

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MARCH 24, 2008 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Marvin; Council Members: Camp, Emery, Eschliman, Spatz, Svoboda; City Clerk, Joan E. Ross; Cook arrived at 2:04 p.m.

Council Chair Marvin asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

EMERY Having been appointed to read the minutes of the City Council proceedings of March 17, 2008 reported having done so, found same correct.

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

**MAYOR'S AWARD OF EXCELLENCE**

MAYOR'S ANNUAL AWARD OF EXCELLENCE WAS PRESENTED TO HOUSTON DOAN & BRAD KASTL OF LINCOLN AREA AGENCY ON AGING - TEAM. HONORABLE MENTION WAS AWARDED TO CYNTHIA KOENIG-WARNKE OF THE LINCOLN POLICE DEPARTMENT - Mayor Beutler presented the Annual Award of Excellence Honorable Mention to Cindy Koenig-Warnke of the Lincoln Police Department for solving an identity theft case.

Chief Casady came forward to give thanks for acknowledging Cindy's great work and to thank her supervisor, Sandy, for nominating her.

Mayor Beutler presented the Annual Award of Excellence to Houston Doan and Brad Kastl of the Lincoln Area Agency on Aging - Team for their successful work with the drug benefit program.

June Pederson, Director of Lincoln Area Agency on Aging, came forward to thank them for their great work.

Joanne Farrell came forward to provide information about the success of the Medicare beneficiaries in Nebraska.

Brad Kastl came forward to thank staff, friends, and family for attending ceremony. He commented that the LIFE office works together as a team and thanked the staff he works with.

Houston Doan came forward to thank his parents, wife & family for their support. He stated he owes his personal success to all in the Aging office.

**PUBLIC HEARING**

MANAGER APPLICATION OF MATTHEW PRUSA FOR WHITEHEAD OIL CO. DBA U STOP CONVENIENCE SHOP AT 942 S. 27TH STREET - Matthew Prusa, 1711 Harwood St., took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF KABREDLO'S, INC. DBA KABREDLOS #104 FOR A CLASS D LIQUOR LICENSE AT 2500 N.W. 12TH STREET;

MANAGER APPLICATION OF ANTHONY OLDERBAK FOR KABREDLO'S, INC. DBA KABREDLOS #104 AT 2500 N.W. 12TH STREET - Anthony Olderbak, 3291 Randolph St., took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF WHITEHEAD OIL CO. DBA U STOP CONVENIENCE SHOP FOR A CLASS D LIQUOR LICENSE AT 110 WEST O STREET;

MANAGER APPLICATION OF DIANA NASSEFF FOR WHITEHEAD OIL CO. DBA U STOP CONVENIENCE SHOP AT 110 WEST O STREET - Doug Larkins, 4436 Witherbee Blvd., came forward on behalf of Diana Nasseff, took oath and came forward to answer questions.

Robin Eschliman, Council Member, questioned an infraction listed in Diana's background check.

Russ Fosler, Lincoln Police Dept., came forward to state the applicant had previously been approved therefore is approved at this time.

This matter was taken under advisement.

AUTHORIZING THE CITY OF LINCOLN, NEBRASKA TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK & TRUST COMPANY, LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$7,500,000 FOR THE ACQUISITION OF STREET LIGHTING EQUIPMENT AND THE CONSTRUCTION OF PARK IMPROVEMENTS IN CONNECTION WITH THE ANTELOPE VALLEY PROJECT - Don Herz, Finance Director, came forward stating this Ordinance is bringing together two separate transactions: \$3,000,000 for street lights for 2008 and \$4,000,000 for the East downtown park. These were anticipated to be separate transactions, but came together at the same time so felt they could be rolled into one

ordinance and one bond transaction thus saving issuance cost. There is a site lease between JAVA, the City and the Trustee because of the real estate that is involved in the east downtown park. The street light term is for 10 years. The parks is for a four year term. The first half, \$2,000,000, will finish the enhanced grading for the channel and approximately \$2,000,000 will be for park amenities.

Scott Keene, Financial Advisory with Ameritas, stated that due to the financing this will be submitted to only Moody's and do expect to receive a AAA rating. He stated a 10 year financing like the City of Lincoln's would receive a rate around 3.3%. AAA Municipal rates are 10 to 20% above where comparable Treasuries are right now. Municipal rates which are double tax exempt are actually higher than Treasury rates, but Treasury rates are so low right now so is a benefit to be going to market with this financing right now.

Jon Camp, Council Member, asked how the \$7,500,000 is being allocated?

Mr. Herz re-stated that \$3.425 million would be for the street lights and \$4,075,000 would be for the parks.

Mr. Camp asked if the \$3.5 million was for lights in Antelope Valley?

Mr. Herz stated it was for street lights for the City as a whole.

Mr. Camp asked if it was 10 years amortization on the street lights and then four years on the park improvements?

Mr. Herz answered yes.

Mr. Camp asked how is this factored into the bond issuance?

Mr. Keene answered two separate financing are created; one for the light portion and one for the parks portion. They are then blended together so as far as the investor's are concerned it is single financing with single credit. It forces many more of the bonds into the earlier years so the principal amount being paid in the first four years is a million dollars or more, and the amortization drops down to more than \$300,000 after that. It is a front loaded financing.

Mr. Herz stated that the park improvements will be paid for with Keno dollars over a four year period.

Mr. Camp mentioned the \$1,500,000 gift from Union Bank for Union Plaza with the total amount of \$8,000,000 estimated cost for the park asked how this all factors in?

J.J. Yost, Parks and Recreation Dept., answered the financing through the C.I.P. of \$4,000,000 will go along with a fund raising campaign. The \$1,500,000 will go towards the fund raising campaign by the Parks Foundation and the 2015 Vision folks.

Mr. Camp clarified the \$4,000,000 today would be half of the \$8,000,000 which is the City's portion and the other \$4,000,000 is from the private sector.

Mr. Yost stated the entire budget of \$7.98 million includes the endowment fund raising to maintain the park as well as construct it.

Mr. Camp asked if the City has the flexibility to pay down the bond sooner? Would it just flow into the endowment? I'm looking for an incentive to get the best cost.

Mr. Herz stated if the portion of the project being paid with this formula came in at less than that it would simply free up some of the Keno dollars towards the end of the four year period for some other purpose.

Mr. Keene said those bonds will likely have a five year call provision which is typical for 10 year financing. This is call protection for the bond holders.

Dan Marvin, Council Chair, stated there is an amendment to this ordinance and asked if Mr. Herz had a problem with this?

Mr. Herz stated one document needed the title to be changed slightly was the reason for the amendment.

Mr. Marvin asked Mr. Keene if these will be AAA on their own and won't need bond insurance on top of that?

Mr. Keene answered that is their expectation.

Richard Esquivel, 733 S. Cuming Street, came forward to ask how much money has come out of the Lincoln coffers for this Antelope Valley project?

This matter was taken under advisement.

APPROVING A FOUR-YEAR CONTRACT FOR SERVICE, WITH OPTION FOR RENEWAL, BETWEEN THE CITY AND THE CAPITAL HUMANE SOCIETY TO PROVIDE ANIMAL SHELTER IN CONJUNCTION WITH THE ANIMAL CONTROL DIVISION OF THE LINCOLN/LANCASTER COUNTY HEALTH DEPARTMENT - Bruce Dart, Director of Health Dept., came forward to state many options have been explored and it is believed this contract is the best and cheapest option and the best situation for the residents of Lincoln.

Mr. Camp asked Mr. Dart to talk about the costs involved to help with the animal control situation.

Mr. Dart stated that at this time the City is paying on a monthly claim basis which adds up to about \$245,100. This contract will begin on Sept. 1, 2008. The first year will be \$390,000 w/option for renewal for another four years. Each year after an additional \$30,000 will be added to the contract.

Mr. Camp asked for an explanation of the difference between the City's animal control and the functions the Capital Humane Society will perform.

Mr. Dart stated the Animal Control Division is responsible for the health and welfare of animals. Rules and regulations are enforced, enforced ordinances protect the public and protect animals. The animals picked up will be sheltered at the Humane Society, care for the welfare of the animals, help owners reclaim their animals or adopt them out.

Ken Svoboda asked if there was any incentive to continue to keep doing programs that reduce the number of animals picked up?

Mr. Dart stated with an increase in population there will always be an increase in animals. Besides enforcing the ordinance Animal Control educates before they regulate. Irresponsible pet ownership is the problem so continuing to educate is very important and the goal and mission of Capitol Humane Society is to focus on education. When an animal is found running loose Animal Control will try to return it to their owner rather than take it directly to the Humane Society.

Mr. Svoboda asked if Mr. Dart felt comfortable with a 3% increase in the 4 years?

Mr. Dart said he was comfortable with that increase.

Ms. Eschliman asked if the contract was automatically renewable after four years?

Mr. Dart stated there was an option for renewal.

Ms. Eschliman stated the population growth will be about 1% while the contract increases by 3% which she has a problem with. She asked if this was a four year contract which the Humane Society needs to average about \$430,000 or is this an eight year contract which they need to average about \$490,000 to make things work?

Mr. Dart stated the numbers indicate it is a 3% increase each year over a four year period so that is what the contract is for.

Ms. Eschliman asked why an increase triple to the 1% population increase?

Bob Downey, Executive Director of Capital Humane Society, came forward to explain they are a non-profit business, but they still have fixed costs such as insurance, workman's comp, natural gas. These things continue to go up.

Janelle Lust, Capital Humane Society Board President, stated the 3% historically was the price escalator per year when they had a contract with the City four years ago.

Mr. Camp asked if the City would be charged per animal per month of a flat fee?

Mr. Downey stated they responded both ways. The goal is to break even each year. He cited the turnover in staff is high which means ongoing retraining so did not want to bring in another factor that would further increase turnover.

Mr. Dart stated there have been incidences when they have picked up 75 to 100 cats or dogs at one time so felt they didn't want to take a risk of not being able to pay.

Ms. Lust commented the number of animals will probably increase and the risk of this increase based on the flat rate contract is actually Capitol Humane Society's and not the City's.

Mr. Camp said the City is protected, but there is not an incentive for the City to make the system work better.

Mr. Downey stated that 65% of households in the country own pets so with the growth of the community the number of animals is going to grow. If good programs can stagnate this growth you will be ahead of the ball game.

Mr. Dart stated the goal of Animal Control is to not exceed that capacity.

John Spatz expressed his appreciation to Capital Humane Society for working with the animal population.

Mr. Downey shared that the last addition to the animal shelter in Lincoln which increased capacity to house animals took place in 1974. We are landlocked and can't add to the facility.

Doug Emery, Council Member, asked about a privacy clause on page 6 that specifically names the previous attorney if they need to strike it from the proposal?

Judy Halstead, Health Dept., came forward to state that on page 4 of the contract item 4B said "proposed new auditor as reference in the hand written note shall be deleted from the terms and conditions of the contract by mutual agreement of the parties as the parties have negotiated a new designee as provided above and that would be Mr. Herz the Finance Director."

This matter was taken under advisement.

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

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MARCH 10, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk.

ANNUAL REPORT FOR THE YEAR 2007 PREPARED BY THE CITY LAW DEPARTMENT DATED MARCH 4, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (21)

### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, APRIL 7, 2008 AT 1:30 P.M. FOR THE APPLICATION OF GARAGE SPORTS BAR & GRILL, INC. DBA GARAGE SPORTS BAR & GRILL FOR AN ADDITION TO PREMISE OF THEIR EXISTING CLASS I LIQUOR LICENSE ADDING A BEER GARDEN MEASURING APPROX. 14' X 64' TO THE SOUTHWEST SIDE OF THE BUILDING LOCATED AT 5551 S. 48<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84788 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 7, 2008, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the application of Garage Sports Bar & Grill, Inc. dba Garage Sports Bar & Grill for an addition to premise of their existing Class I liquor license adding a beer garden approximately 14' x 64' to the southwest side of the building located at 5551 S. 48<sup>th</sup> Street.

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

Introduced by Robin Eschliman

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

SETTING THE HEARING DATE OF MONDAY, APRIL 7, 2008 AT 1:30 P.M. FOR THE APPLICATION OF RFOX, INC. DBA F.O.X. NEIGHBORHOOD GRILL & BAR FOR A CLASS I LIQUOR LICENSE LOCATED AT 1245 LIBRA DRIVE, SUITE 110 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84789 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 7, 2008, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the application of RFOX, Inc. dba F.O.X. Neighborhood Grill & Bar for a Class I liquor license located at 1245 Libra Drive, Suite 110.

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

Introduced by Robin Eschliman

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

SETTING THE HEARING DATE OF MONDAY, APRIL 7, 2008 AT 1:30 P.M. FOR THE APPLICATION OF TEXAS ROADHOUSE HOLDINGS LLC DBA TEXAS ROADHOUSE FOR A CLASS IK LIQUOR LICENSE LOCATED AT 6301 APPLE'S WAY - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84790 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 7, 2008, at 1:30 p.m., or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the application of Texas Roadhouse Holdings LLC dba Texas Roadhouse for a Class IK liquor license located at 6301 Apples's Way.

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

Introduced by Robin Eschliman

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

INFORMAL PAVING PETITION FOR ALLEY PAVING DISTRICT FOR THE ALLEY, BEHIND PROPERTY AT 2201 S. 10<sup>TH</sup> AND 2150 S. 9<sup>TH</sup> STREETS, SUBMITTED BY LYNN FISHER, PRESIDENT OF THE CAR CONNECTION, INC. DBA GREAT PLACE PROPERTIES - Referred to Public Works Dept. on 3/13/08.

**MISCELLANEOUS BUSINESS - NONE**

**LIQUOR RESOLUTIONS**

MANAGER APPLICATION OF MATTHEW PRUSA FOR WHITEHEAD OIL CO. DBA U STOP CONVENIENCE SHOP AT 942 S. 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84791 WHEREAS, Whitehead Oil Co. dba U Stop Convenience Shop located at 942 S. 27th Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Matthew Prusa be named manager;

WHEREAS, Matthew Prusa 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 Matthew Prusa 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 KABREDLO'S, INC. DBA KABREDLOS #104 FOR A CLASS D LIQUOR LICENSE AT 2500 N.W. 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84792 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 Kabredlo's, Inc. dba Kabredlos #104 for a Class "D" liquor license at 2500 N.W. 12th Street, Lincoln, Nebraska, for the license period ending April 30, 2008, 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 ANTHONY OLDERBAK FOR KABREDLO'S, INC. DBA KABREDLOS #104 AT 2500 N.W. 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84793 WHEREAS, Kabredlo's, Inc. dba Kabredlos #104 located at 2500 N.W. 12th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Anthony Olderbak be named manager;

WHEREAS, Anthony Olderbak 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 Anthony Olderbak 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 WHITEHEAD OIL CO. DBA U STOP CONVENIENCE SHOP FOR A CLASS D LIQUOR LICENSE AT 110 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:  
A-84794 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 Whitehead Oil Co. dba U Stop Convenience Shop for a Class "D" liquor license at 110 West O Street, Lincoln, Nebraska, for the license period ending April 30, 2008, 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 DIANA NASSEFF FOR WHITEHEAD OIL CO. DBA U STOP CONVENIENCE SHOP AT 110 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:  
A-84795 WHEREAS, Whitehead Oil Co. dba U Stop Convenience Shop located at

110 West O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Diana Nasseff be named manager;

WHEREAS, Diana Nasseff 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 Diana Nasseff 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.

#### 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 & TRUST COMPANY, LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$7,500,000 FOR THE ACQUISITION OF STREET LIGHTING EQUIPMENT AND THE CONSTRUCTION OF PARK IMPROVEMENTS IN CONNECTION WITH THE ANTELOPE VALLEY PROJECT - CLERK read an ordinance, introduced by Doug Emery, authorizing and approving a lease-purchase transaction with Union Bank & Trust Company, the proceeds of which will be used to pay the costs of (A) acquiring, constructing and installing street lights and related improvements and (B) improvements to a portion of the Antelope Creek Channel bounded by "O" Street, "R" Street, 21<sup>st</sup> Street and 22<sup>nd</sup> Street; and related amenities; approving the issuance, sale and delivery of not to exceed \$7,500,000 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.

#### PUBLIC HEARING RESOLUTIONS

APPROVING A FOUR-YEAR CONTRACT FOR SERVICE, WITH OPTION FOR RENEWAL, BETWEEN THE CITY AND THE CAPITAL HUMANE SOCIETY TO PROVIDE ANIMAL SHELTER IN CONJUNCTION WITH THE ANIMAL CONTROL DIVISION OF THE LINCOLN/LANCASTER COUNTY HEALTH DEPARTMENT - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84796 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract Agreement between the City of Lincoln and the Capital Humane Society to provide animal shelter in conjunction with the Animal Control Division of the Lincoln/Lancaster County Health Department for a four year term with option for renewal, in accordance with the terms, conditions and assurances contained in said Agreement is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to return an executed copy of the Agreement to Bruce Dart, Director of the Lincoln/Lancaster County Health Department for transmittal to the Capital Humane Society.

Introduced by Doug Emery

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

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

DECLARING APPROXIMATELY 58,520 SQUARE FEET OF THE CORNHUSKER CONVENTION CENTER AT S. 13TH STREET AND M STREET AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by Robin Eschliman, declaring the City-owned property generally located at South 13<sup>th</sup> Street and M Street as surplus and authorizing the sale thereof to Shubh Hotels Lincoln, LLC, a Florida limited liability company, the first time.

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

AMENDING SECTION 9.36.100 OF THE LINCOLN MUNICIPAL CODE RELATING TO UNLAWFUL POSSESSION OF FIREARMS, TO AMEND SUBSECTION (A) LISTING THE OFFENSES FOR WHICH A CONVICTION WITHIN THE LAST TEN YEARS PROHIBITS A PERSON FROM POSSESSING A FIREARM TO INCLUDE THE OFFENSE OF "CRIMINAL ATTEMPT" WHEN THE CRIME ATTEMPTED IS A FELONY OR VIOLATION OF ANY OF THE NEBRASKA STATE STATUTE MISDEMEANORS LISTED IN SECTION 9.36.100(A) - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 9.36.100 of the Lincoln Municipal Code relating to Unlawful Possession of Firearms, to amend subsection (a) listing the offenses for which a conviction within the last ten years prohibits a person from possessing a firearm to provide that the offense of "criminal attempt" (Neb. Rev. Stat. §28-201) shall apply when the crime attempted is a felony or violation of any of the Nebraska State Statute misdemeanors listed in Section 9.36.100(a); and repealing Section 9.36.100 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19060**, is recorded in Ordinance Book #26, Page

APPROVING THE 14TH AND ALVO ROAD CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN LANCASTER COUNTY SCHOOL DISTRICT 001 AND THE CITY OF LINCOLN RELATING TO THE ANNEXATION OF APPROXIMATELY 40 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF N. 14TH STREET AND ALVO ROAD. (RELATED ITEMS: 08R-74, 08-27, 08-28) (ACTION DATE: 3/24/08)- CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84797 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled 14th and Alvo Road Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between Lancaster County School District 001 and the City of Lincoln, Nebraska, outlining certain conditions and understandings relating to the annexation of approximately 40 acres of property generally located southwest of N. 14th Street and Alvo 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 Owner.

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 Lancaster County School District 001.

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

Introduced by Jonathan Cook

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

ANNEXATION 07004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 40 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF N. 14TH STREET AND ALVO ROAD. (RELATED ITEMS: 08R-74, 08-27, 08-28) (ACTION DATE: 3/24/08) - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

COOK Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered **#19061**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07062 - APPLICATION OF LINCOLN PUBLIC SCHOOLS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF N. 14TH STREET AND ALVO ROAD. (RELATED ITEMS: 08R-74, 08-27, 08-28) (ACTION DATE: 3/24/08) - CLERK read an ordinance, introduced by Jonathan Cook, 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.

COOK Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered **#19062**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 08007 - APPLICATION OF MURRAY AND LAURIE DUNN FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 6610 S. 84TH STREET - CLERK read an ordinance, introduced by Jonathan Cook, 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.

COOK Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered **#19063**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 08006 - AMENDING SECTION 27.45.020 OF THE LINCOLN MUNICIPAL CODE TO ADD CHURCHES AS A PERMITTED USE IN THE H-4 GENERAL COMMERCIAL DISTRICT - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 27.45.020 of the Lincoln Municipal Code to add churches as a permitted use in the H-4 General Commercial District; and repealing Section 27.45.020 of the Lincoln Municipal code as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered **#19064**, is recorded in Ordinance Book #26, Page

**REGISTERED TO SPEAK SESSION - NONE**

**OPEN MICROPHONE SESSION - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to March 31, 2008.  
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 March 31, 2008.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**ADJOURNMENT 2:31 P.M.**

CAMP            Moved to adjourn the City Council meeting of March 24, 2008.  
                  Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
                  So ordered.

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Joan E. Ross, City Clerk

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Judy Roscoe, Senior Office Assistant

