

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, March 10, 2008 AT 5:30 P.M.**

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

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

COOK Having been appointed to read the minutes of the City Council proceedings of March 3, 2008 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

IN APPRECIATION FOR DANA ROPER'S 34 YEARS OF EXEMPLARY SERVICE TO THE CITY OF LINCOLN - PRIOR to reading:

COOK Moved to waive the rules to have Public Hearing and Action on resolution to thank Dana Roper.

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

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

A-84765 WHEREAS, on August 6, 1973 Dana W. Roper was hired as a prosecutor in the City Attorney's Office; on October 1, 1984 he was appointed to Chief Assistant City Attorney; and became the City Attorney on January 19, 1999; and

WHEREAS, he has faithfully executed his duties to the City of Lincoln for over thirty-four (34) years; and

WHEREAS, he has served as City Attorney under Mayor Dale Young, Mayor Don Wesley, Mayor Coleen Seng, and Mayor Chris Beutler; and

WHEREAS, his integrity is impeccable and his judgment is steadfast; and

WHEREAS, Mr. Roper has announced his retirement as City Attorney for the City of Lincoln, Nebraska; and

WHEREAS, his dedication, loyalty, and service to the City and the citizens of Lincoln is deserving of recognition and appreciation.

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

That the City of Lincoln, its elected officials, its officers, and citizens, thank

DANA W. ROPER

for over thirty-four (34) years of exemplary service to the City.

Introduced by Jonathan Cook

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

APPLICATION OF GRANDSTAND LLC DBA THE ELEMENT FOR A CLASS I LIQUOR LICENSE AT 5601 SOUTH 56TH STREET, SUITE 21;

MANAGER APPLICATION OF CHRISTY L. WHITE FOR GRANDSTAND LLC DBA THE ELEMENT AT 5601 SOUTH 56TH STREET, SUITE 21 - Christy L. White, 5601 S. 56th Street, Ste. #21, took the oath and came forward to answer questions.

This matter was taken under advisement.

CREATING ALLEY PAVING DISTRICT NO. 364 IN THE ALLEY FROM D STREET TO F STREET, BETWEEN 33RD STREET AND 34TH STREET, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - Elmer Cole, Public Works, stated there are 24 property owners who will benefit by this alley paving. The estimated cost is \$50 per front foot and these lots are divided in 50 foot increments so it's around \$2,500 per property. This is set over a 20 year assessment period with 1/20th due every year with interest on that unpaid portion. Four property owners have voiced their opposition to this assessment. There is no funding for this. There is a period of one year for the petitioner to obtain the necessary support.

Ken Svoboda, Council Member, asked who maintains the alley.

Mr. Cole stated the City does.

Dan Smith, 945 S. 34th Street, came forward in favor of having the alley paved. He and some of the neighbors paid to have the alley rocked, but after grading the rock is pretty much gone which makes it difficult to drive on due to the muddy conditions.

Dan Marvin, Council Member, asked if Mr. Smith parked in the alley?

Mr. Smith answered he had a camper and a truck parked back there, but it is too muddy to get them out at this time.

Brent Matz, 900 S. 33rd Street, came forward to present a petition signed by the neighbors asking this project be denied. He received 14 of the 24 homeowner signatures on this block. He asked this not be approved because it is a hardship for many to afford at this time and benefits only a handful of individuals. He is willing to pay for gravel.

Jonathan Cook, Council Member, asked if these lots are essentially all the same size so with the 14 signatures he has a majority of frontage?

Mr. Matz answered that is correct.

Trudy Johnson, 3345 F Street, presented a letter for the record in opposition.

Amy McCord, 1027 S. 34th Street, stated she has signed the petition in opposition. She added they recently had to have their alley dug up to replace their sewer line and is concerned if there is concrete over it that would have to be broken up and replaced.

Mr. Cook asked if the City had to do work on the utilities in the alley the City would have to replace the concrete right?

Mr. Cole answered if the City did the work that is correct.

Mr. Cook asked if the homeowners had to put in a new sewer line up to City's pipe they would be responsible for replacing the concrete?

Mr. Cole answered they deal with this as a plumbers cut. The Public Works division would take care of the patch needed in the alley. It would be under their permit for plumbing or sewer.

Mr. Cook asked if there is extra cost to tear up a street or alley?

Mr. Cole answered it falls under the plumbing code which they would have to pay.

Robin Eschliman, Council Member, asked if it was Mr. Cole's recommendation to move this item forward?

Mr. Cole stated he was neutral. The applicant still has to secure at least 13 properties to get this to come before the Council under resolution form. He has one year to secure this.

This matter was taken under advisement.

APPROVING A LEASE AGREEMENT BETWEEN B&J PARTNERSHIP LTD. AND THE CITY OF LINCOLN FOR OFFICE SPACE AT 850 Q STREET FOR A PERIOD OF MARCH 1, 2008 THROUGH FEBRUARY 29, 2012 - David Landis, Director of Urban Development, stated the contract w/Republic Management ends August, 2008. He stated that more room is much needed and this agreement will allow the parking staff to move into this area paying the same amount of money for more space. B&J Partnership would like to have a 3% escalator and a locked in contract for the next five years. The location would be more appropriate.

Mr. Marvin asked Ken Smith about the reorganization of the parking system.

Ken Smith, Urban Development, stated this is to bring other services under parking area and for expansion to grow.

This matter was taken under advisement.

APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT (SAWMILL PROJECT) BETWEEN THE CITY AND SAWMILL BUILDING PARTNERSHIP FOR THE REDEVELOPMENT OF AN EXISTING BUILDING GENERALLY LOCATED AT 8TH AND S STREETS INTO APPROXIMATELY 21,000 SQUARE FEET OF OFFICE/RETAIL USE (REDEVELOPMENT IMPROVEMENTS); AND THE REMOVAL AND RELOCATION OF SANITARY SEWER AND LES ELECTRICAL LINES AND THE CONSTRUCTION OF SIDEWALKS, STREET CURB MODES, DRIVING ISLE AND STREETScape IMPROVEMENTS IN PROPOSED VACATED S STREET - Hallie Salem, Urban Development, came forward to present the agreement with the Phase I of the North Haymarket Arts and Humanities Center Block. The developer continues to negotiate a redevelopment agreement for the rest of Block 21. The tax increment financing funds generated by the private investment is expected to be \$263,000. The City agrees to use the TIFF generated to relocate and install sanitary sewer, relocate and install electrical lines, design and install sidewalk and landscaping improvements on the south side of S Street as well as design and install other S Street public access improvements as they relate to the vacation of S Street for the purpose of creating parking. The City agrees to vacate the East-West alley on the block and provide first right of refusal for up to 16 parking stalls in the Haymarket Parking Garage.

Ms. Eschliman asked if anything has been added or changed since it was less value a year ago? Is there more value to come?

Ms. Salem answered this is just Phase I the northwest corner of Block 21. The entire block is expected to be redeveloped. This is about 1/4 of the block.

Mr. Camp asked if the TIFF will be used to take down the big power lines down?

Ms. Salem stated no they could not be moved. Just the wooden poles will be removed.

Mr. Camp asked how much sales tax will be generated from this project?

Ms. Salem answered she did not know.

Mr. Camp wanted to know more about the vacation of S Street.

Ms. Salem said that S Street is one block and the purpose of the vacation is to create additional parking, but traffic would be able to continue using that street.

Mr. Camp asked if that would be private parking?

Ms. Salem stated there are two options being looked at with one being able to vacate and convey the property to the adjacent owners or for the City to put a public street on S Street and lease the spaces. There would be no more meters on that street.

Mr. Camp asked if there was a way to keep S Street since we have to have the public access to 9th Street and could it be configured this way and the City create more parking?

Ms. Salem stated that is possible, but the City would not be able to create as much parking. There would not be as much control as to who could park there and INS might have a concern with that.

Mr. Camp asked if this would become a private street?

Ms. Salem stated it could either be a private street or an actual lot with a drive thru.

Doug Emery, Council Member, asked if this would still be used by INS and the Post Office.

Ms. Salem said "Yes it would be open."

Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing the Sawmill Building Partnership. It is hoped that in a couple months the remaining 3/4 of the block agreements can be brought before the Council. The Press Association and the University of Nebraska agreements are being worked out. The agreement states the right to rent at the City's ongoing rate of 60 parking spaces. This street is 120 feet compared to other public streets at 100 feet. The street could be reduced to 100 feet and then City parking could be added and still have a public street with access to 9th Street. The second option would be to turn it into a private roadway and dedicate a public access easement so the public can still go down S Street for access to 9th Street. This allows the mail trucks to continue to use this street. He stated they are putting more retail in which will mean more sales tax.

Mr. Camp asked as far as property tax as you see the whole block with partnership with the University what does that do to the real estate tax?

Mr. Seacrest the east half of the block would be the University of Nebraska for Arts and Humanities so would be tax exempt. The west half of the block would be taxable and those would have some of the most expensive property values. Hopefully some day the southwest corner could have a four or five story building on it.

Ms. Eschliman asked about the 48 jobs cited.

Mr. Seacrest stated this is retail. There is a construction company, a major architectural firm, and a U.S. Senators office which provides quite a few jobs to that neck of the woods.

This matter was taken under advisement.

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

COUNCIL ACTION

REPORTS OF CITY OFFICERS

SETTING THE INTEREST RATE AND LEVYING THE ASSESSMENTS ON SPECIAL ASSESSMENT GROUP I OF THE BOARD OF EQUALIZATION HELD MARCH 3, 2008 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84766 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

The special taxes assessed Feb/ 25. 2008, to pay the costs of the improvements in the Water District 1197, are hereby levied and shall bear interest at 6.02% per annum and that the period of time in which the assessments are to be paid shall be as follows:

20 years - Water District 1196

Introduced by Jonathan Cook

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

ACCEPTING THE REPORT ON BOARD OF EQUALIZATION TO CITY COUNCIL ON SPECIAL ASSESSMENT GROUP I WATER DISTRICT 1197 - CLERK presented said report which was approved and placed on file in the Office of the City Clerk.

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR FEBRUARY 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF JANUARY, 2008 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR JAN.-DEC., 2007: TALK AMERICA; OCT.-DEC., 2007: MATRIX, TWC DIGITAL PHONE, ACCESSLINE, IDT, AIRESPRINGS, AIRCELL, CAUSED BASED COMMERCE, PNG, COMTEL, TELENATIONAL, MEGAPATH, OPEX, SOUTHWEST, RELIANCE, STARTEC GLOBAL, WINDSTREAM NEBRASKA: DECEMBER, 2007: TWC DIGITAL PHONE, WINDSTREAM NEBRASKA, WINDSTREAM SYSTEMS OF THE MIDWEST, CRICKET, AT&T OF MIDWEST, NEW CINGULAR WIRELESS, USCOC OF GREATER IOWA, NEBRASKA TECHNOLOGY & TELECOMM., TRANS NATIONAL, GLOBAL CROSSING, VERIZON SELECT, NETWORK BILLING, BUSINESS PROD. SOLUTIONS, CIMCO, TON SERVICES, NORSTAN NETWORK, GUARANTEED PHONE, IBM GLOBAL, QUANTUM SHIFT, KDDI AMERICA, ADVANCED TEL, TRACFONE WIRELESS, LDMI, INTELICALL OPERATOR, EARTHLINK, XO COMMUNICATIONS, VOICECOM, VERIZON-BELL ATLANTIC, PRIMUS, TCG OMAHA, GLOBAL CROSSING BANDWIDTH, BROADWING, USCOC OF NEBRASKA/KANSAS, MCLEOD USA, GLOBALSTAR USA, QWEST, ON STAR, TELECORP, VIRGIN MOBILE USA, WORKING ASSETS FUNDING, UCN, ACN, WHOLESAL CARRIER, MOVIDA, WHO'S CALLING, BROADBAND DYNAMICS, AIRNEX, CINCINNATI BELL DISTANCE, NEW EAGLE; JANUARY, 2008: AT&T COMM. OF MIDWEST, LEVEL 3, TWC DIGITAL, COMTEL TELCOM ASSETS, ACN, QWEST, LEVEL 3, GLOBALCOM, TCG OMAHA, SBC LONG DISTANCE, FIRST COMM, NEXTEL WEST, ACCERIS, GTC TELECOM, TRI-M, ENHANCED, LIGHTYEAR, ZONE, COVISTA, 360ONETWORK (USA), ATS MOBILE, UNITE PRIVATE NETWORKS, NOS, NOSVA, BUSINESS TELECOM, WINDSTREAM SYSTEMS OF THE MIDWEST, WINDSTREAM NEBRASKA, ONE VERIZON WAY, SPRINT SPECTRUM, SPRINT COMM., AT&T COMM. OF MIDWEST, NEXTEL, ALLTEL, ALLTEL COMMUNICATIONS OF NEBRASKA, D&D - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF EMERGENCY 911 TAX FOR THE MONTH OF JANUARY, 2008 FROM AT&T COMM. OF MIDWEST AND BUDGET PHONE - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-2)

PETITIONS & COMMUNICATIONS - NONE

MISCELLANEOUS BUSINESS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF GRANDSTAND LLC DBA THE ELEMENT FOR A CLASS I LIQUOR LICENSE AT 5601 SOUTH 56TH STREET, SUITE 21 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84767 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 Grandstand LLC dba The Element for a Class "I" liquor license at 5601 S. 56th Street, Suite 21, 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 CHRISTY L. WHITE FOR GRANDSTAND LLC DBA THE ELEMENT AT 5601 SOUTH 56TH STREET, SUITE 21 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84768 WHEREAS, Grandstand LLC dba The Element located at 5601 S. 56th Street, Suite 21, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Christy L. White be named manager;

WHEREAS, Christy L. White 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 Christy L. White 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 - 2ND READING & RELATED RESOLUTIONS (as required)

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY FOR THE IMPROVEMENT OF ALVO ROAD GENERALLY FROM N.W. 12TH STREET TO N. 16TH STREET, AND N. 14TH STREET NORTH AND SOUTH OF ALVO ROAD. (RELATED ITEMS: 08R-37, 08R-38, 08-9) - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84769 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln and Lancaster County, for the improvement of Alvo Road generally from N.W. 12th Street to N. 16th Street, and N. 14th Street north and south of Alvo Road, upon the terms and conditions set forth in said Agreement, which is attached hereto marked as Exhibit "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 one fully executed original of said Agreement to Susan Starcher for filing with Lancaster County.

Introduced by Robin Eschliiman

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

APPROVING THE SECOND AMENDMENT TO THE FALLBROOK ANNEXATION AGREEMENT BETWEEN THE CITY AND NEBCO, INC. FOR THE IMPROVEMENT OF ALVO ROAD GENERALLY FROM N.W. 12TH STREET TO N. 1ST STREET, AND THE FUTURE DESIGN OF N.W. 12TH STREET FROM ALVO ROAD TO HIGHWAY 34. (RELATED ITEMS: 08R-37, 08R-38, 08-9) (ACTION DATE: 2/11/08) - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84770 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Second Amendment to Conditional Annexation and Zoning Agreement for Fallbrook, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City and NEBCO, Inc. (Owner) outlining certain conditions and understandings between the City and said Owner relating to the annexation and rezoning of approximately 318 acres of land generally located north of Highway 34, south of Alvo Road and west of North 1st Street, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Second Amendment to Conditional Annexation and Zoning Agreement for Fallbrook 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, Assistant City Attorney, for transmittal to the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Agreement with the Register of Deeds, filing fees to be paid by the Owner.

Introduced by Robin Eschliman

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

AMENDING THE HIGHWAY ALLOCATION BOND ORDINANCE #18863 TO REVISE THE PROJECT DESCRIPTION FOR ALVO ROAD TO INCLUDE THE IMPROVEMENT OF ALVO ROAD GENERALLY FROM N.W. 12TH STREET TO N. 16TH STREET, AND N. 14TH STREET NORTH AND SOUTH OF ALVO ROAD. (RELATED ITEMS: 08R-37, 08R-38, 08-9) (ACTION DATE: 2/25/08) - CLERK read an ordinance, introduced by Robin Eschliman, amending Ordinance No. 18863 by amending Section 1 to revise the project description for Project No. 902270 to provide that the Alvo Road improvements shall be from N.W. 12th Street to N. 16th Street and to also provide for improvements to N. 14th Street; and by repealing Section 1 of Ordinance No. 18863 as hitherto existing, the third time.

ESCHLIMAN 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 #19058, is recorded in Ordinance Book #26, Page

CREATING ALLEY PAVING DISTRICT NO. 364 IN THE ALLEY FROM D STREET TO F STREET, BETWEEN 33RD STREET AND 34TH STREET, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Jon Camp, creating Alley Paving District No. 364 defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, 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 second time.

APPROVING A LEASE AGREEMENT BETWEEN B&J PARTNERSHIP LTD. AND THE CITY OF LINCOLN FOR OFFICE SPACE AT 850 Q STREET FOR A PERIOD OF MARCH 1, 2008 THROUGH FEBRUARY 29, 2012 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between B&J Partnership, Ltd. and the City of Lincoln for a lease of approximately 3,217 square feet of space at 850 Q Street, Lincoln, Lancaster County, Nebraska for a four-year term commencing March 1, 2008 and continuing until February 29, 2012 for office use by Parking Services of the Urban Development Department, the second time.

PUBLIC HEARING RESOLUTIONS

APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT (SAWMILL PROJECT) BETWEEN THE CITY AND SAWMILL BUILDING PARTNERSHIP FOR THE REDEVELOPMENT OF AN EXISTING BUILDING GENERALLY LOCATED AT 8TH AND S STREETS INTO APPROXIMATELY 21,000 SQUARE FEET OF OFFICE/RETAIL USE (REDEVELOPMENT IMPROVEMENTS); AND THE REMOVAL AND RELOCATION OF SANITARY SEWER AND LES ELECTRICAL LINES AND THE CONSTRUCTION OF SIDEWALKS, STREET CURB MODES, DRIVING ISLE AND STREETScape IMPROVEMENTS IN PROPOSED VACATED S STREET - PRIOR to reading:

CAMP Moved to amend Bill No. 08R-51 by accepting the substitute City of Lincoln Redevelopment Agreement (Sawmill Project, Phase One of the North Haymarket Arts and Humanities Center Block) attached hereto.

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 Jon Camp, who moved its adoption:

A-84771 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the City of Lincoln Redevelopment Agreement which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Sawmill Building Partnership, outlining certain conditions and understandings relating to the redevelopment of property generally located at 8th and S Streets for approximately 21,000 square feet of office/retail use, and the removal and relocation of sanitary sewer and LES electrical lines and the construction of sidewalks, street curb modes, driving isle and streetscape improvements in proposed vacated S Street, 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 two fully executed copies 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 Sawmill Building Partnership.

Introduced by Jon Camp

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

COMPREHENSIVE PLAN CONFORMANCE 08001 - ADOPTING THE SOUTH 19TH STREET REDEVELOPMENT PLAN ON PROPERTY GENERALLY BOUNDED BY SOUTH 18TH STREET ON THE WEST, SOUTH 19TH STREET ON THE EAST, INCLUDING LOTS ON THE EAST SIDE AND ABUTTING SOUTH 19TH STREET, BY WASHINGTON STREET ON THE NORTH AND GARFIELD STREET ON THE SOUTH - PRIOR to reading:

SPATZ Moved to delay for one week with public hearing & action on March 17, 2008.

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

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$34,610 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84772 WHEREAS, Resolution No. A-75378 provides that five percent of the gross proceeds realized by the City of Lincoln from the operation of a keno lottery shall be designated for such human services as may be recommended and approved by the Joint Budget Committee, City Council and Lancaster Board of Commissioners; and

WHEREAS, the Joint Budget Committee has recommended that the City Council and Lancaster County Board of Commissioners approve the designation of \$34,610.00 from said gross funds for the human services listed in Attachment "A" (Keno Prevention Fund Round 28) attached hereto and incorporated herein by reference.

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

The designation of the \$34,610.00 from gross funds from the operation of keno lottery for the human services listed in Attachment "A" is hereby approved and the Mayor is authorized to enter into grant contracts with Lancaster County, Nebraska and the respective agencies providing said human services.

Introduced by Jon Camp

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

ORDINANCE - 1ST 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 first time.

CHANGE OF ZONE 3312 - APPLICATION OF RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND FLETCHER AVE. (RELATED ITEMS 08-26, 08R-71) (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 first time.

USE PERMIT 135 - APPLICATION OF RIDGE DEVELOPMENT TO DEVELOP APPROXIMATELY 198,825 SQ. FT. OF RETAIL FLOOR AREA, WITH WAIVERS TO REDUCE THE FRONT YARD SETBACKS AND INTERNAL YARD SETBACKS, ON PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND FLETCHER AVE. (RELATED ITEMS 08-26, 08R-71) (ACTION DATE: 3/24/08).

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).

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 first time.

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 first time.

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 first time.

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 first time.

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

CHANGE OF ZONE 07022 - APPLICATION OF HOPPE PARTNERS LTD. FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF S. 19TH AND L STREETS - CLERK read an ordinance, introduced by John Spatz, 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.

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 **#19049**, is recorded in Ordinance Book #26, Page

AMENDING SECTION 12.20.050 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERMITS AND REQUIREMENTS FOR PLANTING, MAINTAINING, REMOVAL, AND DESTRUCTION OF TREES ALONG PUBLIC WAYS TO INCORPORATE THE STREET TREE VOUCHER PROGRAM - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 12.20.050 the Lincoln Municipal Code relating to permits and requirements for the planting, maintaining, removal, and destruction of trees along public ways to incorporate the Street Tree Voucher Program; and repealing Section 12.20.050 of the Lincoln Municipal Code as hitherto existing, 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 **#19050**, is recorded in Ordinance Book #26, Page

VACATION NO. 07009 - VACATING N. 1ST STREET FROM THE NORTH RIGHT-OF-WAY LINE OF Q STREET TO THE NORTH PROPERTY LINE OF LOT 57 I.T. (RELATED ITEMS: 08-13, 06R-60) (ACTION DATE: 3/10/08) - CLERK read an ordinance, introduced by Ken Svoboda, vacating North 1st Street from the north right-of-way line of Q Street to the north property line of Lot 57 I.T., and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, 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 **#19051**, is recorded in Ordinance Book #26, Page

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN PEOPLE'S CITY MISSION HOME AND THE CITY OF LINCOLN OVER APPROXIMATELY .92 ACRES GENERALLY LOCATED AT N. 1ST AND Q STREET, TO PRESERVE FLOOD STORAGE CAPACITY OF THE EASEMENT AREA. (RELATED ITEMS: 08-13, 06R-60) (ACTION DATE: 3/10/08) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84773 WHEREAS, People's City Mission Home has offered to grant a conservation easement to preserve the flood storage capacity of the easement area over a .92 acres generally located at N. 1st and Q Streets, and legally described as:

A parcel of land located in Section 23, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska; commencing at the northeast corner of Lot 3, Peoples City Mission Addition; thence south 00 degrees 10 minutes 04 seconds west, for a distance of 280.00 feet to the point of beginning; thence south 00 degrees 10 minutes 04 seconds west, for a distance of 134 feet; thence north 89 degrees 53 minutes 09 seconds west, for a distance of 299.62 feet; thence north 00 degrees 09 minutes 47 seconds east, for a distance of 134.00 feet; thence south 89 degrees 53 minutes 09 seconds east, for a distance of 299.64 feet to the point of beginning; containing 0.92 acres more or less; and

WHEREAS, acquisition of this conservation easement by the City would further the goals of the Comprehensive Plan relating to preserving the flood storage capacity by restricting the development of the property.

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

That, on behalf of the City of Lincoln, Nebraska, the offer of a conservation easement by People's City Mission Home over the tracts of land legally described above and in accordance with the terms of the Conservation Easement Agreement, attached hereto and marked as Attachment "A", is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Conservation Easement Agreement on behalf of the City of Lincoln, Nebraska.

Introduced by Ken Svoboda

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

ANNEXATION 08001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 9.22 ACRES OF PROPERTY GENERALLY LOCATED AT N. 56TH STREET AND ALVO ROAD. (RELATED ITEMS 08-14, 08-15) (ACTION DATE: 3/10/08) - 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 #19052, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 08001 - APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 56TH STREET AND ALVO ROAD. (RELATED ITEMS 08-14, 08-15) (ACTION DATE: 3/10/08) - 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 read.

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

The ordinance, being numbered #19053, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 08005 - AMENDING SECTION 27.63.280 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING CODE SPECIAL PERMITS TO ALLOW A SPECIAL PERMIT TO BE GRANTED FOR THE EXPANSION OR ENLARGEMENT OF A PREMISES DEVOTED TO OR OCCUPIED BY BUILDINGS OR STRUCTURES, THE USE OF WHICH CONSTITUTES A NONCONFORMING OR NONSTANDARD USE - PRIOR to reading:

COOK Moved to amend Bill No. 08-19 in the following manner:

1. On page 1, after line 18, insert the following language:
The minimum regulations of the district in which the permitted special use is located may be decreased provided the Planning Commission finds that such adjustment would not adversely effect the surrounding area and the adjustment is necessary in order for a building located upon a premises the use of which constitutes a non-conforming use or non-standard use to be enlarged, extended, converted, reconstructed or structurally altered.

2 On page 2, delete lines 7 through 11 in their entirety.

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 Section 27.63.280 of the Lincoln Municipal code relating to Zoning Code Special Permits to allow a special permit to be granted for the expansion or enlargement of a premises devoted to or occupied by buildings or structures, the use of which constitutes a nonconforming or nonstandard use, and repealing Section 27.63.280 of the Lincoln Municipal Code as hitherto existing, 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 #19054, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 08002 - APPLICATION OF OLDERBAK ENTERPRISES NORTH, LLC AND FOSTER INVESTMENT, LLC FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF S.W. 6TH STREET AND WEST A STREET - 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 read.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered #19055, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 08004 - APPLICATION OF OLDERBAK ENTERPRISES NORTH, LLC FOR A CHANGE OF ZONE FROM R-T RESIDENTIAL TRANSITION DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 48TH STREET AND HARTLEY STREET - 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, 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 #19056, is recorded in Ordinance Book #26, Page

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE, 2007 AND DECEMBER, 2007 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Ken Svoboda, adopting the supplements to the Lincoln Municipal Code dated June 2007 and December 2007 as part of the official Lincoln Municipal Code, 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 #19057, is recorded in Ordinance Book #26, Page

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE VII, SECTION 5 RELATING TO CONFLICTS OF INTEREST TO PROHIBIT ELECTED OFFICIALS AND DEPARTMENT DIRECTORS FROM ENTERING INTO CONTRACTS WITH THE CITY EITHER INDIVIDUALLY OR THROUGH A BUSINESS IN WHICH HE OR SHE HAS A DIRECT OR INDIRECT OWNERSHIP INTEREST AND TO REQUIRE THAT A DECLARATION OF A CONFLICT OF INTEREST MUST BE RECORDED IN THE MINUTES OF THE MEETING WHEN SO DECLARED; TO CLARIFY THAT UNFULFILLED PORTIONS OF CONTRACTS IN VIOLATION OF THE CONFLICT OF INTEREST PROVISIONS MAY BE VOIDED BY THE MAYOR OR CITY COUNCIL; AND TO GENDER NEUTRALIZE THE EXISTING LANGUAGE - PRIOR to reading:

COOK Moved to amend No. 6, Bill No. 08R-64, in the following manner:
(a) On page 1, line 6, delete the word "primary" and insert in lieu thereof the word general.
(b) On page 1, line 6, delete the date "13th day of May" and insert in lieu thereof the date 4th day of November.
(c) On page 3, line 10, delete the word "primary" and insert in lieu thereof the word general.
(d) On page 3, lines 10 and 11, delete the date "13th day of May" and insert in lieu thereof the date 4th day of November.
Seconded by Emery & carried by the following vote: AYES: Cook, Emery, Marvin, Spatz; NAYS: Camp, Eschliman, Svoboda.

MARVIN Moved to amend No. 5, Bill No. 08R-64, by inserting on page 1, line 21, after the word "has", the following phrase: "more than a five percent".
Seconded by Cook & **LOST** by the following vote: AYES: Cook, Emery, Marvin; NAYS: Camp, Eschliman, Spatz, Svoboda.

CLERK Read the following resolution, introduced by Ken Svoboda and moved by Spatz, who moved its adoption:
Seconded by Cook & carried by the following vote: AYES: Cook, Emery, Marvin; NAYS: Camp, Eschliman, Spatz, Svoboda.
The resolution, having **LOST**, was assigned the File #38-4564 & was placed on file in the Office of the City Clerk.

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CHANGE OF ZONE 07045 - APPLICATION OF REALTY TRUST GROUP FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL PLANNED UNIT DEVELOPMENT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON APPROXIMATELY 5.87 ACRES GENERALLY LOCATED AT S. 84TH STREET AND OLD CHENEY ROAD. (9/17/07 - ACTION DELAYED 1 WK. TO 9/24/07) (9/24/07 - PLACED ON PENDING, NO DATE CERTAIN) (REQUEST TO WITHDRAW);

CAMP Moved to remove Bill No. 07-139 from Pending for Withdrawal. Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None. The ordinance, having been **WITHDRAWN**, was assigned the File #38-4565 & was placed on file in the Office of the City Clerk.

CAMP Moved to extend the Pending List to March 17, 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 17, 2008. Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 7:05 P.M.

CAMP Moved to adjourn the City Council meeting of March 10, 2008. Seconded by Svoboda & 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

REGULAR MEETING
March 10, 2008
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