

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MAY 4, 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

COOK Having been appointed to read the minutes of the City Council proceedings of April 27, 2009 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF BOX AWESOME LLC DBA BOX AWESOME'S BOURBON THEATRE FOR A CLASS C LIQUOR LICENSE AT 1415 O STREET;
MANAGER APPLICATION OF JEREMIAH MOORE FOR BOX AWESOME LLC DBA BOX AWESOME'S BOURBON THEATRE AT 1415 O STREET - Jeremiah Moore, no address given, took oath and came forward to explain this theatre is going to house three separate entities; River Tree Church on Sundays, a coffee shop in the front lobby area open seven days a week, and the Bourbon Bar in the front lobby at night. This establishment will host live concert events. He commented they continue to operate the Box Awesome facility in the Haymarket area which they have seen grow. The capacity has been 637 at the concerts of Box Awesome in the Haymarket.

This matter was taken under advisement.

APPLICATION OF ANDREW L. HUBKA DBA WOODEES FOR A CLASS C LIQUOR LICENSE AT 2001 WEST O STREET - Andrew Hubka, no address given, took oath and came forward stating this will primarily be a restaurant with a lounge in the back. This was formerly Congress Inn. The bar hours will probably close when the restaurant closes.

This matter was taken under advisement.

APPLICATION OF PATRICIA SANCHEZ DBA LAS HERRADURAS FOR A CLASS C LIQUOR LICENSE AT 100 NORTH 1ST STREET, SUITES 3 AND 4 - Patricia Sanchez, no address given, took oath and came forward to state they want the liquor license to be in competition with other businesses. They have attended the Responsible Hospitality Council training.

This matter was taken under advisement.

APPLICATION OF WIYUAL RUACH DBA JOHNNY DISCO FOR A CLASS I LIQUOR LICENSE AT 5800 CORNHUSKER HIGHWAY, BLDG. 1, SUITES 10 AND 11 - Wiyual Ruach, no address given, took oath and came forward to state this will have a restaurant and bar. It will be available for parties, weddings, birthday parties, conferences, etc. He has taken the Responsible Hospitality Council training.

This matter was taken under advisement.

AMENDING SECTION 1 OF ORDINANCE NO. 19212, PASSED BY THE CITY COUNCIL ON MARCH 2, 2009, ANNEXING THAT PORTION OF LOT 23 I.T. LOCATED IN SECTION 17, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA (GENERALLY LOCATED AT N.W. 39TH STREET AND W. ADAMS STREET) TO INCLUDE THAT PORTION OF SAID LOT 23 I.T. LOCATED IN SECTION 18, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M. - Lynn Johnson, Parks & Recreation Department Director, came forward to request the Public Hearing be continued to May 18th to continue discussion of the endowment fund. Fees from the use of the parks such as weddings go into the General Fund account. The discussion will involve segregating the revenue from this park for its maintenance. The revenue from weddings or other use of the park would be put in an account, Hazel Abel Endowment Account, but managed like an endowment fund. By City Charter a separate endowment fund cannot be set up to direct public funds into it. The goal is to set this fund up so that future City Councils cannot direct the fund to other accounts.

This matter was taken under advisement.

COMP. PLAN CONFORMITY 09004 - APPROVING AND ADOPTING PROPOSED AMENDMENTS TO THE LINCOLN CENTER REDEVELOPMENT PLAN BY AMENDING AN EXISTING PROJECT KNOWN AS THE LINCOLN MALL REDEVELOPMENT PROJECT ON PROPERTY GENERALLY LOCATED BETWEEN 10TH AND 14TH STREETS - David Landis, Urban Development Director, came forward stating this would amend the Lincoln Mall

Redevelopment Project by amending the boundaries in the public right-of-way. The Capitol Environs Project had an occasion to buy a new building. The increment coming off of that, about \$900,000, was used to beautify the corridor between the City/County Building and the State Capitol. The increment being generated from this building is greater than the amount necessary for the first round of improvements. The total amount of increment generated over the life of the TIF will be about \$3,000,000. This money will not come in all at once so if that money is to be used for a one shot significant Capitol Improvement that money will need to be bonded. This bond will be placed publicly or privately. The most needed improvements will be in Centennial Mall which is deteriorating and could cost approximately \$2,000,000 to refurbish. It could be an opportunity for private stakeholders to make a donation to assist this project. This is an opportunity to go back to the State saying this has a State function and responsibility and would like them to participate in improving Centennial Mall.

Lynn Johnson, Parks & Recreation Director, stated of the original six fountains two have been replaced with turf and of the four remaining three are operational. Two of the three operational fountains are between K and L street which would continue to give a postcard image of the Capitol. The fountain basins, steps, and terraces are deteriorating from salt de-icing. The steps between L & M have been replaced with a sloped ramp which will be bicycle accessible. The tree boxes have been removed due to breakage from the growth of the trees which also caused pavement breakage. The pavement has been replaced. Some trash receptacles have been replaced. Two parallel walkways on either side of the mall, handicapped and bike accessible, will be constructed. The fountains will not have basins, but instead paved areas with fountain jets coming up out of them. The fountain jets will be turned off in the winter and there would not be empty basins as there is today. The cost estimate of this plan would be \$7,000,000. A working committee needs to be established and a number of the stakeholders involved to make sure this is the right vision and right direction for the mall and establish a funding strategy before moving forward. This seven blocks can be restored in phases as funding becomes available.

This matter was taken under advisement.

DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S WATER SUPPLY AND DISTRIBUTION SYSTEM FROM THE PROCEEDS OF THE CITY OF LINCOLN, NEBRASKA WATER REVENUE BONDS;

DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S WATER SUPPLY AND DISTRIBUTION SYSTEM FROM THE PROCEEDS OF THE CITY OF LINCOLN, NEBRASKA SANITARY SEWER REVENUE BONDS Fran Mejer, Public Works & Utilities Business Manager, came forward to ask for approval of the bonds to fund projects identified in the CIP program so that Public Works can be reimbursed for project costs having been incurred or will be incurred this spring.

Lauren Wismer, Gilmore & Bell, 1248 O St, Ste. 710, stated if a political subdivision is to reimburse itself out of the proceeds of tax exempt obligations it is required under the terms of the Internal Revenue code to adopt what is called the "Declaration of Official Intent". The funds used for the cost of the water and sewer projects can be covered with bond proceeds rather than other City funds.

This matter was taken under advisement.

APPROVING THE SHOEMAKER TRAVEL PLAZA REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND SHOEMAKERS TRUCK STATION, INC., RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT S.W. 48TH STREET AND WEST O STREET;

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 - David Landis, Urban Development Director, stated this project will be a \$7,000,000 investment. The TIF cap will be \$950,000 even though the project will generate over \$1,000,000 in TIF. \$750,000 will be used for the improvements of the intersection. This will be funded with Developer/Purchase bonds.

DaNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, representing Harley, David, & Shirley Shoemaker. stated this project will be approximately 19 acres located southwest of the intersection of N.W. 48th Street and West O Street. This involves the construction of two buildings totaling 39,000 square feet. An additional investment of \$150,000 will be included in the project for the historical memorabilia that relates to transportation. The

intersection improvement will also benefit the projects to the west and the east of the Shoemaker project. The redevelopment provides \$100,000 for public investment towards energy efficiencies in the redevelopment improvements which has been determined that additional private investment will be needed to allow the re-developer to meet the energy efficiency standards.

Dave Shoemaker, Shoemaker Truck Station, stated the City has been easy to work with and are very professional. He stated this has been a good experience and they appreciate it. In reference to the Energy Efficiency Standards the LED lites should pay for themselves within three years.

Peter Katt, 600 Wells Fargo Center, 1248 O St., came forward representing Don & Randy Shoemaker, and to express concerns the preliminary plat was waived in this instance and feels it should not be applied in limited circumstances only, but the City should establish for the record why and how preliminary plats may be waived to facilitate progress in our community. He expressed concern with the stormwater flow through this property that it will satisfy the minimum flood corridor. He feels there will be runoff in the truck stop where the detention cell is.

Marvin Krout, Planning Department Director, stated there is no requirement for preliminary plat in the H-3 older industrial, commercial zoning districts nor is there a use permit required. The ordinance states the minimum flood corridor requirements can be waived in situations where there is not a defined bed and bank. This was an area where natural resources and natural process should be maintained which is the purpose of the minimum flood corridor and, in this particular case, in which some improved drainage system whether underground or diverting surface stormwater by channel is appropriate. The detention requirement waiver was because it was close to a creek to the south. A building permit cannot be obtained until they meet all the City's stormwater management requirements.

Roger Figard, Public Works & Utilities Department, stated there is a lot of uncertainty with the future of SW 48th Street. It was not stated in the redevelopment agreement that the developer pave all the way across his property, but instead stated that should the street be extended in the future they will provide the right-of-way to the City at no cost to the City and not build in that area so it can go on.

David Landis stated the right-of-way that's necessary to make the intersection work will be done on a trade basis with the landowner to the east. In exchange the landowner to the east had their interest satisfied when the access point was identified onto their land which will create the geometrics to make the intersection work and secondly it makes the landholder's property more developable and therefore more valuable.

DaNay Kalkowski came forward for rebuttal that there was no special waiver given for the preliminary plat. The circumstances were such that it was not required.

Erin Bright, Olsson Associates, 1111 Lincoln Mall, addressed that this project is in compliance with the City's drainage criteria manual. The second component is the drainage being impacted from the grading on the site fully detaining the 2, 10, & 50 year stormwater event to keep the discharge level below what they currently are based on, the existing grade, so the stormwater flow is not being exceeded as they are today with the redevelopment being done. There is a 72 inch stormwater pipe that carries the flow within that pipe then discharges into the channel east of the property. This development builds over the top of this pipe so there are no structures just the pavement area. The detention cell sits further back south of the property and the discharges from the detention cell make it back to the east side of the property into the channel.

This matter was taken under advisement.

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

COUNCIL ACTION

REPORTS OF CITY OFFICERS

RESOLUTION LEVYING THE SPECIAL TAXES ASSESSED FOR THE COSTS OF THE IMPROVEMENTS IN THE NORTH 27TH STREET BUSINESS MAINTENANCE IMPROVEMENT DISTRICT AGAINST THE BENEFITTED PROPERTIES - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:
A-85316 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

The special taxes assessed April 13, 2009, to pay the costs of the improvements in the North 27th Street Maintenance Business Improvement District are hereby levied and shall bear interest at 14% and that the period of time in which the assessments are to be paid shall be one (1) year.

Introduced by Doug Emery

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

RESOLUTION LEVYING THE SPECIAL TAXES ASSESSED FOR THE COSTS OF THE IMPROVEMENTS IN THE UNIVERSITY PLACE BUSINESS MAINTENANCE IMPROVEMENT DISTRICT AGAINST THE BENEFITTED PROPERTIES - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85317 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

The special taxes assessed April 13, 2009, to pay the costs of the improvements in the University Place Business Maintenance Improvement District are hereby levied and shall bear interest at 14% and that the period of time in which the assessments are to be paid shall be one (1) year.

Introduced by Doug Emery

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON APRIL 20, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk.

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

REPORT FROM CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS MARCH 31, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

PETITIONS & COMMUNICATIONS

INFORMAL REQUEST FROM M.E. "BUS" WHITEHEAD OF WHITEHEAD OIL COMPANY FOR CREATION OF A WATER AND SEWER DISTRICT AT 84TH AND CORNHUSKER HIGHWAY - CLERK presented said petition which was referred to the Public Works & Utilities Department.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF BOX AWESOME LLC DBA BOX AWESOME'S BOURBON THEATRE FOR A CLASS C LIQUOR LICENSE AT 1415 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85318 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 Box Awesome LLC dba Box Awesome's Bourbon Theatre for a Class "C" liquor license at 1415 O Street, Lincoln, Nebraska, for the license period ending October 31, 2009, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF JEREMIAH MOORE FOR BOX AWESOME LLC DBA BOX AWESOME'S BOURBON THEATRE AT 1415 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85319 WHEREAS, Box Awesome LLC dba Box Awesome's Bourbon Theatre located at 1415 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Jeremiah Moore be named manager;

WHEREAS, Jeremiah Moore appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Jeremiah Moore be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF ANDREW L. HUBKA DBA WOODEES FOR A CLASS C LIQUOR LICENSE AT 2001 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85320 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 Andrew L. Hubka dba Woodees for a Class "C" liquor license at 2001 West O Street, Lincoln, Nebraska, for the license period ending October 31, 2009, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

2. The premise must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced Jon Camp

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

APPLICATION OF PATRICIA SANCHEZ DBA LAS HERRADURAS FOR A CLASS C LIQUOR LICENSE AT 100 NORTH 1ST STREET, SUITES 3 AND 4 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85321 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 Patricia Sanchez dba Las Herraduras for a Class "C" liquor license at 100 North 1st Street, Suites 3 and 4, Lincoln, Nebraska, for the license period ending October 31, 2009, be approved with the conditions that:

1. The applicant obtains a valid special permit, including the parking requirements.

2. The premise must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF WIYUAL RUACH DBA JOHNNY DISCO FOR A CLASS I LIQUOR LICENSE AT 5800 CORNHUSKER HIGHWAY, BLDG. 1, SUITES 10 AND 11 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85322 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 Wiyual Ruach dba Johnny Disco for a Class "I" liquor license at 5800 Cornhusker Highway, Bldg. 1, Suites 10 and 11, Lincoln, Nebraska, for the license period ending April 30, 2010, be approved with the conditions that the premise complies in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

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

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND DITTMER & DITTMER OF CRETE FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 1005 E. HIGHWAY 33, SUITE 6, CRETE, NE 68333 FOR A TERM OF MAY 1, 2009 THROUGH MAY 31, 2010 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Dittmer & Dittmer of Crete for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program located at 1005 E. Highway 33, Suite 6, Crete, NE 68333, for a term of May 1, 2009 through May 31, 2010, the second time.

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND ERIK ALM, WAHOO FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 1325 N. CHESTNUT ST., WAHOO, NE 68066 FOR A TERM OF JULY 1, 2009 THROUGH JUNE 30, 2010 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Erik Alm for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program located at 1325 N. Chestnut Street, Wahoo, NE 68066, for a term of July 1, 2009 through June 30, 2010, the second time.

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND SCOTT AND CINDY JENSEN FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 320 N. STATE STREET, OSCEOLA, NE 68651 FOR A TERM OF JUNE 1, 2009 THROUGH MAY 31, 2010 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Scott and Cindy Jensen for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program located at 320 N. State Street, Osceola, NE 68651, for a term of June 1, 2009, the second time.

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND MUELLER/BIGERT RENTALS FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 137 N. 8TH STREET, GENEVA, NE 68361 FOR A TERM OF ~~JULY 1, 2009 THROUGH JUNE 30, 2010~~ August 1, 2009 through June 30, 2010 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Mueller/Bigert Rentals for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program located at 137 N. 8th Street, Geneva, NE 68361, for a term of July 1, 2009 through June 30, 2010, the second time.

AMENDING SECTION 1 OF ORDINANCE NO. 19208, PASSED BY THE CITY COUNCIL ON MARCH 2, 2009, TO INCLUDE LOT 77 I.T., SECTION 3, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., IN THE ANNEXATION OF LAND GENERALLY LOCATED AT NORTH 84TH STREET AND CORNHUSKER HIGHWAY - CLERK read an ordinance, introduced by Jonathan Cook, amending Ordinance 19208 passed by the City Council of the City of Lincoln, Nebraska on March 2, 2009, to correct the legal description for the annexation of land generally located at North 84th Street and Cornhusker Highway to correspond with the map amendment (Attachment "A") showing the land to be annexed by including that portion of Lot 77 I.T. outside of the city limits located in Section 3, Township 10 North, Range 7 East of the 6th P.M., the second time.

AMENDING SECTION 1 OF ORDINANCE NO. 19212, PASSED BY THE CITY COUNCIL ON MARCH 2, 2009, ANNEXING THAT PORTION OF LOT 23 I.T. LOCATED IN SECTION 17, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA (GENERALLY LOCATED AT N.W. 39TH STREET AND W. ADAMS STREET) TO INCLUDE THAT PORTION OF SAID LOT 23 I.T. LOCATED IN SECTION 18, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M. - CLERK read an ordinance, introduced by Jonathan Cook, amending Ordinance 19212 passed by the City Council of the City of Lincoln, Nebraska on March 2, 2009, to correct the legal description of Lot 23 I.T. for the annexation of the land generally located at N.W. 39th Street and West Adams Street to correspond with the map amendment (Attachment "A") showing the land to be annexed by including that portion of Lot 23 I.T. located in Section 18, Township 10 North, Range 6 East of the 6th P.M., the second time.

PUBLIC HEARING RESOLUTIONS

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 & Action on 5/18/09.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; Nays: None.

COMP. PLAN CONFORMITY 09004 - APPROVING AND ADOPTING PROPOSED AMENDMENTS TO THE LINCOLN CENTER REDEVELOPMENT PLAN BY AMENDING AN EXISTING PROJECT KNOWN AS THE LINCOLN MALL REDEVELOPMENT PROJECT ON PROPERTY GENERALLY LOCATED BETWEEN 10TH AND 14TH STREETS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85323 WHEREAS, the City Council on October 22, 1984, adopted Resolution No. A-69713 finding an area generally bounded by "R" Street, 17th Street, "S" Street, and 7th Street to be blighted, and on October 19, 1987, adopted Resolution No. A-71701 finding said area 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 Lincoln Center Redevelopment Plan and amendments thereto (hereinafter the "Lincoln Center Redevelopment Plan" or "Plan") including plans for various redevelopment projects within said blighted and substandard area in accordance with the requirements and procedures of the Nebraska Community Development Law; and

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

WHEREAS, the Director of Urban Development has reviewed said Amendments and has found that if adopted the Amendments and the Plan meet the conditions set forth in Neb. Rev. Stat. § 18-2113 (2006 Cum. Supp.); and

WHEREAS, said proposed Amendments to the Lincoln Center Redevelopment Plan for the Lincoln Mall Capitol Environs Redevelopment Project have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations; and

WHEREAS, on March 27, 2009 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on April 8, 2009 before the Lincoln City - Lancaster County Planning Commission regarding the proposed Amendments, a copy of said notice and list of said governing bodies and registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission on April 8, 2009 held a public hearing relating to the proposed Amendments to the Lincoln Center Redevelopment Plan and found the Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on April 17, 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 May 4, 2009, regarding the proposed Amendments to the Lincoln Center Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on April 17, 2009 and April 24, 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 May 4, 2009 regarding the proposed Amendments to the Lincoln Center Redevelopment Plan for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on May 4, 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 Lincoln Center Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed Amendments to the Plan; and

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

WHEREAS, the City Council now desires to modify said Plan by expanding the boundaries of an existing project known as the Lincoln Mall Redevelopment Project (generally in the area of the two blocks between H Street and K Street and South 10th Street and South 11th Street) to include property described as the public rights-of-way of Centennial Mall from the south side of K Street to the mid-point of M Street, J Street from the west side of 16th to east side of 17th Streets, Goodhue Boulevard from the north side of H to the south side of G Streets, and 14th, 16th, K and H Streets adjacent to the State Capitol Building, to accommodate the redevelopment of amenities on Lincoln Mall and in the street and public rights-of-way servicing Block 119 and the Capitol Environs District, including sidewalks, utilities, curbs, plantings and landscaping, street furniture, public art, other hardscaping and transit improvements and renaming the project as the "Lincoln Mall Capitol Environs Redevelopment Project."

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

1. That the Lincoln Mall Capitol Environs Redevelopment Project is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will promote the 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 Lincoln Mall Capitol Environs Redevelopment Project into the Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.

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

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

5. That the Lincoln Mall Capitol Environs Redevelopment Project would not be economically feasible without the use of tax-increment financing.

6. That the Lincoln Mall Capitol Environs Redevelopment Project would not occur in the Lincoln Mall Capitol Environs Redevelopment Project Area without the use of tax-increment financing.

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

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

1. That pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the Amendments to the Lincoln Center Redevelopment Plan attached hereto as Attachment "A", establishing the Lincoln Mall Capitol Environs 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 above-described amendments.

3. That the Lincoln Mall Capitol Environs Redevelopment Project Area is the Redevelopment Project Area comprising the property to be included in the area subject to the tax increment provision authorized in the Nebraska Community Development Law.

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 Community Development Law to finance related necessary and appropriate public acquisitions, improvements and activities set forth in said Amendments to the Lincoln Center Redevelopment Plan.

Introduced by Jonathan Cook

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 AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S WATER SUPPLY AND DISTRIBUTION SYSTEM FROM THE PROCEEDS OF THE CITY OF LINCOLN, NEBRASKA WATER REVENUE BONDS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85324 A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH ACQUIRING, CONSTRUCTING, EQUIPPING AND FURNISHING CERTAIN IMPROVEMENTS TO THE CITY'S WATER SYSTEM FROM THE PROCEEDS OF THE CITY'S WATER REVENUE BONDS

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 acquiring, constructing, equipping and furnishing certain improvements (collectively, the **Project**) to the City's water supply and distribution system (collectively, the **System**) in the current fiscal year to provide for the health, safety and welfare of its residents and on and after May 4, 2009, the City anticipates spending funds in the amount of \$10,000,000 to pay the costs of the Project.

(b) The City is authorized, pursuant to the provisions of (1) Sections 15-244, and 18-1803 to 18-1805, inclusive, Reissue Revised Statutes of Nebraska, as amended, and (2) Sections 8 and 44 of Article IX of the City's Home Rule Charter (the **Charter**), to issue and sell its water revenue bonds, payable solely from the revenues derived and to be derived from the operation of the System and the City anticipates issuing such bonds (the **Bonds**) in connection with the Project to finance all or a portion of the costs of the Project.

(c) The City anticipates incurring a portion of the costs of the Project prior to the issuance of the Bonds 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**).

(d) The Code and the Regulations (collectively, the **Tax Law**) require that the City declare its official intent to reimburse any original expenditures (except as set forth in the Tax Law) for costs of the Project with the proceeds of tax-exempt obligations not later than 60 days after the payment of such expenditures. The Tax Law requires that the Bonds be issued and a reimbursement allocation be made from the proceeds of the Bonds within 18-months after the later of the date (i) the original expenditure is paid or (ii) the Project is placed in service or abandoned, but in no event more than 3 years after the date the expenditure is paid.

(e) It is necessary, desirable, advisable and in the best interests of the City that it declare its official intent to permit the City to reimburse costs of the Project made by the City from the proceeds of the Bonds in accordance with the requirements of the Tax Law.

Section 2. Declaration of Intent and Related Matters.

(a) In accordance with the provisions of the Tax Law, the Council hereby declares the official intent of the City to reimburse all or part of the costs of the Project through the issuance of the Bonds in connection therewith, the interest on 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 issuance of the Bonds, the City is authorized to advance moneys in an amount not to exceed \$10,000,000 for the purposes hereinbefore described.

(b) Except for (i) expenditures to be paid or reimbursed from sources other than the Bonds, (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) The reasonably expected source of funds to be used to pay debt service on the Bonds will be the net revenues of the System, which shall be pledged to the payment of the principal of and interest on the Bonds.

(d) The Bonds will be issued in the amount and upon the terms and conditions agreed to between or among the City and the purchaser(s) of the Bonds for the purpose of paying all or a portion of the costs and

expenses incident to the planning, acquisition, construction and financing of the Project, the Bonds to be 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 Bonds. This Resolution is consistent with the budgetary and financial circumstances of the City as they exist or are reasonably foreseeable on the date hereof.

Section 3. Authorizations.

(a) The Finance Director and the City Controller (each an **Authorized Officer**) are hereby authorized to take any further action as such Authorized Officer shall deem necessary or desirable without further action by the Council to carry out the transactions contemplated by this Resolution.

(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) The Authorized Officers shall be responsible for making the reimbursement allocations described in Section 1.150-2 of the Regulations by transferring the appropriate amount of Bonds 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 shall 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 Bonds 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 Jonathan Cook

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 AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S WATER SUPPLY AND DISTRIBUTION SYSTEM FROM THE PROCEEDS OF THE CITY OF LINCOLN, NEBRASKA SANITARY SEWER REVENUE BONDS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85325 A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH ACQUIRING, CONSTRUCTING, EQUIPPING AND FURNISHING CERTAIN IMPROVEMENTS TO THE CITY'S SANITARY SEWER SYSTEM FROM THE PROCEEDS OF THE CITY'S SANITARY SEWER REVENUE BONDS

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 acquiring, constructing, equipping and furnishing certain improvements (collectively, the "**Project**") to the City's Sanitary Sewer collection and treatment system (collectively, the "**System**") in the current fiscal year to provide for the health, safety and welfare of its residents and on and after May 4, 2009, the City anticipates spending funds in the amount of \$10,000,000 to pay the costs of the Project.

(b) The City is authorized, pursuant to the provisions of (1) Sections 15-244, and 18-1803 to 18-1805, inclusive, Reissue Revised Statutes of Nebraska, as amended, and (2) Sections 8 and 44 of Article IX of the City's Home Rule Charter (the "**Charter**"), to issue and sell its sanitary sewer revenue bonds, payable solely from the revenues derived and to be derived from the operation of the System and the City anticipates issuing such bonds (the "**Bonds**") in connection with the Project to finance all or a portion of the costs of the Project.

(c) The City anticipates incurring a portion of the costs of the Project prior to the issuance of the Bonds 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**").

(d) The Code and the Regulations (collectively, the "Tax Law") require that the City declare its official intent to reimburse any original expenditures (except as set forth in the Tax Law) for costs of the Project with the proceeds of tax-exempt obligations not later than 60 days after the payment of such expenditures. The Tax Law requires that the Bonds be issued and a reimbursement allocation be made from the proceeds of the Bonds within 18-months after the later of the date (i) the original expenditure is paid or (ii) the Project is placed in service or abandoned, but in no event more than 3 years after the date the expenditure is paid.

(e) It is necessary, desirable, advisable and in the best interests of the City that it declare its official intent to permit the City to reimburse costs of the Project made by the City from the proceeds of the Bonds in accordance with the requirements of the Tax Law.

Section 2. Declaration of Intent and Related Matters.

(a) In accordance with the provisions of the Tax Law, the Council hereby declares the official intent of the City to reimburse all or part of the costs of the Project through the issuance of the Bonds in connection therewith, the interest on 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 issuance of the Bonds, the City is authorized to advance moneys in an amount not to exceed \$10,000,000 for the purposes hereinbefore described.

(b) Except for (i) expenditures to be paid or reimbursed from sources other than the Bonds, (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) The reasonably expected source of funds to be used to pay debt service on the Bonds will be the net revenues of the System, which shall be pledged to the payment of the principal of and interest on the Bonds.

(d) The Bonds will be issued in the amount and upon the terms and conditions agreed to between or among the City and the purchaser(s) of the Bonds for the purpose of paying all or a portion of the costs and expenses incident to the planning, acquisition, construction and financing of the Project, the Bonds to be 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 Bonds. This Resolution is consistent with the budgetary and financial circumstances of the City as they exist or are reasonably foreseeable on the date hereof.

Section 3. Authorizations.

(a) The Finance Director and the City Controller (each an "Authorized Officer") are hereby authorized to take any further action as such Authorized Officer shall deem necessary or desirable without further action by the Council to carry out the transactions contemplated by this Resolution.

(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) The Authorized Officers shall be responsible for making the "reimbursement allocations" described in Section 1.150-2 of the Regulations by transferring the appropriate amount of Bonds 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 shall 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 Bonds 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 Jonathan Cook

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

APPROVING THE SHOEMAKER TRAVEL PLAZA REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND SHOEMAKERS TRUCK STATION, INC., RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT S.W. 48TH STREET AND WEST O STREET - PRIOR to reading:

CAMP Moved to amend Bill No. 09R-71 to accept the substitute Exhibit "B" attached hereto as a replacement for Exhibit "B" attached to the City of Lincoln Redevelopment Agreement (Shoemaker Travel Plaza Redevelopment Project) in order to clarify that the existing southbound to westbound free right turn lane located at the intersection of NW 48th and West O Street will not be removed by the construction of the Street Improvements.

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

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

A-85326 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement entitled City of Lincoln Redevelopment Agreement (Shoemaker Travel Plaza Redevelopment Project) which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Shoemaker's Truck Station, Inc., outlining certain conditions and understandings relating to the redevelopment of property generally located at S.W. 48th Street and West O Street by the construction of two new commercial buildings to include restaurants, retail and office space, shower and laundry facilities and a truck service center, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the parties.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Redevelopment Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the redevelopers.

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

**PUBLIC HEARING
ORDINANCES - 3RD READING - FOR COUNCIL ACTION**

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)- 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 third time.

SPATZ 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 **#19238**, is recorded in Ordinance Book #26, Page

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)- 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 third time.

SPATZ 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 **#19239**, is recorded in Ordinance Book #26, Page

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

CREATING SPECIAL ASSESSMENT WATER DISTRICT NO. 1198 FOR THE PURPOSE OF CONSTRUCTING A 12-INCH DIAMETER WATER MAIN OR MAINS IN NORTH 58TH CIRCLE, NORTH OF ARBOR ROAD APPROXIMATELY 600 FEET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Doug Emery, creating Water District No. 1198, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING IMPROVEMENT DISTRICT NO. 184 FOR THE PURPOSE OF ACQUIRING EASEMENTS OR ADDITIONAL RIGHT-OF-WAY NECESSARY FOR THE CONSTRUCTION OF A 12-INCH DIAMETER WATER MAIN OR MAINS IN NORTH 58TH CIRCLE, NORTH OF ARBOR ROAD APPROXIMATELY 600 FEET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Doug Emery, creating Improvement District No. 184, defining the limits thereof, designating the improvements to be made therein, designating the property to be benefitted, providing for the payment of the cost thereof, providing for the acquisition of title, by purchase or by condemnation proceedings, to the lands and lots necessary for the completion of the improvements therein, and repealing all ordinances and parts of ordinances in conflict herewith, the first time.

CREATING SPECIAL ASSESSMENT WATER DISTRICT NO. 1199 FOR THE PURPOSE OF CONSTRUCTING A 12-INCH DIAMETER WATER MAIN OR MAINS EAST OF NORTH 58TH CIRCLE, NORTH OF ARBOR ROAD, IN ARBOR ROAD SECOND ADDITION CONDOMINIUM, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Doug Emery, creating Water District No. 1199, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING IMPROVEMENT DISTRICT NO. 185 FOR THE PURPOSE OF ACQUIRING EASEMENTS OR ADDITIONAL RIGHT-OF-WAY NECESSARY FOR THE CONSTRUCTION A 12-INCH DIAMETER WATER MAIN OR MAINS EAST OF NORTH 58TH CIRCLE, NORTH OF ARBOR ROAD, IN ARBOR ROAD SECOND ADDITION CONDOMINIUM, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Doug Emery, creating Improvement District No. 185, defining the limits thereof, designating the improvements to be made therein, designating the property to be benefitted, providing for the payment of the cost thereof, providing for the acquisition of title, by purchase or by condemnation proceedings, to the lands and lots necessary for the completion of the improvements therein, and repealing all ordinances and parts of ordinances in conflict herewith, the first time.

CREATING SPECIAL ASSESSMENT WATER DISTRICT NO. 1200 FOR THE PURPOSE OF CONSTRUCTING A 12-INCH DIAMETER WATER MAIN OR MAINS EAST OF NORTH 56TH STREET, BETWEEN SALT CREEK AND ARBOR ROAD, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Doug Emery, creating Water District No. 1200, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed there, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING IMPROVEMENT DISTRICT NO. 186 FOR THE PURPOSE OF ACQUIRING EASEMENTS OR ADDITIONAL RIGHT-OF-WAY NECESSARY FOR THE CONSTRUCTION A 12-INCH DIAMETER WATER MAIN OR MAINS EAST OF NORTH 56TH STREET, BETWEEN SALT CREEK AND ARBOR ROAD, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Doug Emery, creating Improvement District No. 186, defining the limits thereof, designating the improvements to be made therein, designating the property to be benefitted, providing for the payment of the cost thereof, providing for the acquisition of title, by purchase or by condemnation proceedings, to the lands and lots necessary for the completion of the improvements therein, and repealing all ordinances and parts of ordinances in conflict herewith, the first time.

CREATING SPECIAL ASSESSMENT SEWER DISTRICT NO. 1184 FOR THE PURPOSE OF CONSTRUCTING 8-INCH AND 12-INCH DIAMETER SANITARY SEWERS EAST OF NORTH 56TH STREET FROM SALT CREEK TO INTERSTATE 80, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Doug Emery, creating Sewer District No. 1184, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING IMPROVEMENT DISTRICT NO. 187 FOR THE PURPOSE OF ACQUIRING EASEMENTS OR ADDITIONAL RIGHT-OF-WAY NECESSARY FOR THE CONSTRUCTION 8-INCH AND 12-INCH DIAMETER SANITARY SEWERS EAST OF NORTH 56TH STREET FROM SALT CREEK TO INTERSTATE 80, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Doug Emery, creating Improvements Districts No. 187, defining the limits thereof, designating the improvements to be made therein, designating the property to be benefitted, providing for the payment of the cost thereof, providing for the acquisition of title, by purchase or by condemnation proceedings, to the lands and lots necessary for the completion of the improvements therein, and repealing all ordinances and parts of ordinances in conflict herewith, the first time.

STREET NAME CHANGE 09002 - RENAMING COUNTRYVIEW LANE, LOCATED SOUTH OF YANKEE HILL ROAD AND WEST OF SOUTH 70TH STREET IN COUNTRYLANE 1ST ADDITION, AS COUNTRYVIEW ROAD - CLERK read an ordinance, introduced by Doug Emery, changing the name of "Countryview Lane" located south of Yankee Hill Road and west of 70th Street in Countrylane 1st Addition to "Countryview Road", as recommended by the Street Name Committee, the first time.

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED \$950,000.00 FOR THE CITY OF LINCOLN, SHOEMAKER'S TRAVEL PLAZA REDEVELOPMENT PROJECT - CLERK read an ordinance, introduced by Robin Eschliman, amending Section 4.20.010 of the Lincoln Municipal Code relating to the Board of Directors of the Library Board of the City of Lincoln to amend the term of said directors; repealing Section 4.20.010 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING ORDINANCE NO. 19151 WHICH AUTHORIZED AND PROVIDED FOR THE ISSUANCE OF A PEROT SYSTEM REDEVELOPMENT PROJECT TAX ALLOCATION BOND, SERIES 2009, IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$3,750,000.00 - CLERK read an ordinance, introduced by Doug Emery, authorizing and providing for the issuance of a City of Lincoln, Nebraska Tax Allocation Bond, Series 2009, in a principal amount not to exceed \$950,000 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 Shoemaker Travel Plaza Redevelopment Project area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) 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; 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; taking other actions and making other covenants and agreements in connection with the foregoing, and related matter, the first time.

AMENDING SECTION 4.20.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE BOARD OF DIRECTORS OF THE LIBRARY BOARD OF THE CITY OF LINCOLN TO AMEND THE TERM OF SAID DIRECTORS; AND REPEALING SECTION 4.20.010 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Doug Emery, amending Ordinance No. 19151 to provide for the sale of the Bonds by a negotiated sale, a public sale or a private placement; to repeal certain provisions of Ordinance No. 19151, in connection therewith; taking other action in connection with the foregoing; and related matters, the first time.

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

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 - 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 third time.

CAMP 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 **#19240**, is recorded in Ordinance Book #26, Page

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) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85327 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Amendment No. 1 to the Woodlands at Yankee Hill Conditional Annexation and Zoning Agreement which is attached hereto, marked as Attachment "A" and made a part hereof by reference, 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, outlining certain conditions and understandings relating to the annexation approximately 25.69 acres of property generally located southeast of the intersection of South 70th Street and Yankee Hill Road is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owners.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Owners.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this Agreement to Michaela Dugan, Impact Fee Administrator.

Introduced by Ken Svoboda

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

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 third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19241**, is recorded in Ordinance Book #26, Page

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)- PRIOR to reading:

MARVIN Moved to amend Bill No. 09-51 in the following manner:

(a) On page 2, line 16, strike "94th" and insert in lieu thereof 84th.

(b) On page 2, line 16, after the word "Street" insert the following: or an alternate access plan must be approved by the Planning Department and the Public Works & Utilities Department.

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

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 third time.

SVOBODA 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 **#19242**, is recorded in Ordinance Book #26, Page

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 third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19243**, is recorded in Ordinance Book #26, Page

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 third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19244**, is recorded in Ordinance Book #26, Page

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 - PRIOR to reading:

COOK Moved to amend Bill No. 09-54 in the following manner:

1. On page 1, line 13, after the words "existing wall" insert the following language, not including a bay window or any other projection allowed by Chapter 27.71, or any wall of less than 10 feet in length.

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

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 third time.

SVOBODA 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 #19245, is recorded in Ordinance Book #26, Page

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 46th Street to the west right-of-way line of South 47th Street, the third time.

SVOBODA Moved to pass the ordinance as read.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda.
The ordinance, being numbered #19246, is recorded in Ordinance Book #26, Page

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 27th Street and Center Street as surplus and authorizing the sale thereof to the Matt Talbot Kitchen and Outreach, the third time.

SVOBODA Moved to pass the ordinance as read.
Seconded by Camp & carried by the following vote: AYES: Camp Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: No.
The ordinance, being numbered #19247, is recorded in Ordinance Book #26, Page

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 third time.

SVOBODA Moved to pass the ordinance as read.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered #19248, is recorded in Ordinance Book #26, Page

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 third time.

SVOBODA Moved to pass the ordinance as read.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered #19249, is recorded in Ordinance Book #26, Page

VACATION 09003 - APPLICATION OF THE URBAN DEVELOPMENT DIRECTOR TO VACATE THE REMAINING PORTION OF THE NORTH-SOUTH ALLEY BETWEEN NORTH 26TH STREET AND NORTH 27TH 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 26th Street and North 27th 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 third time.

SVOBODA Moved to pass the ordinance as read.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered #19250, is recorded in Ordinance Book #26, Page

OPEN MICROPHONE SESSION -NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to May 11, 2009.
Seconded by Cook & 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 May 11, 2009.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 3:25 P.M.

CAMP Moved to adjourn the City Council meeting of May 4, 2009.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

