

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, APRIL 20, 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; Deputy City Clerk, Teresa J. Meier.

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**

SPATZ Having been appointed to read the minutes of the City Council proceedings of April 13, 2009 reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2745 TO EXPAND ITS LICENSED PREMISES FOR THE RECONSTRUCTION OF THE WHOLE 95' BY 45' BUILDING LOCATED AT 2243 NORTH COTNER BLVD. - Sharon Scusa, 1835 Valleyview Drive, Crete, NE came forward to take oath and answer questions. She stated the original store was replaced with a new store.

This matter was taken under advisement.

AUTHORIZING THE CITY OF LINCOLN, NEBRASKA TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY, LINCOLN, NEBRASKA, FOR THE ACQUISITION OF STREET LIGHTING EQUIPMENT - Don Herz, City Finance Director, came forward to request approval of a transaction to issue \$2.5 million of certificates of participation to lease purchase street lights for a fifth year. He explained that this year's significant decrease is due to Council Marvin's suggestion that one major project could be funded through the RTSD. He also said the need to lease purchase a computer-aided dispatch system was eliminated from this transaction due to stimulus grant funding. Out of the \$2.5 million, Mr. Herz said it was anticipated that \$1.2 million will be used for improvements that LES makes and \$1.3 million for Public Works street light installation projects. He said bond market terms will be a 10-year level debt service at 2.8%, anticipating an annual debt service of \$290,000. In answer to Council questions, he said after this year new street lighting costs will drop off.

Lauren Wismer, Gillmore & Bell, Bond Counsel, was on hand for questioning.

Scott Keene, Ameritas, Financial Advisor, was on hand for questioning.

Council Member Marvin thanked Mr. Herz for his funding research which accounted for a savings of \$200,000 in the General Fund.

This matter was taken under advisement.

ANNEXATION NO. 08016 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 137 ACRES SOUTH OF WEST O STREET IN THE VICINITY OF SW 48TH STREET - Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing Dorothy Peterson, owner of a parcel of land immediately east of SW 48<sup>th</sup> Street. He requested deferral of action to May 4, 2009 on this item to coincide with the Shoemaker Project as it relates to street access.

This matter was taken under advisement.

ANNEXATION 08025 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 10 ACRES OF PROPERTY GENERALLY LOCATED SOUTH AND WEST OF THE SOUTHWEST CORNER OF S.W. 48TH STREET AND WEST O STREET;

CHANGE OF ZONE 08061 - APPLICATION OF SHOEMAKER'S TRUCK STATION, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH AND WEST OF THE SOUTHWEST CORNER OF S.W. 48TH STREET AND WEST O STREET;

COMP. PLAN CONFORMITY 09002 - APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE WEST O STREET REDEVELOPMENT PLAN TO ADD THE "SHOEMAKERS REDEVELOPMENT PROJECT" FOR CONSTRUCTION OF TWO BUILDINGS ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF S.W. 48TH STREET AND WEST O STREET - David Landis, Director of Urban Development, came forward to state this project is a new piece of development to create a travel plaza. He said since this blighted area is not in the core of the City, existing policy expects two things to occur: 1) a requirement that jobs at this location need to be at 105% of the entry levels; and 2) the formulation of a method to determine that more than 50% of the business at this location will be coming from outside Lancaster County. He said to expand on the burgeoning synergy of transportation history at this West O Street location, the truck center will do its best to relate to the Transportation History Interpretive Center as it identifies the historically significant Detroit-Lincoln-Denver Highway. He said the planned Museum of American Speed will house a world-class exhibit of automotive history encouraging travelers to drop off the interstate to spend money in Lincoln. Mr. Landis stated that a blight study will be conducted on land not yet in the City, north of the Interstate and off of West O Street. He said the Chamber of Commerce is marketing this area as an excellent pad site for a national distribution center. He said that since the current intersection is outdated according to the State Department of Roads, a vast majority of TIF will be spent on that as well as a water main and energy efficiencies. In response to Council questions, he explained that if the redevelopment plan is acted upon, then the annexation and change of zone would make sense. Mr. Landis further explained that a time factor is critical to Shoemaker's to allow for an uninterrupted flow - the lease ends in July, jobs need to continue, and construction must be completed.

DeNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward on behalf of Shoemaker's Truck Station as applicants for the change of zone & annexation and expressed support of the amendment to the redevelopment plan. She said most of the details are in place for the redevelopment agreement with a planned final to Law Department this week. She explained the reasoning for the delay request on the annexation & change of zone was so the two items could have action the same time as the redevelopment agreement where details are laid out.

John V. Hendry, City Attorney, came forward to answer questions stating the public hearing could proceed even though Council may vote to delay action to May 2, 2009.

David Shoemaker, 25-year owner/operator of Shoemaker's Truck Station, NW 48<sup>th</sup> & O Streets, came forward to share what his business project will offer: doubled store space, faster, modern fuel pumps for cars or trucks, the same family-style restaurant, an expanded convenience store & deli with the addition of two fast-food restaurants, and retention of 70 existing employees with the expectation of adding 20-30% more in the next few years. He said last years' figures proved that Interstate fuel sales were 90% of total fuel sales last year - 69% coming from out of county. He provided sales, gas & fuel tax figures which reveal the need for a convenient travel center at the west gateway to Lincoln. In answer to questioning, Mr. Shoemaker stated the streetscaping will be a prairie, natural Nebraska-look and they are working toward being LEED certified. He agreed with Council stating that I-80 through Lincoln is not overly saturated with truck stops. Their plan is to be open for business September 1, 2009.

Treasure Smiley, 6900 Glass Ridge, came forward in support of the the project as she is an 18-year employee who has enjoyed the benefits of a flexible schedule, decent wages, employee-paid insurance, a retirement savings plan and working in a family atmosphere.

Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing Dorothy Peterson, the land owner to the east, stating that Public Works has determined that an access point can be defined to the property from SW 48<sup>th</sup> Street which is immediately east of the access to the Shoemaker property. He said Ms. Peterson hopes the curb cut & return of her driveway can be included in the TIF improvements.

Peter Katt, 600 Wells Fargo Center, 1248 O St., came forward representing the other side of the Shoemaker family, Don and Randy Shoemaker, in a neutral capacity. He said the 25-year lease is set to expire on June 30 and his clients are proceeding with plans to open, operate and continue the truck stop operation as it currently exists under the original Shoemaker truck stop name. He questioned the requirements for the use of TIF on the project. He asked that City Staff give thoughtful consideration to a development that would allow two competitive businesses in one location to remain as viable entities. Mr. Katt questioned if economic development dollars are spent on the new location why they could not also be spent on an upgrade for his clients' created new business. He said it is not his clients' highest priority to come forward with a redevelopment plan at this time.

Mr. Landis came forward to answer questions. He said outer area TIF projects should achieve one of the following goals: 1)the project involves a new business or the expansion of businesses that add to Lincoln's existing tax base; 2)generates new primary employment with out-of-county sales greater than 50%; 3)provides a median wage to its new employees equal to or in excess of 105% of the average starting wage for Lancaster County; 4)the project relocates an existing business from one area to another compatible zoned area; 5)improves traffic flow; 6)addresses other conflicts that require relocation.

John V. Hendry, City Attorney, came forward to answer questions about waiving the rules for Council action on Bill No. 09R-57, Comp. Plan Conformity 09002. He stated that under the redevelopment law, a redevelopment agreement would not be able to be introduced on April 27 for action on May 4 without first being included as a project within the redevelopment area.

This matter was taken under advisement.

APPROVING THE SURPLUSING OF \$100,000.00 FROM THE SPECIAL ASSESSMENT FUND AND THE TRANSFER TO THE FAST FORWARD FUND AND TRANSFER AND APPROPRIATION IN THE URBAN DEVELOPMENT OPERATING BUDGET / CONTRACTUAL SERVICES FOR OPERATIONAL EXPENSES OF THE URBAN DEVELOPMENT DOWNTOWN RETAIL IMPLEMENTATION PROJECT FOR THE 2008/2009 FISCAL YEAR;

APPROVING A GRANT AGREEMENT BETWEEN THE CITY ON BEHALF OF THE URBAN DEVELOPMENT DEPARTMENT AND THE DOWNTOWN CIVIC VENTURES TO UTILIZE \$100,000.00 FROM THE DOWNTOWN RETAIL IMPLEMENTATION PROJECT TO PROVIDE FOR OPERATIONAL EXPENDITURES IN IMPLEMENTING AND MAINTAINING A RETAIL RECRUITMENT AND RETENTION PROGRAM IN DOWNTOWN LINCOLN - Dallas McGee, Urban Development Department, came forward to state the Downtown Master Plan identified that Downtown is under served as far as retail and suggested that it could be significantly enhanced & expanded if certain key retail businesses were to locate in a concentrated area. He said the proposal includes \$500,000, \$400,000 of which is privately funded with \$250,000 already in the bank, and a one-time City commitment of \$100,000. In response to Council Member Camp's concern of using Special Assessment Funds, Mr. McGee said they will look into the possibility of accessing stimulus money as a funding source.

Terry Uland, Downtown Lincoln Association & Downtown Civic Ventures, 206 S. 13<sup>th</sup> St., came forward to state this program has been in the works for 2½ years. He said funding is for staffing, marketing and support. The funding raised by the 2015 Group and others will be the funds that are to be used for the retail incentives.

Tonya Peters, Assistant City Attorney, came forward in response to Council Member Camp's suggestion to simply utilize the \$250,000 that has already been raised. She clarified that the contract stipulates that the program must have \$250,000 in the bank before City funds are released.

Peter Katt, 600 Wells Fargo Center, 1248 O St., came forward in opposition to the use of the Special Assessment as he feels it should go toward infrastructure improvements in the community. He also questioned the Downtown Civic Ventures' non-profit status, its officers & members, and how money has been spent in its operation since 2002. He asked for an evaluation at the end of two years to rate its success.

Mr. McGee came forward to respond to Mr. Katt's questions stating that their strategy to bring retail back to downtown is patterned after successful retail in other cities.

Mr. Uland came forward to respond to Mr. Katt's technical questions explaining name changes, filed articles of incorporation and their 501(c)3 status. He said their market study was done in early 2007 with a completed business plan in December 2007. In response to Council questions, he said they would return in one year to measure their success.

This matter was taken under advisement.

**TOOK BREAK 3:30 P.M.**

**RECONVENED 3:40 P.M.**

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS SO THAT FEDERAL AND STATE FUNDING MAY BE USED FOR IMPROVEMENTS IN U.S. HIGHWAY 34 FROM LINCOLN AIR PARK SPUR S-55C AND EXTENDING EAST TO THE WEST EDGE OF I-80 INTERCHANGE - Roger Figard, Public Works & Utilities Engineer, came forward to describe the proposed work as milling and overlaying of the existing highway through the use of stimulus funds at no additional cost to Lincoln taxpayers.

This matter was taken under advisement.

ACCEPTING AND APPROVING A CONTRACT BETWEEN THE CITY AND FRED EHRLICH TO PROVIDE ALFALFA BALES FOR THE CITY OF LINCOLN PARKS DEPARTMENT FOR FEED FOR THE ELK AND WHITE TAIL DEER - Lynn Johnson, Director of Parks & Recreation, came forward to explain that Mr. Ehrlich, a Parks & Recreation employee and farm manager, was the lowest responsible bidder to supply bales of hay for the Nature Center. He said due to City Code and disclosure procedures, Council approval is required for this resolution.

This matter was taken under advisement.

APPROVING THE MEMORANDUM OF AGREEMENT REGARDING FUNDING, RENOVATION, AND OPERATION OF HAZEL ABEL PARK BETWEEN THE CITY, LINCOLN PARKS FOUNDATION AND ABEL FOUNDATION FOR FUNDING A MAJOR RENOVATION AND ESTABLISHMENT OF AN ENDOWMENT FUND FOR HAZEL ABEL PARK LOCATED AT SOUTH 18TH AND E STREETS - Lynn Johnson, Director of Parks & Recreation, came forward to explain that Alice Abel acquired this land in 1967, had it dedicated in 1982 but upon her death two years ago, funding sources were no longer available. He requested for a two-week delay of action as this time is needed to specify how the City would establish & manage endowment funds to guarantee that funding would continue and be available for future projects. Mr. Johnson said improvements would include playground replacement, renovation & repair of art features, replacement of damaged brick pavers with durable cement pavers and renovation of landscaping.

This matter was taken under advisement.

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

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

APPOINTING LISA OLIVARES TO THE MULTICULTURAL ADVISORY COMMITTEE FOR A TERM EXPIRING SEPTEMBER 18, 2011 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85291 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Lisa Olivares to the Multicultural Advisory Committee for a term expiring September 18, 2011 is hereby approved.

Introduced by John Spatz

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON APRIL 6, 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, MAY 4, 2009 AT 1:30 P.M. FOR THE APPLICATION OF PATRICIA SANCHEZ DBA LAS HERRADURAS FOR A CLASS C LIQUOR LICENSE LOCATED AT 100 N. 1ST STREET, SUITES 3 & 4 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85292 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 4, 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 Patricia Sanchez dba Las Herraduras for a Class C liquor license located at 100 N. 1st Street, Suites 3 & 4.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, MAY 4, 2009 AT 1:30 P.M. FOR THE APPLICATION OF BOX AWESOME, LLC DBA BOX AWESOME'S BOURBON THEATRE FOR A CLASS C LIQUOR LICENSE LOCATED AT 1415 O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85293 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 4, 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 Box Awesome LLC dba Box Awesome's Bourbon Theatre for a Class C liquor license located at 1415 O Street.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, MAY 4, 2009 AT 1:30 P.M. FOR THE APPLICATION OF ANDREW HUBKA DBA WOODDEES FOR A CLASS C LIQUOR LICENSE LOCATED AT 2001 WEST O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85294 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 4, 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 Andrew Hubka dba Wooddees for a Class C liquor license located at 2001 West O Street.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, MAY 4, 2009 AT 1:30 P.M. FOR THE APPLICATION OF WIYUAL RUACH DBA JOHNNY DISCO FOR A CLASS I LIQUOR LICENSE LOCATED AT 5800 CORNHUSKER HWY. BUILDING, SUITES 10 & 11 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85295 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 4, 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 Wiyual Ruach dba Johnny Disco for a Class I liquor license located at 5800 Cornhusker Hwy Building, Suites 10 & 11.

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

Introduced by Ken Svoboda

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

#### MISCELLANEOUS REFERRALS - NONE

#### LIQUOR RESOLUTIONS

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2745 TO EXPAND ITS LICENSED PREMISES FOR THE RECONSTRUCTION OF THE WHOLE 95' BY 45' BUILDING LOCATED AT 2243 NORTH COTNER BLVD. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85296 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Casey's Retail Company dba Casey's General Store #2745 to expand its licensed premises for the reconstruction of the whole 95' by 45' building of the presently licensed premises located at 2243 North Cotner Blvd., Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

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

AUTHORIZING THE CITY OF LINCOLN, NEBRASKA TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY, LINCOLN, NEBRASKA, FOR THE ACQUISITION OF STREET LIGHTING EQUIPMENT - CLERK read an ordinance, introduced by John Spatz, authorizing and approving a lease-purchase transaction with Union Bank and Trust Company, the proceeds of which will be used to pay the costs of acquiring and installing street lights and related improvements; approving the issuance, sale and delivery of not to exceed \$2,500,000 principal amount of certificates of participation in such lease; fixing in part and providing for the fixing in part of certain provisions of the lease; and related matters, the second time.

ANNEXATION NO. 08016 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 137 ACRES SOUTH OF WEST O STREET IN THE VICINITY OF SW 48TH STREET. (3/2/09 - Action Delayed 2 weeks to 3/16/09) (3/16/09 - Placed on Pending Indefinitely) (4/6/09 - To have P.H. on 4/20/09 with Action on 4/27/09) - PRIOR to reading:

- CAMP Moved to delay Action on Bill No. 09-20A to May 4, 2009.  
Seconded by Spatz & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
- 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.
- VACATION 08009 - APPLICATION OF NEBRASKA ACQUISITION CORP. TO VACATE THE WEST 362 FEET OF THE EAST-WEST ALLEY BETWEEN SOUTH 18TH STREET AND SOUTH 20TH STREET AND BETWEEN J STREET AND K STREET - CLERK read an ordinance, introduced by John Spatz, vacating the west 362 feet of the east-west alley between South 18<sup>th</sup> Street and South 20<sup>th</sup> Street and between J Street and K Street, and retaining title thereto, in the City of Lincoln, Lancaster County, Nebraska, the second time.
- ANNEXATION 08025 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 10 ACRES OF PROPERTY GENERALLY LOCATED SOUTH AND WEST OF THE SOUTHWEST CORNER OF S.W. 48TH STREET AND WEST O STREET. (RELATED ITEMS: 09-47, 09-48, 09R-57) - PRIOR to reading:
- CAMP Moved to continue Public Hearing with Action on Bill No. 09-47 to May 4, 2009.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
- CLERK Read an ordinance, introduced by John Spatz, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.
- CHANGE OF ZONE 08061 - APPLICATION OF SHOEMAKER'S TRUCK STATION, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH AND WEST OF THE SOUTHWEST CORNER OF S.W. 48TH STREET AND WEST O STREET. (RELATED ITEMS: 09-47, 09-48, 09R-57) - PRIOR to reading:
- CAMP Moved to continue Public Hearing with Action on Bill No. 09-48 to May 4, 2009.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
- CLERK Read an ordinance, introduced by John Spatz, 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.
- COMP. PLAN CONFORMITY 09002 - APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE WEST O STREET REDEVELOPMENT PLAN TO ADD THE "SHOEMAKERS REDEVELOPMENT PROJECT" FOR CONSTRUCTION OF TWO BUILDINGS ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF S.W. 48TH STREET AND WEST O STREET. (RELATED ITEMS: 09-47, 09-48, 09R-57) (ACTION DATE: 4/27/09) - PRIOR to reading:
- SPATZ Moved to waive the rules to have action on Bill No. 09R-57 on this date.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
- CLERK Read the following resolution, introduced by John Spatz, who moved its adoption for approval:
- A-85297 WHEREAS, the City Council on September 26, 2005, adopted Resolution No. A-83549 finding an area generally bounded by 10th Street on the east, 1/2 mile west of N.W. 70th Street on the west, Interstate 80 on the north and the Burlington Railroad Yard on the south, to be

blighted and substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

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

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk proposed amendments to the Plan (hereinafter the "Amendments") for said blighted and substandard area contained in the document entitled "Proposed Amendment to the West O Street Redevelopment Plan for the Shoemakers Redevelopment Project", which is attached hereto, marked as Attachment "A", and made a part hereof by reference; and

WHEREAS, on March 13, 2009, a notice of public hearing was mailed postage prepaid to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place and purpose of the public hearing to be held on March 25, 2009 before the Lincoln City - Lancaster County Planning Commission regarding the proposed Amendments to the West O Street Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, on April 3, 2009 a notice of public hearing was mailed postage prepaid to the foregoing registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on April 20, 2009, regarding the proposed Amendments to the West O Street Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on April 3, 2009 and April 10, 2009 a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place and purpose of the public hearing to be held on April 20, 2009 regarding the proposed Amendments to the West O Street Redevelopment Plan for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, said proposed Amendments to the West O Street Redevelopment Project have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and said Planning Commission on March 25, 2009 found the plan to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on April 20, 2009 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Amendments to the West O Street Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed Amendment to the Plan; and

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

WHEREAS, the City Council now desires to modify said Plan by establishing the Shoemakers Redevelopment Project on property generally located at N.W. 48th Street and West O Street ("Shoemakers Redevelopment Project Area"), to accommodate the construction of two new buildings of 29,000 square feet and 10,000 square feet.

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

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



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

3. That the substandard and blighted conditions in the Shoemakers Redevelopment Project are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing.

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

5. That the Shoemakers Redevelopment Project would not be economically feasible without the use of tax-increment financing.

6. That the Shoemakers Redevelopment Project would not occur in the Redevelopment Area without the use of tax-increment financing.

7. That the costs and benefits of the Shoemakers Redevelopment Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

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

1. That, pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the amendments in the document entitled "Proposed Amendment to the West O Street Redevelopment Plan" attached hereto as Attachment "A" establishing the Shoemakers Redevelopment Project are hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Urban Development Director or his authorized representative is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan as they relate to the Amendments.

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

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

Introduced by John Spatz

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

#### PUBLIC HEARING RESOLUTIONS

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND STATE DEPARTMENT OF ROADS SO THAT THE IDENTIFIED PROJECTS WILL BE ELIGIBLE FOR FEDERAL HIGHWAY STIMULUS FUNDS PROVIDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR A SIX-LANE DIVIDED CONCRETE PAVEMENT, PROJECT NO. LCLC-55(168), ANTELOPE VALLEY NORTH/SOUTH ROADWAY, P STREET TO VINE STREET. (4/13/09 - PUBLIC HEARING & ACTION CONTINUED FOR 1 WEEK TO 4/20/09) - PRIOR to reading:

CAMP Moved to place Bill No. 09R-54 on Pending Indefinitely.  
Seconded by Emery & carried by the following vote: AYES: Camp,  
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

APPROVING THE SURPLUSING OF \$100,000.00 FROM THE SPECIAL ASSESSMENT FUND AND THE TRANSFER TO THE FAST FORWARD FUND AND TRANSFER AND APPROPRIATION IN THE URBAN DEVELOPMENT OPERATING BUDGET / CONTRACTUAL SERVICES FOR OPERATIONAL EXPENSES OF THE URBAN DEVELOPMENT DOWNTOWN RETAIL IMPLEMENTATION PROJECT FOR THE 2008/2009 FISCAL YEAR. (RELATED ITEMS: 09R-61, 09R-56) - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85298 WHEREAS, it is determined that a surplus of \$100,000.00 exists within the Special Assessment Revolving Fund; and

WHEREAS, the City desires that such surplus be transferred to the Fast Forward Fund and appropriated for transfer to the Urban Development operating budget for the operational expenses of the Urban Development Department Downtown Retail Implementation Project.

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

That a transfer of funds in the amount of \$100,000.00 from the Special Assessment Revolving Fund to the Fast Forward Fund for transfer to the Urban Development operating budget, 13015.5621 miscellaneous contractual services, for the operational expenses of the Urban Development Department Downtown Retail Implementation Project for the 2008/2009 fiscal year is hereby approved and appropriated and the Finance Director is authorized to make such transfer upon passage of this resolution.

Introduced by John Spatz

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

APPROVING A GRANT AGREEMENT BETWEEN THE CITY ON BEHALF OF THE URBAN DEVELOPMENT DEPARTMENT AND THE DOWNTOWN CIVIC VENTURES TO UTILIZE \$100,000.00 FROM THE DOWNTOWN RETAIL IMPLEMENTATION PROJECT TO PROVIDE FOR OPERATIONAL EXPENDITURES IN IMPLEMENTING AND MAINTAINING A RETAIL RECRUITMENT AND RETENTION PROGRAM IN DOWNTOWN LINCOLN. (RELATED ITEMS: 09R-61, 09R-56) - PRIOR to reading:

MARVIN Stated for the record that the City provides five times that amount for the Lincoln Partnership for Economic Development (LPED) without as many strings attached. He said this is a one-time commitment of funds so the test will be much easier to evaluate.

CLERK Read the following resolution, introduced by John Spatz, who moved its adoption:

A-85299 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Grant Agreement between the City of Lincoln on behalf of the Urban Development Department and the Downtown Civic Ventures to utilize \$100,000.00 from the Downtown Retail Implementation Project to provide for expenditures in implementing and maintaining a retail recruitment and retention program in Downtown Lincoln, upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Grant Agreement on behalf of the City.

The City Clerk is directed to transmit an executed original Agreement to Dallas McGee in the Urban Development Department for transmittal to Downtown Civic Ventures, Inc.

Introduced by John Spatz

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS SO THAT FEDERAL AND STATE FUNDING MAY BE USED FOR IMPROVEMENTS IN U.S. HIGHWAY 34 FROM LINCOLN AIR PARK SPUR S-55C AND EXTENDING EAST TO THE WEST EDGE OF I-80 INTERCHANGE - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85300 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. STP-34-6(139), CN-13015, for funding improvements in U.S. Highway 34 from Lincoln Air Park Spur S-55C and extending east to the west edge of I-80 Interchange, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by John Spatz

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

ACCEPTING AND APPROVING A CONTRACT BETWEEN THE CITY AND FRED EHRLICH TO PROVIDE ALFALFA BALES FOR THE CITY OF LINCOLN PARKS DEPARTMENT FOR FEED FOR THE ELK AND WHITE TAIL DEER - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85301 WHEREAS, the City of Lincoln desires to issue an Annual Supply contract for Fred Ehrlich to provide alfalfa bales for the City of Lincoln Parks Department for feed for the elk and white tail deer; and

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

WHEREAS, Fred Ehrlich is an employee of the City of Lincoln and he and/or his family has a significant financial interest in the business of supplying alfalfa bales; 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 Fred Ehrlich to provide alfalfa bales for the City of Lincoln Parks Department for feed for the elk and white tail deer 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 to the Purchasing Department.

Introduced by John Spatz

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

APPROVING THE MEMORANDUM OF AGREEMENT REGARDING FUNDING, RENOVATION, AND OPERATION OF HAZEL ABEL PARK BETWEEN THE CITY, LINCOLN PARKS FOUNDATION AND ABEL FOUNDATION FOR FUNDING A MAJOR RENOVATION AND ESTABLISHMENT OF AN ENDOWMENT FUND FOR HAZEL ABEL PARK LOCATED AT SOUTH 18TH AND E STREETS - PRIOR to reading:

MARVIN Moved to continue Public Hearing with Action on Bill No. 09R-60 in two weeks on May 4, 2009.

Seconded by Spatz & 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)

APPROVING AMENDMENT NO. 1 TO THE WOODLANDS AT YANKEE HILL CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND CARL R. & VICKI A. SCHMIDT, 3AP-SE LLC, MIDWEST NET LEASE INVESTORS-SE LLC, RC KRUEGER DEVELOPMENT CO., KRUEGER HOLDING CO., AND CALRUBY LLC, RELATING TO THE ANNEXATION OF APPROXIMATELY 25.69 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 70TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 09R-64, 09-50, 09-51) (ACTION DATE: 5/4/09)

ANNEXATION NO. 09001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 25.69 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 70TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 09R-64, 09-50, 09-51) - CLERK read an ordinance, introduced by Ken Svoboda, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 05068A - APPLICATION OF R.C. KRUEGER DEVELOPMENT FOR AN AMENDMENT TO THE WOODLANDS AT YANKEE HILL PUD AND A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PUD AND FOR APPROVAL OF A DEVELOPMENT PLAN FOR MODIFICATIONS TO THE ZONING AND LAND SUBDIVISION ORDINANCES TO DEVELOP APPROXIMATELY 31 DWELLING UNITS AND A PRIVATE SCHOOL ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 09R-64, 09-50, 09-51) - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

ANNEXATION NO. 08005 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 26.3 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 90TH STREET AND O STREET. (RELATED ITEMS: 09-52, 09-53) - CLERK read an ordinance, introduced by Ken Svoboda, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE NO. 09008 - APPLICATION OF SOUTHEAST COMMUNITY COLLEGE FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 90TH STREET AND O STREET. (RELATED ITEMS: 09-52, 09-53) - CLERK read an ordinance, introduced by Ken Svoboda, 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 first time.

CHANGE OF ZONE NO. 09004 - 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 - CLERK read an ordinance, introduced by Ken Svoboda, 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, the first time.

CHANGE OF ZONE NO. 09007 - APPLICATION OF THE PLANNING DIRECTOR TO ELIMINATE THE BUILDING LINE DISTRICT IN RANDOLPH STREET FROM THE CENTERLINE OF SOUTH 46TH STREET TO THE WEST RIGHT-OF-WAY LINE OF SOUTH 47TH STREET - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Building Line District Map to eliminate the building line district in Randolph Street from the centerline of South 46<sup>th</sup> Street to the west right-of-way line of South 47<sup>th</sup> Street, the first time.

COMP. PLAN CONFORMITY 09003 - REQUEST OF THE URBAN DEVELOPMENT DEPARTMENT TO DECLARE APPROXIMATELY 2 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF NORTH 27TH STREET AND CENTER STREET AS SURPLUS AND AUTHORIZING THE SALE THEREOF TO MATT TALBOT KITCHEN AND OUTREACH. (RELATED ITEMS: 09-56, 09-57, 09-58, 09-59) - CLERK read an ordinance, introduced by Ken Svoboda, declaring approximately two acres of City-owned property generally located at the northwest corner of North 27<sup>th</sup> Street and Center Street as surplus and authorizing the sale thereof to the Matt Talbot Kitchen and Outreach, the first time.

CHANGE OF ZONE 08074 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT, H-3 HIGHWAY COMMERCIAL DISTRICT AND P PUBLIC USE 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 NORTH 27TH STREET AND FAIR STREET AND NORTH 27TH STREET AND CENTER STREET. (RELATED ITEMS: 09-56, 09-57, 09-58, 09-59) - CLERK read an ordinance, introduced by Ken Svoboda, 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 first time.

CHANGE OF ZONE 09006 - APPLICATION OF THE URBAN DEVELOPMENT DIRECTOR TO DESIGNATE THE FORMER NORTHEAST BRANCH "CARNEGIE" LIBRARY AS A LANDMARK, ON PROPERTY GENERALLY LOCATED AT NORTH 27TH STREET AND CENTER STREET. (RELATED ITEMS: 09-56, 09-57, 09-58, 09-59) - CLERK read an ordinance, introduced by Ken Svoboda, amending the City of Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the first time.

VACATION 09003 - APPLICATION OF THE URBAN DEVELOPMENT DIRECTOR TO VACATE THE REMAINING PORTION OF THE NORTH-SOUTH ALLEY BETWEEN NORTH 26<sup>TH</sup> STREET AND NORTH 27<sup>TH</sup> STREET, NORTH OF CENTER STREET, RETAINING TITLE THERETO IN THE CITY AND AUTHORIZING THE SALE TO MATT TALBOT KITCHEN AND OUTREACH. (RELATED ITEMS: 09-56, 09-57, 09-58, 09-59) - CLERK read an ordinance, introduced by Ken Svoboda, vacating the remaining portion of the north-south alley between North 26<sup>th</sup> Street and North 27<sup>th</sup> Street, north of Center Street, retaining title thereto in the City of Lincoln, and authorizing the sale thereof to Matt Talbot Kitchen and Outreach, the first time.

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

MARVIN 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 #19232, is recorded in Ordinance Book #26, Page

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 third time.

MARVIN 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 #19233, is recorded in Ordinance Book #26, Page

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 - PRIOR to reading:

CAMP Moved Motion to Amend #1 to amend Bill No. 09-45 in the following manner:

1. On page 1, lines 3 through 7, after the semicolon on line 3, delete the existing language and insert in lieu thereof the following:  
and repealing Section 14.32.020 of the Lincoln Municipal Code as hitherto existing.

2. Delete Section 2 of Bill No. 09-45 in its entirety, from page 3, line 6 through page 5, line 20.

3. On page 5, lines 21 and 22, delete the existing language and insert in lieu thereof the following:

Section 2. That Section 14.32.020 of the Lincoln Municipal Code as hitherto existing be and the same is hereby repealed.

4. On page 6, line 1, renumber Section 4 as Section 3.

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

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 third time.

MARVIN Moved to pass the ordinance as amended.  
Seconded by Camp & carried by the following vote: AYES: Camp,  
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered #19234, is recorded in Ordinance Book #26, Page

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to April 27, 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  
27, 2009.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 4:04 P.M.

CAMP Moved to adjourn the City Council meeting of April 20, 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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Teresa J. Meier, Deputy City Clerk

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Sandy L. Dubas, Senior Office Assistant

REGULAR MEETING  
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