

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, APRIL 27, 2009 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Eschliman; Council Members: Cook, Marvin, Spatz, Svoboda; City Clerk, Joan E. Ross; Absent: Camp, Emery.

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**

SVOBODA Having been appointed to read the minutes of the City Council proceedings of April 20, 2009 reported having done so, found same correct.

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

**PUBLIC HEARING**

Council Chair Eschliman recognized the presence of Boy Scout Troop 36 from Holy Savior Lutheran Church working on Citizenship in the World.

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; 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;

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 - Rick Krueger, President of Krueger Development, came forward to clarify that the annexation of about 26 acres involving street profile revisions is to accommodate the St. Michael's elementary school. He said the improvement of Yankee Hill Road from 70<sup>th</sup> to 84<sup>th</sup> Streets will be put back a couple years in recognition of the current market forces. Mr. Krueger said to allow for flexibility, a requested amendment states that a secondary access will be provided if the school opens before Yankee Hill Road is completed. Their goal is to have services up to the site by September 2009, building out to 2010 and opening in 2011.

Ed Perry, 6355 East Shore Dr., came forward representing St. Michael's Parish which was created in 1909 in the village of Cheney. He stated the church served 75 families 10 years ago and now serves 500 families. He said the proposed development will meet the need to educate 225 K-8 students with a plan to construct the school first with the church to follow.

Roger Figard, Public Works & Utilities Engineer, came forward to answer questions on the construction of Yankee Hill Road stating there is a push back to construct it in 2010 or later. He said to be consistent with the Mayor's Task Force, the 6-10 year road type for that stretch between 70<sup>th</sup> and 84<sup>th</sup> calls for a Type C, being 2 lanes with a center turn lane.

This matter was taken under advisement.

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;

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 - Jack Huck, President of Southeast Community College, came forward to speak about the school's partnership with the National Institute for Forensics to engage in a long-term lease with the non-profit corporation to build a 125,000 sq. ft. facility in relation to SCC's offered healthcare, criminal justice and adult education programs. In answer to Council questions, Mr. Huck said there are extremely large needs for careers in the healthcare fields not only in the immediate Lincoln area but also in the 15-county district and across the state. He said starting wages range from high 20's to \$30,000 annually with benefits; furthermore, wages can go all the way up to 50's & 60's for registered nurses. Because of the use of this facility, he anticipates the potential of a two-year forensics program at SCC.

Lyle Loth, a representative of ESP Engineering, was on hand for questioning.

This matter was taken under advisement.

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 - Marvin Krout, Director of Planning, came forward stating this amendment will make it easier for housing renovation and will involve less work for the Planning Department when projects heat up.

This matter was taken under advisement.

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 - Marvin Krout, Director of Planning, came forward to explain that building line districts are useful to plan for the potential future improvement of streets and for property owners to take into account when they are building so they are not more impacted by a widening if it occurs. He said the change was brought about because of the building permit application of an assisted housing facility.

MARVIN Stated for the record that the Randolph Street Building Line District was started in 1953.

Roger Figard, Public Works & Utilities Engineer, came forward to answer questions about arterials, collectors and minor collectors.

This matter was taken under advisement.

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;

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;

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;

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 -

Marvin Krout, Director of Planning, came forward to clarify the zone changes in the two-acre area as it relates to the designation of the neo-classic, brick & limestone Carnegie building as a historic landmark. He said it cleans up unclear zoning; it declares surplus; re-zones & vacates property for the proposed Matt Talbot Kitchen and Outreach use; and finally, it zones all the City's Water Department property as P for Public Use. In response to Council questions regarding inconsistent zoning, Mr. Krout said a lot of park land is in the residential category and not P zoned. He said the R-2 is a reminder that if you are going to do anything on that property you should pay attention to the standards because there aren't any standards for the P zone and there are for R-2. As instructed by Council, Mr. Krout said he will clarify the zone reasoning before Council action next week.

DeNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward on behalf of Matt Talbot Kitchen & Outreach in support of all four items essential to the redevelopment agreement which provides for the move from 1911 R Street to 2121 N. 27<sup>th</sup> Street. She said on March 31, 2009 MTKO and the City jointly held a neighborhood meeting attended by four people.

This matter was taken under advisement.

USE PERMIT NO. 140C - APPLICATION OF MENARD, INC. TO AMEND THE APPIAN WAY REGIONAL CENTER TO MODIFY THE OFF-STREET PARKING REQUIREMENT FOR MENARD'S ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 89TH STREET AND ANDERMATT DRIVE - Nate Hanquist, HWS Consultant Group, Inc., came forward to answer questions about the relocation of the yard entrance from the south side of the store to the north side which is necessary to alleviate the potential pedestrian and vehicular conflicts near the garden center. While this action will result in the loss of 45 total parking spaces, Mr. Hanquist said this loss will not impact guests' ability to find available parking spaces as 598 are located in the parking field.

Frank Doland, HWS Consultant Group, Inc., 825 J Street, came forward to answer questions. He stated that Menard's was able to justify to the Planning Department that the full number of parking stalls were not needed for the store to function.

Marvin Krout, Director of Planning, came forward to state that the high number of parking spaces is common for other stores of the same size or for stores that have a lot of bulky materials. He also explained that a developer or lender may want to make sure that there is enough parking to allow a range of uses as retail leasing may change. He said Menard's request has the developer's approval but if retail uses change, a site plan may be readjusted and parking spaces can be returned. In response to Council questions about parking standards, Mr. Krout said businesses find creative ways to deal with reduced parking such as the use of a shuttle bus during peak holiday shopping or by locating churches near mixed-use retail areas to take advantage of overflow parking on different days/hours.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND BRYANLGH TO TRANSFER MEDICARE RECAPTURE CREDITS FROM BRYANLGH TO THE CITY IN THE AMOUNT OF \$153,872; TO TRANSFER \$111,999 FROM THE CITY TO BRYANLGH WHICH REPRESENTS ACCUMULATED INCOME DISTRIBUTED FROM THE AARON H. BUCKSTAFF FUND; AND FOR BRYANLGH TO ADMINISTER THE BIBA FUNDS THAT RESULTED FROM A JUDGMENT DATED MAY 11, 2002;

APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE COMMUNITY HEALTH ENDOWMENT FOR THE FINAL DISTRIBUTION OF ESCROW FUNDS AND MEDICARE RECAPTURE CREDITS TO THE COMMUNITY HEALTH ENDOWMENT AND TO REQUIRE THE COMMUNITY HEALTH ENDOWMENT TO ESTABLISH A CONTINGENCY FUND;

APPROVING AN AGREEMENT BETWEEN BRYANLGH, THE CITY AND US BANCORP TO LIQUIDATE ALL ESCROWED FUNDS AND TRANSFER THESE FUNDS TO THE CITY - Don Herz, City Finance Director, came forward to request approval and respond to questions. He said the primary resolution is related to the sale of Lincoln General Hospital. He said the time frame for maintaining the escrow has elapsed and LGH sale agreements provide that the remaining

escrow funds will be transferred to the Community Health Endowment for investment and use in accordance with LMC 4.16. He said the other resolutions are agreements between the City and BryanLGH to finalize the escrow distribution. He said there has been thorough discussion between the Community Health Endowment, BryanLGH and the City agreeing to the conditions set forth in the MOU's and all are anxious to move forward. Mr. Herz said if approved, this will allow him to wipe off the oldest item on his "to-do list" since his tenure.

This matter was taken under advisement.

AMENDING SECTION 5.38.050 OF THE LINCOLN MUNICIPAL CODE TO INCREASE PERMIT FEES FOR MOTELS, HOTELS, ROOMING, LODGING, AND APARTMENT HOUSES, AND REPEALING SECTION 5.38.050 AS HITHERTO EXISTING - Ron Peery, Building & Safety Department, came forward in favor of the amendment as it covers costs for this year. He said after meeting with REOMA representatives, the department will agree to form a committee to study the apartment licensing program and look into different efficiencies, making changes if needed.

William J. Wood, 808 D Street, President of the Real Estate Owners and Managers Association, came forward representing 135 dues-paying members who are either owners of rental property or management firms that manage rental property. He said when the original proposed increase came forward, their association opposed it. He said normally these increases would be passed on, but it would be heartless to do so as tenants are losing their jobs in these difficult economic times. Mr. Wood said as a way to compromise, inspection efficiencies can be found instead. He proposed that the fee increase be adopted as amended but limited to one year.

Mr. Peery came forward to answer Council questions. He said the amended permit fees are temporary to cover costs for this year only; therefore, any future increase requests will have to come before Council next year.

This matter was taken under advisement.

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

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

REQUEST OF PUBLIC WORKS TO SET A PUBLIC HEARING DATE OF MONDAY, MAY 11, 2009, AT 1:30 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

- 09-66 To provide authority to create & order constructed under Special Assessment District; water main, 12-inch diameter, in North 58th Circle, Arbor Road north approx. 600 +/- feet and assess the costs thereof against the benefitted properties.
- 09-67 To provide authority to create & order constructed under Improvement District; for the acquisition of all necessary easements or additional right-of-way by negotiation & purchase or by condemnation, if necessary, as provided by law, for construction and future maintenance of a public water main, 12-inch diameter, in North 58th Circle, Arbor Road north approx. 600 +/- feet and assess the costs thereof against the benefitted properties.
- 09-68 To provide authority to create & order constructed under Special Assessment District; two water mains, 12-inch diameter, east of North 58th Circle, north of Arbor Road, in Arbor Road Second Addition Condominium, and assess the costs thereof against the benefitted properties.

- 09-69 To provide authority to create & order constructed under Improvement District; for the acquisition of all necessary easements or additional right-of-way by negotiation & purchase or by condemnation, if necessary, as provided by law, for construction & future maintenance of two public water mains, 12-inch diameter, east of North 58th Circle, north of Arbor Road, in Arbor Road Second Addition Condominium, and assess the costs thereof against the benefitted properties.
- 09-70 To provide authority to create & order constructed under Special Assessment District; water mains, 12-inch diameters, east of North 56th Street, from Alvo Road to Arbor Road, and assess the costs thereof against the benefitted properties.
- 09-71 To provide authority to create & order constructed under Improvement District; for the acquisition of all necessary easements or additional right-of-way by negotiation & purchase or by condemnation, if necessary, as provided by law, for construction & future maintenance of water mains, 12-inch diameters, east of North 56th Street, from Alvo Rd. to Arbor Rd., and assess the costs thereof against the benefitted properties.
- 09-72 To provide authority to create & order constructed under Special Assessment District; sanitary sewers, ranging in size from 8-inch to 12-inch diameters, east of North 56th Street, from Alvo Road to Interstate 80, and assess the costs thereof against the benefitted properties.
- 09-73 To provide authority to create & order constructed under Improvement District; for the acquisition of all necessary easements or additional right-of-way by negotiation & purchase or by condemnation, if necessary, as provided by law, for construction & future maintenance of sanitary sewers, ranging in size from 8-inch to 12-inch diameters, east of North 56th Street, from Alvo Road to Interstate 80, and assess the costs thereof against the benefitted properties.

CLERK Requested a motion for approval.

COOK So Moved.

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON APRIL 13, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF MARCH 2009 FROM BLACK HILLS/NEBRASKA GAS UTILITY CO., LLC - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

RESOLUTION APPROVING THE CITY OF LINCOLN'S INVESTMENT ACTIVITY REPORT FROM THE CITY TREASURER FOR THE FIRST QUARTER, FISCAL YEAR 2008-2009 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85302 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

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

Introduced by Jonathan Cook

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, MAY 11, 2009 AT 1:30 P.M. FOR THE APPLICATION OF OLD FEDERAL PLACE, LLC DBA JASMINE ROOM FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS I LIQUOR LICENSE LOCATED AT 129 N. 10TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85303 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 11, 2009, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the application of Old Federal Place, LLC dba Jasmine Room for the addition of a catering license to its Class I liquor license located at 129 N. 10th Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, MAY 11, 2009 AT 1:30 P.M. FOR THE APPLICATION OF OLD FEDERAL PLACE LLC DBA JASMINE ROOM FOR AN ADDITION TO ITS LICENSED PREMISE LOCATED AT 129 N. 10TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85304 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 11, 2009, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the application of Old Federal Place LLC dba Jasmine Room for an addition to its licensed premise located at 129 N. 10th Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, MAY 11, 2009 AT 1:30 P.M. FOR THE APPLICATION OF BLUE MANGO HOLDINGS, LLC DBA EL SALVADOR CAFÉ FOR A CLASS C LIQUOR LICENSE WITH CATERING LOCATED AT 221 SOUTH 9TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85305 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 11, 2009, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the application of Blue Mango Holdings, LLC dba El Salvador Café for a Class C liquor license with catering located at 221 South 9th Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, MAY 11, 2009 AT 1:30 P.M. FOR THE APPLICATION OF JOSE L. MENESES DBA LIQUOR EL PAISA FOR A CLASS D LIQUOR LICENSE LOCATED AT 100 N. 1ST STREET, SUITE 6 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85306 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 11, 2009, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the application of Jose L.

Meneses dba Liquor El Paisa for a Class D liquor license located at 100 N. 1st Street, Suite 6.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, MAY 11, 2009 AT 1:30 P.M. FOR THE APPLICATION OF STOP 'N SHOP INC. DBA STOP 'N SHOP #3 FOR A CLASS D LIQUOR LICENSE LOCATED AT 4801 RANDOLPH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85307 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 11, 2009, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the application of Stop 'N Shop Inc. dba Stop 'N Shop #3 for a Class D liquor license located at 4801 Randolph Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, MAY 11, 2009 AT 1:30 P.M. FOR THE APPLICATION OF STOP 'N SHOP INC. DBA STOP 'N SHOP #4 FOR A CLASS D LIQUOR LICENSE LOCATED AT 8350 NORTHWOODS DRIVE - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85308 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 11, 2009, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the application of Stop 'N Shop Inc. dba Stop 'N Shop #4 for a Class D liquor license located at 8350 Northwoods Drive.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, MAY 11, 2009 AT 1:30 P.M. FOR THE APPLICATION OF STOP 'N SHOP INC. DBA STOP 'N SHOP #5 FOR A CLASS D LIQUOR LICENSE LOCATED AT 5700 N. 33RD STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85309 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 11, 2009, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the application of Stop 'N Shop Inc. dba Stop 'N Shop #5 for a Class D liquor license located at 5700 N. 33rd Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, MAY 11, 2009 AT 1:30 P.M. FOR THE APPLICATION OF STOP 'N SHOP INC. DBA STOP 'N SHOP #6 FOR A CLASS D LIQUOR LICENSE LOCATED AT 7000 O STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85310 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 11, 2009, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City

Building, 555 S. 10th St., Lincoln, NE, for the application of Stop 'N Shop #6 for a Class D liquor license located at 7000 O Street.

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

Introduced by Jonathan Cook

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

INFORMAL PETITION TO CREATE A PAVING DISTRICT TO PAVE THE EAST-WEST ALLEY BORDERED BY 10TH AND 11TH STREETS AND G AND H STREETS SUBMITTED BY JOHN C. BALL FOR LOYA, LLC - CLERK presented said petition which was referred to the Public Works Department on 4/22/09.

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 09010 - Req. of Randy Bartelt amending Chapter 27.70 of the Lincoln Municipal Code relating to Zoning Code, Additional Use Regulations by adding a new section numbered 27.70.060 to allow churches to hold temporary or seasonal sales of goods at retail.

Change of Zone No. 09011 - Req. of Andermatt, LLC, Southlake Planned Unit Development for a change of zone from AG Agricultural District to B-2 Planned Neighborhood Business District and R-8 Residential District on property generally located at S. 91st Street and Highway 2; and for approval of a development plan which proposes waivers of sidewalks, block length, reduction of the B-2 setbacks to 0 feet, and the preliminary plat process in the underlying R-8 zoning.

Special Permit No. 09008 - Req. of Patricia Sanchez for the authority to sell alcoholic beverages for consumption on the premises on property generally located at N. 1st Street and O Street.

**MISCELLANEOUS REFERRALS - NONE**

**LIQUOR RESOLUTIONS - NONE**

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

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

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

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

Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

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

CHANGE OF ZONE NO. 09008 - APPLICATION OF SOUTHEAST COMMUNITY COLLEGE FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 90TH STREET AND O STREET. (RELATED ITEMS: 09-52, 09-53) - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE NO. 09004 - AMENDING CHAPTER 27.61 OF THE LINCOLN MUNICIPAL CODE RELATING TO NONCONFORMING AND NONSTANDARD USES BY ADDING A NEW SECTION NUMBERED 27.61.100 TO ESTABLISH CONDITIONS FOR THE EXPANSION OF A NONSTANDARD SINGLE-FAMILY OR TWO FAMILY DWELLING INTO A REQUIRED YARD IN RESIDENTIAL DISTRICTS - CLERK read an ordinance, introduced by Ken Svoboda, amending Chapter 27.61 of the Lincoln Municipal Code relating to Nonconforming and Nonstandard Uses by adding a new section numbered 27.61.100 to establish conditions for the expansion of a nonstandard single family or two family dwelling into a required yard in residential districts, the second time.

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

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

CHANGE OF ZONE 08074 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT, H-3 HIGHWAY COMMERCIAL DISTRICT AND P PUBLIC USE DISTRICT; FROM P PUBLIC USE DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT; AND FROM R-4 RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 27TH STREET AND FAIR STREET AND NORTH 27TH STREET AND CENTER STREET. (RELATED ITEMS: 09-56, 09-57, 09-58, 09-59) - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

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

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 26<sup>th</sup> Street and North 27<sup>th</sup> Street, north of Center Street, retaining title thereto in the City of Lincoln, and authorizing the sale thereof to Matt Talbot Kitchen and Outreach, the second time.

#### PUBLIC HEARING RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF APRIL 1 -15, 2009 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85311 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated April 16, 2009, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

	<u>DENIED</u>		<u>ALLOWED/SETTLED</u>
Windstream	\$9,456.32	Kevin & Aimee Loegel	\$1,402.00
L. Mark & Shannon		Nebraska Logistics, Inc.	710.15
Lagrimini	247.00	Gary & Maureen Gilmour	3,949.49
Carlos Carpio	53.00	Josh & Melissa McCurley	9,429.68
Stanton Ham	325.00	John & Lisa Showalter	9,339.00
Jane Winter	273.77	State Farm Insurance	
Felicia Bertram	247.00	(Claim #27-7827-395)	7,404.17
Amanda Koob	802.50	Jordan Rohwer	1,726.28
Joanna Fineran	46.00	Linda Gropp	176.55
Roger Sand	424.16	Ticonderoga Land Co.	241.50
		Ryan McCormick	316.22
		Marcella Foster	1,501.27

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Ken Svoboda

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

USE PERMIT NO. 140C - APPLICATION OF MENARD, INC. TO AMEND THE APPIAN WAY REGIONAL CENTER TO MODIFY THE OFF-STREET PARKING REQUIREMENT FOR MENARD'S ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 89TH STREET AND ANDERMATT DRIVE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85312 WHEREAS, Menard, Inc. has submitted an application in accordance with Section 27.37.070 of the Lincoln Municipal Code designated as Use Permit No. 140C for authority to modify the off-street parking requirements to waive the required parking spaces from 729 stalls to 650 stalls, on property generally located northeast of the intersection of

South 89th Street and Andermatt Drive, and legally described to wit:  
Lot 2, Block 1, Appian Way Addition, Lincoln,  
Lancaster County, Nebraska; and

WHEREAS, the real property adjacent to the area included within  
the site plan for this modification to the commercial development will  
not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions  
hereinafter set forth are consistent with the intent and purpose of  
Title 27 of the Lincoln Municipal Code to promote the public health,  
safety, and general welfare.

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

That the application of Menard, Inc., hereinafter referred to as  
"Permittee", to modify the off-street parking requirement within the  
previously approved commercial space on the property legally described  
above be and the same is hereby granted under the provisions of Section  
27.37.070 of the Lincoln Municipal Code upon condition that construction  
and operation of said commercial space be in strict compliance with said  
application, the site plan, and the following additional express terms,  
conditions, and requirements:

1. This permit approves an adjustment reducing the required  
number of parking spaces for home improvement store use from 729 to 650  
spaces.
2. Before receiving building permits:
  - a. The Permittee must submit a revised and reproducible  
final plan including five copies to include a revision  
of Waiver Note #5 to state, "Parking requirement for  
Lot 6, Block 3, as shown on the preliminary plat and  
use permit site plan is adjusted to 650 stalls for the  
use shown. Any subsequent change in use shall comply  
with the applicable parking requirements of LMC Title  
27.
  - b. The construction plans must substantially conform to  
the approved plans.
3. Before occupying the buildings all development and  
construction must be completed in substantial conformance with the  
approved plans.
4. All privately-owned improvements must be permanently  
maintained by the Permittee or an appropriately established property  
owners association approved by the City Attorney.
5. The physical location of all setbacks and yards, buildings,  
parking and circulation elements, and similar matters must be in  
substantial compliance with the location of said items as shown on the  
approved site plan.
6. The terms, conditions, and requirements of this resolution  
shall run with the land and be binding on the Permittee, its successors,  
and assigns.
7. The Permittee shall sign and return the letter of acceptance  
to the City Clerk within 60 days following the approval of the special  
permit, provided, however, said 60-day period may be extended up to six  
months by administrative amendment. The City Clerk shall file a copy of  
the resolution approving the special permit and the letter of acceptance  
with the Register of Deeds, filing fees therefor to be paid in advance  
by the Permittee.
8. The site plan as approved with this resolution voids and  
supersedes all previously approved site plans, however, the terms and  
conditions of all resolutions approving previous permits shall remain in  
full force and effect except as specifically amended by this resolution.

Introduced by Ken Svoboda

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND BRYANLGH TO TRANSFER MEDICARE  
RECAPTURE CREDITS FROM BRYANLGH TO THE CITY IN THE AMOUNT OF \$153,872;  
TO TRANSFER \$111,999 FROM THE CITY TO BRYANLGH WHICH REPRESENTS  
ACCUMULATED INCOME DISTRIBUTED FROM THE AARON H. BUCKSTAFF FUND; AND FOR

BRYANLGH TO ADMINISTER THE BIBA FUNDS THAT RESULTED FROM A JUDGMENT DATED MAY 11, 2002 (RELATED ITEMS: 09R-65, 09R-66, 09R-67) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85313 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln, Bryan Healthcare Inc., and Bryan Memorial Hospital, for the distribution of funds for health care services described in said Agreement related to the sale of Lincoln General Hospital, pursuant to the Master Affiliation Agreement entered into by the parties in October, 1997, upon the terms and conditions set forth in said Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit three fully executed copies of said Agreement to the Finance Director for transmittal to the parties.

Introduced by Ken Svoboda

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

APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE COMMUNITY HEALTH ENDOWMENT FOR THE FINAL DISTRIBUTION OF ESCROW FUNDS AND MEDICARE RECAPTURE CREDITS TO THE COMMUNITY HEALTH ENDOWMENT AND TO REQUIRE THE COMMUNITY HEALTH ENDOWMENT TO ESTABLISH A CONTINGENCY FUND (RELATED ITEMS: 09R-65, 09R-66, 09R-67) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85314 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Memorandum of Understanding - Distribution of Funds between the City of Lincoln and the Community Health Endowment of Lincoln, for the final distribution of escrow funds and Medicare Recapture Credits to the Community Health Endowment and to require the Community Health Endowment to be establish a contingency fund, upon the terms and conditions set forth in said Memorandum of Understanding, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit three fully executed originals of said Agreement to the Finance Director for transmittal to the parties.

Introduced by Ken Svoboda

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

APPROVING AN AGREEMENT BETWEEN BRYANLGH, THE CITY AND US BANCORP TO LIQUIDATE ALL ESCROWED FUNDS AND TRANSFER THESE FUNDS TO THE CITY (RELATED ITEMS: 09R-65, 09R-66, 09R-67) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85315 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement for Final Distribution of Escrowed Funds between the City of Lincoln, Bryan Healthcare Inc., Bryan Memorial Hospital and USBancorp, formerly known as First Bank National Association, to release the balance of escrow funds related to the sale of Lincoln General Hospital pursuant to the Master Affiliation Agreement and to terminate the Escrow Agreement entered into between the parties in October 1997, upon the terms and conditions set forth in said Agreement for Final Distribution, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit three fully executed originals of said Agreement to the Finance Director for transmittal to the parties.

Introduced by Ken Svoboda

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

**PUBLIC HEARING ORDINANCE - 3<sup>RD</sup> READING - FOR COUNCIL ACTION**

AMENDING SECTION 5.38.050 OF THE LINCOLN MUNICIPAL CODE TO INCREASE PERMIT FEES FOR MOTELS, HOTELS, ROOMING, LODGING, AND APARTMENT HOUSES, AND REPEALING SECTION 5.38.050 AS HITHERTO EXISTING. (4/13/09 - ACTION DELAYED W/ PUBLIC HEARING FOR 2 WEEKS TO 4/27/09) - PRIOR to reading:

SVOBODA Moved MTA #1 to amend Bill No. 09-39 in the following manner:

1. On page 1, line 20, delete \$70.00 and insert in lieu thereof \$65.00.

2. On page 2, line 2, delete \$8.00 and insert in lieu thereof \$7.00.

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

CLERK Read an ordinance, introduced by Doug Emery.

SVOBODA Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19235, is recorded in Ordinance Book #26, Page

**ORDINANCE - 1<sup>ST</sup> 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 first 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 first 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 first 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 - 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. 8<sup>th</sup> Street, Geneva, NE 68361, for a term of July 1, 2009 through June 30, 2010, the first 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 84<sup>th</sup> 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 6<sup>th</sup> P.M., the first 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. 39<sup>th</sup> 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 6<sup>th</sup> P.M., the first time.

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

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

SPATZ Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Cook, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp, Emery. The ordinance, being numbered **#19236**, is recorded in Ordinance Book #26, Page

VACATION 08009 - APPLICATION OF NEBRASKA ACQUISITION CORP. TO VACATE THE WEST 362 FEET OF THE EAST-WEST ALLEY BETWEEN SOUTH 18TH STREET AND SOUTH 20TH STREET AND BETWEEN J STREET AND K STREET - CLERK read an ordinance, introduced by John Spatz, vacating the west 362 feet of the east-west alley between South 18<sup>th</sup> Street and South 20<sup>th</sup> Street and between J Street and K Street, and retaining title thereto, in the City of Lincoln, Lancaster County, Nebraska, the third time.

SPATZ Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Cook, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp, Emery. The ordinance, being numbered **#19237**, is recorded in Ordinance Book #26, Page

**OPEN MICROPHONE SESSION**

Danny Walker, 437 E Street, came forward with concerns about the proposed South Salt Creek Quiet Zone and the closing of two BNSF railroad crossings at 2<sup>nd</sup>, 3<sup>rd</sup> and J Streets. He expressed the need for them to be open for safety reasons and suggested the option of a quiet zone at 1<sup>st</sup> & J Street and 3<sup>rd</sup> & D Street instead.

This matter was taken under advisement.

**MISCELLANEOUS BUSINESS**

**PENDING -**

SVOBODA Moved to extend the Pending List to May 4, 2009.  
Seconded by Marvin & carried by the following vote: AYES: Cook, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp, Emery.

**UPCOMING RESOLUTIONS**

SVOBODA Moved to approve the resolutions to have Public Hearing on May 4, 2009.  
Seconded by Marvin & carried by the following vote: AYES: Cook, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp, Emery.

**ADJOURNMENT 7:08 P.M.**

SVOBODA Moved to adjourn the City Council meeting of April 27, 2009.  
Seconded by Marvin & carried by the following vote: AYES: Cook, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp, Emery.  
So ordered.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant

REGULAR MEETING  
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