCOLN, RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN P AND Q, 23RD AND 24TH STREETS;

APPROVING THE MATT TALBOT KITCHEN AND OUTREACH PROJECT REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND MATT TALBOT KITCHEN AND OUTREACH, INC. RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 2121 N. 27TH STREET - David Landis, Director of Urban Development, came forward on behalf of Mayor Beutler's Administration to present three interlinked projects all for the good of the following: community development in Antelope Valley; strengthening ties with a major employer, Assurity Life Insurance Company; increasing our building trades industry; providing essential services to people in need; and investment of home ownership in the neighborhood. He stated the entire project consisting of \$60 million in private investment and \$8.3 million in TIF is greater than any other project the Urban Development Department has known. Mr. Landis said the 173,000 sq. ft. Assurity office project slated for completion in September 2011 will provide the following benefits: on-street parking at Q Street, a 590-stall parking garage with agreed public access, a pedestrian/bike trail, an accessible bus stop/shelter, buried electric/dry utility lines, replacement of 100-year-old water mains on Q, R & S Streets, and bringing a 1920's brick storm sewer to an end. He said the Matt Talbot Kitchen & Outreach will relocate to the Carnegie Library on N. 27<sup>th</sup> Street, being a 9,000 sq. ft. repair & rehabilitation project at a cost of \$2.1 million (\$430,000 TIF). Upon completion it will provide kitchen facilities, dining rooms & outreach offices in a geo-thermally heated and cooled building. He said the last piece would advance the relocation of NeighborWorks into a LEED neighborhood standard designated multi-use location including an 18,000 sq. ft. mixed-use office/retail facility, 26 townhomes/condos, a parking lot, conference room, street bump outs for safety, all resulting in a cost \$6.4 million privately, \$1.1 million in Federal funds and \$626,000 in TIF.

Bill Schmeekle, V.P. & Chief Investment Officer for Assurity Life, came forward to give the Council an overview of their proposed corporate headquarters and to state that the Antelope Valley site has proven to be a perfect location for their campus environment needs as well as taking advantage of amenities including playground, bike/walking paths and views for their associates. LEED projects include an ability to capture/reuse rainwater, a green roof, pervious pavement and environmentally friendly elements. He explained that the 15-year parking garage agreement will allow for public usage beginning Fridays at 6 p.m. until two hours after park closure on Sundays, 25 stalls for usage during the week and 10 opportunities for totally free usage as designated by the City.

Tom Henning, Pres. & CEO of Assurity Life, came forward in support of the proposed development stating that his company combines three long-time Lincoln, Nebraska companies: Lincoln Direct Life, Security Financial Life and Woodman Accident Life. He stated that Assurity's Board of Directors, comprised almost entirely of Lincoln business leaders, was in a unique position to help jumpstart the Antelope Valley Redevelopment area. He recounted benefits of the area as being located next to a major research facility such as the University of Nebraska-

Lincoln; having direct access to I-80 via 19<sup>th</sup> Street and locating next to the Union Plaza Park which will provide nice amenities to associates and others who choose to locate in the building. He stated that without TIF, his company would have located in a suburban environment; therefore, he expressed gratitude for the opportunity to utilize it. Mr. Henning said although exact final numbers are not known at this time, Assurity anticipates their total investment will exceed \$50 million. He stated the two Lincoln firms who will assist them in this work are Clark Enersen as architect & space planner and Sampson Construction as project manager, utilizing local vendors wherever possible. He said currently they employ 450 associates, 100 at 40<sup>th</sup> & Pine Lake Road and 350 in their building downtown which is on contract to be sold to the State of Nebraska.

Wendy Birdsall, Pres. Lincoln Chamber of Commerce, LPED, came forward in support of the redevelopment project stating it will allow Lincoln to continue to thrive into the future.

Terry Uland, Pres. Downtown Lincoln Association, 206 S. 13<sup>th</sup> St., came forward in support of the redevelopment project stating the campus site complements downtown as a transitional land use rather than competing with downtown.

Lauren Wismer, Gilmore & Bell, Bond Counsel, came forward to answer any questions concerning the tax allocation bond ordinance and explain the minor amendment which clarifies the definition of the term "project".

Tony Ojeda, President, Matt Talbot Kitchen & Outreach Board of Directors, appeared in support of moving this project forward. He expressed appreciation to the Council's service to the community and thanked Assurity for its generosity. He said through working with their attorney Kent Seacrest, they have signed a lease termination agreement as required for Assurity to buy the current facility from St. Vincent de Paul.

Tom Huston, 233 S. 13<sup>th</sup> St., Suite 1900, came forward on behalf of Neighborhoods, Inc. and Michael Snodgrass, Executive Director of NeighborWorks-Lincoln in support of all items in relation to the redevelopment project. He presented an amendment to the redevelopment plan in effort to move the Antelope Village project forward so all involved time lines can be accommodated.

John Sinclair, Sinclair Hille Architects, 700 Q Street, came forward to present architectural images of the 9,000 sq. ft. addition to the Carnegie Library maintaining the same classical building style. He said the entire structure will house administrative offices, food service functions & dining to seat 175 people with outreach services that provide counseling/health care. In answer to Council questions, Mr. Sinclair said upon completion, people will approach the site from the west and enter from the north.

Susanne Blue, Director of Matt Talbot Kitchen & Outreach, came forward to thank all those who put forth time & effort in this project. She shared MTKO has launched the Witness to HOPE Capital Campaign. She said the community's growing need was evidenced last month when 9,000 meals were served. She stated that over 105,000 meals were served last year in an overcrowded dining room. In answer to Council questions about the transition time line, Ms. Blue said construction will start in July with plans to be moved by March 31, 2010. She said she believed Assurity's construction will be able to work around MTKO's present location.

Mr. Landis came forward to clarify the transition of entities throughout development. He said NeighborWorks will find a temporary home next to their proposed facility; Matt Talbot will stay where it is for less than a year while the new building is constructed; Assurity will be doing their site work & preparation, bringing down the Matt Talbot building when vacated, aiming at September 2011 for completion. Mr. Landis stated that while all of us are part of a team, the central energy for the whole project lies with Assurity Life Insurance and Tom Henning's vision for this City.

This matter was taken under advisement.

AMENDING SECTION 5.38.050 OF THE LINCOLN MUNICIPAL CODE TO INCREASE PERMIT FEES FOR MOTELS, HOTELS, ROOMING, LODGING, AND APARTMENT HOUSES, AND REPEALING SECTION 5.38.050 AS HITHERTO EXISTING - Ron Peery, Building & Safety Department, came forward explaining that it has been 10 years since there was a fee increase in this field. In response to Council questions, he stated a reserve had been built up to cover expenses so far and personnel did not increase due to the use of computer technology.

This matter was taken under advisement.

AMENDING CHAPTER 24.12 OF THE LINCOLN MUNICIPAL CODE, THE PLUMBING CODE, BY AMENDING SECTION 24.12.020 RELATING TO REQUESTS FOR INSPECTIONS BY HOMEOWNERS; AMENDING SECTION 24.12.025 TO INCREASE PLUMBING PERMIT FEES; AMENDING SECTION 24.12.030 RELATING TO THE PLUMBING BOARD OF APPEALS TO PROVIDE FOR APPEAL HEARING PROCEDURES; AMENDING SECTION 24.12.450 TO INCREASE UNDERGROUND IRRIGATION SYSTEM PERMIT FEES; AND REPEALING SECTIONS 24.12.020, 24.12.025, 24.12.030 AND 24.12.450 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Ron Peery, Building & Safety Department, came forward to answer questions about the proposed fee increase stating the last increase was five years ago. He said although permit activity has decreased 17% and inspection staff has been reduced by 40%, this fee increase must cover their costs over the next few years. He also said Law Dept. cleaned up some language to clarify responsibility for inspections.

This matter was taken under advisement.

APPROVING THE UTILIZATION OF THE FINANCIAL ACCOUNTING STANDARD 71 PROCEDURE TO DEFER APPROXIMATELY \$9.7 MILLION OF 2008 COSTS RELATED TO SHELDON STATION AND RECOVER THE COSTS THROUGH LES RATES AND AMORTIZING SUCH COSTS OVER FIVE YEARS - Shelley Sahling-Zart, Lincoln Electric System V.P. Assistant Counsel, came forward to comment that this resolution is merely a housekeeping item relating to expenses incurred more than a year ago at the Sheldon generating station under a 30% participation contract with NPPD and has no rate impact. Ms. Sahling-Zart clarified that FASB 71 allows the deferred expense but requires approval of the rate regulator to invoke that rule.

Keith Brown, CFO of LES, was on hand for questioning.

This matter was taken under advisement.

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

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION ON THE NORTH 27TH STREET MAINTENANCE IMPROVEMENT DISTRICT AND THE UNIVERSITY PLACE MAINTENANCE BUSINESS IMPROVEMENT DISTRICT - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MARCH 23, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

### **PETITIONS & COMMUNICATIONS**

SETTING THE HEARING DATE OF MONDAY, APRIL 13, 2009 AT 1:30 P.M. FOR THE APPLICATION OF METRO FOOD MART, INC. DBA LEON'S FOOD MART FOR A CLASS C LIQUOR LICENSE LOCATED AT 2200 WINTHROP ROAD - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85273 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 13, 2009, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the application of Metro Food Mart, Inc. dba Leon's Food Mart for a Class C liquor license located at 2200 Winthrop Road.

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

SETTING THE HEARING DATE OF APRIL 20, 2009 AT 1:30 P.M. FOR THE APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2745 FOR RECONSTRUCTION OF A ONE STORY BUILDING APPROX. 95 FT. X 45 FT. LOCATED AT 2243 NORTH COTNER - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85274 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, Monday April 20, 2009, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the application of Casey's Retail Company dba Casey's General Store #2745 for reconstruction of a one story building approx. 95 ft. x 45 ft. located at 2243 North Cotner.

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

THE FOLLOWING ITEMS HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 08074 - Req. of the Director of Planning from I-1 Industrial District to R-2 Residential District, P Public Use District and H-3 Highway Commercial District; from P Public Use District to H-3 Highway Commercial District; and from R-4 Residential District to P Public Use District on property generally located at N. 27th Street and Center Street.

Change of Zone No. 09004 - Req. of the Director of Planning amending Chapter 27.61 of the Lincoln Municipal Code relating to Nonconforming and Nonstandard Uses by adding a new section numbered 27.61.100 to establish conditions for the expansion of a nonstandard single-family or two-family dwelling into a required yard in residential districts.

Change of Zone No. 09006 - Req. of the Director of Urban Development to designate the former North Branch Library as a landmark on property generally located at N. 27th Street and Center Street.

Change of Zone No. 09007 - Req. of the Director of Planning, to amend the Building Line District map by deleting the building line district in Randolph Street from the centerline of S. 46th Street to the west line of S. 47th Street.

Change of Zone No. 09008 - App. of ESP on behalf of Southeast Technical Community College from P Public Use District to O-3 Office Park District on property generally located at N. 90th Street and O Street.

Special Permit No. 08004A - App. of James Peterson for an amendment to continue and expand the excavation of sand, gravel and soil on property generally located at N. 40th Street and Waverly Road.

Special Permit No. 09004 - App. of Jose Luis Meneses for the authority to sell alcoholic beverages for consumption off the premises on property generally located northeast of the intersection of N. 1st and O Streets.

Use Permit No. 140C - App. of Menards, Inc. for an amendment to Appian Way Regional Center to adjust the required parking on property generally located at S. 91st Street and Heritage Lakes Drive.

Use Permit No. 09001 - App. of ESP on behalf of Southeast Technical Community College for approximately 125,000 square feet of medical office space on property generally located at N. 90th Street and O Street.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS - NONE

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

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS AND P STREET FROM 7TH TO 8TH STREETS FROM MAY 2, 2009 THROUGH OCTOBER 10, 2009 AND ON 8TH STREET FROM P TO Q STREET FROM JUNE 13, 2009 THROUGH AUGUST 8, 2009 - CLERK read an ordinance, introduced by Doug Emery, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public market in the Haymarket area, 7<sup>th</sup> Street from P to Q Streets and P Street from 7<sup>th</sup> to 8<sup>th</sup> Streets, from May 2, 2009 through October 10, 2009, and on 8<sup>th</sup> Street from P to Q Street from June 13, 2009 through August 8, 2009 and authorizing the Mayor to sign such Contract on behalf of the City, the second time.

APPROVING THE PHASE I ANTELOPE VALLEY PARKWAY PLAZA TRIANGLE REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND ASSURITY LIFE INSURANCE COMPANY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN THE FUTURE ANTELOPE VALLEY PARKWAY AND FUTURE UNION PLAZA, AND Q AND R STREETS IN EAST DOWNTOWN LINCOLN. (RELATED ITEMS: 09R-47, 09-37, 09-38, 09-41, 09R-48, 09R-49) (ACTION DATE: 4/13/09)

VACATION 09001 - APPLICATION OF THE JOINT ANTELOPE VALLEY AUTHORITY AND ASSURITY LIFE INSURANCE CO. TO VACATE 20TH STREET BETWEEN S AND Q STREET; 21ST STREET BETWEEN R AND Q STREETS; R STREET BETWEEN PROPOSED ANTELOPE VALLEY PARKWAY AND 21ST STREET; S STREET BETWEEN PROPOSED ANTELOPE VALLEY PARKWAY AND 20TH STREET; A PORTION OF THE EAST-WEST ALLEY, BLOCK 4, LINCOLN DRIVING PARK COMPANY'S 2ND SUBDIVISION; AND THE EAST-WEST ALLEY IN BLOCK 7 AND 8, KINNEY'S O STREET ADDITION, AND RETAINING TITLE IN THE CITY OF LINCOLN. (RELATED ITEMS: 09R-47, 09-37, 09-38, 09-41, 09R-48, 09R-49) - CLERK read an ordinance, introduced by Doug Emery, vacating 20<sup>th</sup> Street between S and Q Street; 21<sup>st</sup> Street between R and Q Streets; R Street between proposed Antelope Valley Parkway and 21<sup>st</sup> Street; S Street between proposed Antelope Valley and 20<sup>th</sup> Street; a portion of the east-west alley, Block 4, Lincoln Driving Park Company's 2<sup>nd</sup> Subdivision; and the east-west alley in Block 7 and 8, Kinney's O Street Addition, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

AUTHORIZING THE ISSUANCE OF A TAX ALLOCATION BOND WITH A TOTAL NOT TO EXCEED \$7.2 MILLION FOR THE CITY OF LINCOLN, PHASE I ANTELOPE VALLEY PARKWAY PLAZA TRIANGLE REDEVELOPMENT PROJECT. (RELATED ITEMS: 09R-47, 09-37, 09-38, 09-41, 09R-48, 09R-49) - CLERK read an ordinance, introduced by Doug Emery, authorizing and providing for the issuance of not to exceed \$7,200,000 the City of Lincoln, Nebraska, Phase I Antelope Valley Parkway Plaza Triangle Redevelopment Project Taxable Tax Allocation Bonds, Series 2009, for the purpose of paying(1) all or part of the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing, and completing certain public improvements within the City's Phase I Antelope Valley Parkway Plaza Triangle Redevelopment Project inclusive of any acquisition of real estate and/or interests in real estate in connection therewith and (2) the costs of issuance thereof; prescribing the form and certain of the details of the bonds; pledging certain tax allocation and other tax revenues to payment of the principal of and interest on the bonds as the same become due and to carry out all other covenants of this ordinance; limiting payment of the bonds to said tax

allocation and other tax revenues; creating and establishing funds and accounts; authorizing the sale and delivery of the bonds; delegating, authorizing and directing and finance director to exercise his own independent discretion and judgment in determining and finalizing the terms and provisions with respect to the bonds not specified herein; providing for application of the proceeds of the bonds; providing for payment of the principal or and interest on the bonds; taking other action and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND NEIGHBORHOODS, INC. DBA NEIGHBORWORKS LINCOLN FOR THE PROPERTY LOCATED IN BLOCK 1 AND 3, DEERFIELD SUBDIVISION, INCLUDING THE OLD CARNEGIE LIBRARY AND ASSOCIATED PARKING AT 2121 N. 27TH STREET FOR A 13 MONTH TERM. (RELATED ITEMS: 09R-47, 09-37, 09-38, 09-41, 09R-48, 09R-49) - CLERK read an ordinance, introduced by Doug Emery, accepting and approving the Lease between the City of Lincoln and Neighborhoods, Inc. dba NeighborWorks Lincoln for a lease of the Carnegie Library building and associated parking at 2121 N. 27<sup>th</sup> Street for a primary term from May 1, 2009 through March 31, 2010 with the options to extend for an additional six months, the second time.

APPROVING THE ANTELOPE VILLAGE PROJECT REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND NEIGHBORHOODS, INC. DBA NEIGHBORWORKS LINCOLN, RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN P AND Q, 23RD AND 24TH STREETS. (RELATED ITEMS: 09R-47, 09-37, 09-38, 09-41, 09R-48, 09R-49) (ACTION DATE: 4/13/09)

APPROVING THE MATT TALBOT KITCHEN AND OUTREACH PROJECT REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND MATT TALBOT KITCHEN AND OUTREACH, INC. RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 2121 N. 27TH STREET. (RELATED ITEMS: 09R-47, 09-37, 09-38, 09-41, 09R-48, 09R-49) (ACTION DATE: 4/13/09)

AMENDING SECTION 5.38.050 OF THE LINCOLN MUNICIPAL CODE TO INCREASE PERMIT FEES FOR MOTELS, HOTELS, ROOMING, LODGING, AND APARTMENT HOUSES, AND REPEALING SECTION 5.38.050 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Doug Emery, amending Section 5.38.050 of the Lincoln Municipal Code to increase permit fees for motels, hotels, rooming, lodging, and apartment houses; and repealing Section 5.38.050 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 24.12 OF THE LINCOLN MUNICIPAL CODE, THE PLUMBING CODE, BY AMENDING SECTION 24.12.020 RELATING TO REQUESTS FOR INSPECTIONS BY HOMEOWNERS; AMENDING SECTION 24.12.025 TO INCREASE PLUMBING PERMIT FEES; AMENDING SECTION 24.12.030 RELATING TO THE PLUMBING BOARD OF APPEALS TO PROVIDE FOR APPEAL HEARING PROCEDURES; AMENDING SECTION 24.12.450 TO INCREASE UNDERGROUND IRRIGATION SYSTEM PERMIT FEES; AND REPEALING SECTIONS 24.12.020, 24.12.025, 24.12.030 AND 24.12.450 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Doug Emery, amending Chapter 24.12 of the Lincoln Municipal Code, the Lincoln Plumbing Code by amending Section 24.12.020 relating to requests for inspections by homeowners; amending Section 24.12.025 to increase plumbing permit fees; amending Section 24.12.030 relating to the Plumbing Board of Appeals to provide for appeal hearing procedures; amending Section 24.12.450 to increase underground irrigation system permit fees; and repealing Sections 24.12.020, 24.12.025, 24.12.030, and 24.12.450 of the Lincoln Municipal Code as hitherto existing, the second time.

**PUBLIC HEARING RESOLUTIONS**

APPROVING THE UTILIZATION OF THE FINANCIAL ACCOUNTING STANDARD 71 PROCEDURE TO DEFER APPROXIMATELY \$9.7 MILLION OF 2008 COSTS RELATED TO SHELDON STATION AND RECOVER THE COSTS THROUGH LES RATES AND AMORTIZING SUCH COSTS OVER FIVE YEARS - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85275 WHEREAS, Lincoln Electric System (LES) is contractually entitled to 30 percent of the output of the Sheldon Station Power Plant (Sheldon), which is operated by the Nebraska Public Power District (NPPD), for the life of the plant; and

WHEREAS, in absence of extraordinary circumstances, LES recognizes its share of capital acquisition costs and debt service payments at Sheldon as power costs in the period the costs are billed; and

WHEREAS, after completing its 2008 budget LES received a revised capital budget from NPPD for Sheldon that was approximately \$9.7 million greater than the costs LES had included for Sheldon in the 2008 budget; and

WHEREAS, LES management made a decision to defer the \$9.7 million difference and amortize the expense over a five-year period essentially treating the expense as a deferred capital asset rather than as an operating expense; and

WHEREAS, this accounting decision was made in order to spread the impacts to customers over a longer period of time and avoid significant rate impacts; and

WHEREAS, this type of accounting treatment is allowed under Financial Accounting Standard No. 71 (FAS71) "Accounting for the Effects of Certain Types of Regulation", subject to certain requirements; and

WHEREAS, LES's external auditor, Virchow Krause, has advised LES that FAS 71 requires that LES's rate-setting body approve capital treatment and amortization of this Sheldon \$9.7 million cost including a plan for recovering such costs through future rates; and

WHEREAS, recovery of this amortized cost is currently included in the rates that were approved by the City Council on August 8, 2008; and

WHEREAS, on March 20, 2009, the LES Administrative Board unanimously approved the utilization of the FAS 71 procedure to defer approximately \$9.7 million of 2008 costs related to Sheldon Station and recover the costs through LES rates and amortizing such costs over five years; and

WHEREAS, the LES Administrative Board recommends approval of this accounting action by the Lincoln City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the FAS 71 procedure to defer approximately \$9.7 million of 2008 costs related to Sheldon Station and recover the costs through LES rates and amortizing such costs over five years, be and it hereby is 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)**

AMENDING CHAPTER 14.29 OF THE LINCOLN MUNICIPAL CODE RELATING TO USE OF STREETS FOR PRIVATE CONSTRUCTION PURPOSES BY AMENDING SECTIONS 14.29.020 AND 14.29.030 TO INCREASE STREET USE AND METERHOOD PERMIT COSTS FOR PRIVATE CONSTRUCTION PURPOSES; AND REPEALING SECTIONS 14.29.020 AND 14.29.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Dan Marvin, amending Chapter 14.29 of the Lincoln Municipal Code relating to Use of Streets for Private Construction Purposes by amending Sections 14.29.020 and 14.29.030 to increase street use and meterhood permit costs for private construction purposes; and repealing Sections 14.29.020 and 14.29.030 of the Lincoln Municipal Code as hitherto existing, the first time.



MISC. 09003 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LAND SUBDIVISION ORDINANCE BY ADDING A NEW SECTION 26.07.013 TO ADD A DEFINITION FOR ACCESS ROAD; AMENDING SECTION 26.11.060 TO MODIFY THE PROCEDURES TO APPEAL FROM FINAL ACTION OF THE PLANNING DIRECTOR; AMENDING SECTION 26.23.140 TO MODIFY THE REQUIREMENT THAT EVERY LOT SHALL FRONT UPON AND HAVE ACCESS TO A PUBLIC STREET FOR LOTS WHICH FRONT UPON A MAJOR STREET; AMENDING SECTION 26.31.010 TO MODIFY THE REQUIREMENTS FOR GRANTING A WAIVER OF LAND SUBDIVISION REQUIREMENTS; AND REPEALING SECTIONS 26.11.060, 26.23.140, AND 26.31.010 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Dan Marvin, amending Title 26 of the Lincoln Municipal Code relating to the Land Subdivision Ordinance by adding a new Section 26.07.013 to add a definition for access road; amending Section 26.11.060 to modify the procedures to appeal from final action of the Planning Director; amending Section 26.23.140 to modify the requirement that every lot shall front upon and have access to a public street for lots which front upon a major street; amending Section 26.31.010 to modify the requirements for granting a waiver of land subdivision requirements; and repealing Sections 26.11.060, 26.23.140, and 26.31.010 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 14.32 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL EVENTS BY AMENDING SECTION 14.32.020 TO REVISE THE DEFINITION OF SPECIAL EVENT TO PROVIDE THAT THE DEFINITION NOT BE LIMITED TO USES CURRENTLY SET FORTH IN THAT SECTION; AMENDING SECTION 14.32.070 TO EXPAND THE PUBLIC SPACE IN WHICH NO SPECIAL PERMIT SHALL BE ISSUED BEGINNING AT 12:30 A.M. THE DAY OF ANY UNIVERSITY OF NEBRASKA HOME FOOTBALL GAME AND CONTINUING THROUGH 6:30 A.M. THE FOLLOWING DAY; AND REPEALING SECTIONS 14.32.020 AND 14.32.070 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Dan Marvin, amending Chapter 14.32 of the Lincoln Municipal Code relating to Special Events by amending Section 14.32.020 to revise the definition of special event to provide that the definition not be limited to uses currently set forth in that section; amending Section 14.32.070 to expand the public space in which no special permit shall be issued beginning at 12:30 a.m. the day of any University of Nebraska home football game and continuing through 6:30 a.m. the following day; and repealing Sections 14.32.020 and 14.32.070 of the Lincoln Municipal Code as hitherto existing, the first time.

**ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)**

CHANGE OF ZONE 09005HP - APPLICATION OF NEBRASKA STATE HISTORICAL SOCIETY FOUNDATION AND MILLER LANDSCAPES AND CONSTRUCTION, INC. TO DESIGNATE THE WEESE FARMSTEAD, GENERALLY LOCATED AT 10901 ADAMS STREET, AS A LANDMARK - CLERK read an ordinance, introduced by Jonathan Cook, amending the City of Lincoln District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, 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 #19226, is recorded in Ordinance Book #26, Page

**OPEN MICROPHONE SESSION - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to remove Bill No. 09-20A from Pending for Public Hearing on April 20, 2009 with Action on April 27, 2009.  
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CAMP Moved to extend the remainder of the Pending List to April 13, 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 April 13, 2009.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**ADJOURNMENT 3:00 P.M.**

CAMP Moved to adjourn the City Council meeting of April 6, 2009.  
Seconded by Svoboda & 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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Sandy Dubas, Senior Office Assistant