

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 26, 2007 AT 5:30 P.M.**

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

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

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of February 12, 2007, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF P.L.P., LLC DBA SUN VALLEY BAR & GRILL TO EXPAND ITS PRESENTLY LICENSED PREMISES AT 300 W. P STREET BY AN ADDITION OF A BEER GARDEN ON THE SOUTH SIDE OF THE PREMISES MEASURING APPROXIMATELY 21 FEET BY 39 FEET - L.W. Hoffman, 1340 Garber Ave., architect & engineer for the applicant came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF BUGEATER INVESTMENTS INC. DBA CLIFF'S LOUNGE FOR A CHANGE OF LOCATION OF THEIR EXISTING CLASS C LIQUOR LICENSE FROM 140 N. 12TH STREET TO ~~1321~~ 1323 O STREET - David Bargaen, 1201 Lincoln Mall, Suite 102, attorney with Rembolt Ludtke, LLP, came forward representing the applicant, to take oath and answer questions. He corrected the business address as being 1323 O Street. Discussion followed.

This matter was taken under advisement.

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A NORTH 56TH STREET AND ARBOR ROAD REDEVELOPMENT PLAN SUB-PROJECT AREA A TAX ALLOCATION BOND, SERIES 2007 IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$975,000 - Darl Naumann, Economic Development Coordinator, came forward to explain this plan as being the first phase of the sewer and water project that leads up to 56th Street.

Lauren Wismer, Bond Counsel, was on hand for questioning.

Don Herz, Finance Director, was on hand for questioning.

This matter was taken under advisement.

APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT (VERIZON WIRELESS PROJECT) BETWEEN THE CITY AND MDG LINCOLN LP FOR DEVELOPMENT OF APPROXIMATELY 13.5 ACRES OF PROPERTY IN UNIVERSITY OF NEBRASKA TECHNOLOGY PARK FOR CONSTRUCTION OF A COMMERCIAL BUILDING AND IMPROVEMENTS BY VERIZON WIRELESS, GENERALLY LOCATED AT N.W. 1ST STREET AND HIGHLANDS BLVD. (RELATED ITEMS 07R-48, 07-28);

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A VERIZON WIRELESS TAX ALLOCATION BOND, SERIES 2007 IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$2,265,000 (RELATED ITEMS 07R-48, 07-28) (REQUEST 2ND & 3RD READINGS 2/26/07) - Darl Naumann, Economic Development Coordinator, came forward to explain that the project includes an 800-stall parking lot for the 800 new primary jobs created by Verizon.

Wynn Hjermstad, Urban Development, came forward to state that real property will be taxed right away as the \$15 million personal property installed at the project will levy approximately \$300,000 annually. She stated the project benefits far outweigh the costs of the project.

Tom Huston, 233 S. 13th Street, Suite 1900, came forward representing University of Nebraska Technology Park, LLC and MDG Lincoln, in support of both the redevelopment agreement and tax allocation bond. Discussion followed.

Steve Frasier, Technology Park President, was on hand for questioning.

Wendy Birdsall, Chamber of Commerce President, came forward in support and expressed her appreciation for those working on meeting the September 1st opening date for Verizon.

This matter was taken under advisement.

APPROVING THE SALT CREEK 100-YEAR FLOODPRONE AREAS AND REVISED FLOODWAY AS THE BEST AVAILABLE INFORMATION FOR LOCAL FLOOD REGULATION PURPOSES (RELATED ITEMS: 07R-45, 07-26) (ACTION DATE: 3/5/07);

CHANGE OF ZONE 07001 - AMENDING CHAPTER 27.52 OF THE LINCOLN MUNICIPAL CODE RELATING TO FLOOD REGULATIONS FOR EXISTING URBAN AREA BY AMENDING SECTION 27.52.020 TO ADD DEFINITIONS FOR 100-YEAR FLOOD ELEVATION, DEVELOPMENT AREA, FILL, FLOOD STORAGE AREA OR SALT CREEK FLOOD STORAGE AREA, PERCENTAGE OF ALLOWABLE FILL, AND SINGLE-FAMILY RESIDENTIAL BUILDING, AND BY ADDING A NEW SECTION 27.52.035 TO ADOPT STANDARDS FOR DEVELOPMENT WITHIN THE SALT CREEK FLOOD STORAGE AREAS (RELATED ITEMS: 07R-45, 07-26) - Nicole Fleck-Tooze, Public Works & Utilities, came forward to explain the proposal. She stated that 61 homes remain within the floodplain area but 241 homes will be removed from the updated FEMA floodplain map. Of the Commercial/Industrial areas, 95 remain in the floodplain but 157 have been removed. Discussion followed.

Glenn Johnson, General Manager of the Lower Platte South Natural Resources District, came forward to present floodplain mapping in the City of Lincoln.

Brian Dunnigan, State Department of Natural Resources, came forward to state that property owners can take advantage of cheaper flood insurance rates prior to map adoption.

Danny Walker, 427 "E" Street, came forward in opposition to the proposed floodplain regulations. Discussion followed.

Peter Katt, 1045 Lincoln Mall, Suite 200, came forward in support of flood regulations. Discussion followed.

Gary Irvin, 645 D St., came forward with his homeowner concerns. Discussion followed.

Ms. Fleck-Tooze came forward to explain that parks and open spaces create an extra buffer and help with flood control.

Pat O'Neill, CDM Project Manager, came forward stating that this proposal limits the amount of fill in the flood fringe to keep the flood elevation from continuing to rise. He said this is a strong step in the right direction. Discussion followed.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 16 - 31, 2007. (2/12/07 - CLAIM OF BETH HOLLON TO HAVE P.H. & ACTION 2/26/07) - Beth Hollon, 928 N. 27th St., came forward to explain that her injury from a fall will require further orthopedic care.

Dana Roper, City Attorney, came forward to report his findings regarding a hole near the property of 3940 Baldwin Avenue. Discussion followed.

This matter was taken under advisement.

DIRECTING THE SUBMISSION OF A PROPOSED GENERAL OBLIGATION BOND ISSUE FOR CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S STORM SEWER AND DRAINAGE SYSTEM AT THE MAY 1, 2007 CITY GENERAL ELECTION - Nicole Fleck-Tooze, Public Works & Utilities, came forward to request a one-week delay of action to provide more information. Discussion followed.

Danny Walker, 427 "E" Street, came forward questioning whether bond funds will be used for the 50th & R Street storm water drainage project.

Coby Mach, Director of LIBA, came forward in support of a delay of action with public hearing in one week to allow time to study any numbers provided. Discussion followed.

Ms. Fleck-Tooze, came forward to state that there is no funding projected with this bond issue for the 50th & R Street area.

Lauren Wismer, Bond Counsel, was on hand for questioning.

Don Herz, Finance Director, was on hand for questioning.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT OUTLINING THE RESPONSIBILITIES FOR THE ACQUISITION OF THE NECESSARY RIGHT-OF-WAY FOR THE STEVENS CREEK SUPPLEMENTAL BOX CULVERT PROJECT/STREAM STABILITY PROJECT/FLETCHER AVENUE IMPROVEMENT PROJECT - Nicole Fleck-Tooze, Public Works & Utilities, came forward to explain the project.

This matter was taken under advisement.

EXPRESSING SUPPORT OF THE NATIONAL COUNCIL ON INTERPRETING HEALTH CARE IN ITS DEVELOPMENT OF STANDARDS OF PRACTICE FOR LANGUAGE INTERPRETERS IN HEALTH CARE - Kit Boesch, Human Services Administrator, came forward to explain the importance of this resolution stating that setting standards can

save lives. Discussion followed.

Helen Fagan, 5310 Drew Place, came forward in support not only because of her position as Diversity Coordinator for BryanLGH Medical Center but also through her own personal experience in the healthcare delivery system. Discussion followed.

This matter was taken under advisement.

APPROVING A LINCOLN ELECTRIC SYSTEM 5.5 PERCENT SURCHARGE ON ELECTRIC RATES TO BE EFFECTIVE WITH BILLING STATEMENTS RENDERED ON AND AFTER MARCH 1, 2007 - TERRY BUNDY, CEO with LES, came forward to explain the reason for this temporary surcharge is due to the December 2006 storm damage in Central Nebraska. He stated that with the loss of key transmission lines, LES was required to purchase the replacement of power at three to ten times the original cost of one cent per kilowatt hour. Discussion followed.

This matter was taken under advisement.

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

TOOK BREAK 7:39 P.M.

RECONVENED 7:50 P.M.

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF P.L.P., LLC DBA SUN VALLEY BAR & GRILL TO EXPAND ITS PRESENTLY LICENSED PREMISES AT 300 W. P STREET BY AN ADDITION OF A BEER GARDEN ON THE SOUTH SIDE OF THE PREMISES MEASURING APPROXIMATELY 21 FEET BY 39 FEET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-84254 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 P.L.P., LLC, dba Sun Valley Bar & Grill to expand its licensed premises by the addition of an outside beer garden area measuring 21 feet by 39 feet to the south of the presently licensed premises located at 300 W. P Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Dan Marvin

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

APPLICATION OF BUGEATER INVESTMENTS INC. DBA CLIFF'S LOUNGE FOR A CHANGE OF LOCATION OF THEIR EXISTING CLASS C LIQUOR LICENSE FROM 140 N. 12TH STREET TO ~~1321~~ 1323 O STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-84255 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, including Neb. Rev. Stat. § 53-129, and the pertinent City ordinances, the City Council recommends that the application of Bugeater Investments Inc. dba Cliff's Lounge to move its presently licensed premise and existing Class "C" liquor license from 140 N. 12th Street to ~~1321~~ 1323 O Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Dan Marvin

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

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

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A NORTH 56TH STREET AND ARBOR ROAD REDEVELOPMENT PLAN SUB-PROJECT AREA A TAX ALLOCATION BOND, SERIES 2007 IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$975,000 - CLERK read an ordinance, introduced by Jon Camp, AN ORDINANCE authorizing and providing for the issuance of a City of Lincoln, Nebraska Tax Allocation Bond, Series 2007, in a total principal amount not to exceed \$975,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within sub-project Area A in the City's North 56th Street and Arbor Road Redevelopment Plan, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bond; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bond as the same become due; creating and establishing funds and accounts; delegating, authorizing and directing the finance director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bond not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT (VERIZON WIRELESS PROJECT) BETWEEN THE CITY AND MDG LINCOLN LP FOR DEVELOPMENT OF APPROXIMATELY 13.5 ACRES OF PROPERTY IN UNIVERSITY OF NEBRASKA TECHNOLOGY PARK FOR CONSTRUCTION OF A COMMERCIAL BUILDING AND IMPROVEMENTS BY VERIZON WIRELESS, GENERALLY LOCATED AT N.W. 1ST STREET AND HIGHLANDS BLVD. (RELATED ITEMS 07R-48, 07-28)

See further Council Action under ORDINANCES - 3RD READING & RELATED RESOLUTIONS.

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A VERIZON WIRELESS TAX ALLOCATION BOND, SERIES 2007 IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$2,265,000. (RELATED ITEMS 07R-48, 07-28) (REQUEST 2ND & 3RD READINGS 2/26/07) - Prior to reading:

SVOBODA Moved to suspend the Council Rules for Bill 07-28 to have 2nd & 3rd Readings on this date.

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

CLERK Read an ordinance, introduced by Jon Camp, authorizing the issuance of not to exceed \$2,500,000 Verizon Wireless Tax Allocation Bonds, Series 2007, for the purpose of (1) paying all or part of the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the City's Verizon Wireless including acquiring any real estate and/or interests in real estate in connection therewith, (2) making a deposit into such accounts as may be established in the reserve account established in the special fund and (3) paying the costs of issuance thereof; prescribing the form and certain of the details of the bonds; pledging certain tax allocation and other tax revenues to payment of the principal of and interest on the bonds as the same become due and to carry out all other covenants of this ordinance; limiting payment of the bonds to such tax allocation and other tax revenues; creating and establishing funds and accounts; authorizing the public or private sale and delivery of the bonds; delegating, authorizing and directing the Finance Director to exercise his own independent discretion and judgment in determining and finalizing the terms and provisions with respect to the bonds not specified herein; providing for application of the proceeds of the bonds; providing for payment of the principal of and interest on the bonds; taking other action and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

See further Council Action under ORDINANCES - 3RD READING & RELATED RESOLUTIONS.

APPROVING THE SALT CREEK 100-YEAR FLOODPRONE AREAS AND REVISED FLOODWAY AS THE BEST AVAILABLE INFORMATION FOR LOCAL FLOOD REGULATION PURPOSES. (RELATED ITEMS: 07R-45, 07-26) (ACTION DATE: 3/5/07).

CHANGE OF ZONE 07001 - AMENDING CHAPTER 27.52 OF THE LINCOLN MUNICIPAL CODE RELATING TO FLOOD REGULATIONS FOR EXISTING URBAN AREA BY AMENDING SECTION 27.52.020 TO ADD DEFINITIONS FOR 100-YEAR FLOOD ELEVATION,

The City Clerk is hereby directed to transmit a copy of the executed original Interlocal Agreement to Paul D. Zillig, Lower Platte South NRD, Box 83581, Lincoln, NE 68501-3581.

Introduced by Jon Camp

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

EXPRESSING SUPPORT OF THE NATIONAL COUNCIL ON INTERPRETING HEALTH CARE IN ITS DEVELOPMENT OF STANDARDS OF PRACTICE FOR LANGUAGE INTERPRETERS IN HEALTH CARE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84259 WHEREAS, Lincoln/Lancaster County ranks among the top communities in the United States for refugee resettlement, as reflected in the records of the Lincoln Public Schools showing a diverse student body speaking 52 different languages from 46 different countries; and

WHEREAS, language barriers impede access to health care, compromise the quality of care, and increase the risk of adverse health outcomes among patients with limited English proficiency; and

WHEREAS, trained professional interpreters can help overcome language barriers, thereby increasing the quality of medical care to non-English speaking patients and ultimately reducing the overall costs of providing care; and

WHEREAS, the National Council on Interpreting in Health Care has developed standards of practice for interpreters in health care; and

WHEREAS, these standards reflect the best practices by interpreters and can help ensure a consistent quality of medical interpretation.

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

1. That it recognizes the importance of language interpretation in providing health care and supports the concept of the National Standards of Practice for Interpreters in Health Care.

2. The City Council encourages all health care stake holders to work together for the purpose of funding and implementing the standards.

Introduced by Jon Camp

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

APPROVING A LINCOLN ELECTRIC SYSTEM 5.5 PERCENT SURCHARGE ON ELECTRIC RATES TO BE EFFECTIVE WITH BILLING STATEMENTS RENDERED ON AND AFTER MARCH 1, 2007 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84260 WHEREAS, a severe ice storm in Central Nebraska over the period of December 29 - 31, 2006, caused substantial damage to Nebraska's high voltage transmission system resulting in 37 transmission lines out of service, essentially splitting the State's electrical system in half; and

WHEREAS, Nebraska Public Power District (NPPD) is taking all actions necessary to expedite the repair and reconstruction of the damaged transmission lines in order to return them to service as soon as possible; and

WHEREAS, NPPD is projecting that all the transmission lines will be repaired by June 1, 2007, assuming normal weather and timely materials delivery, and operations; and

WHEREAS, the transmission outages have impacted Lincoln Electric Systems' (LES) ability to receive its full allocation of power from the Laramie River Station (LRS) near Wheatland, Wyoming, and the Gerald Gentleman Station (GGS) near Sutherland, Nebraska, LES' two least cost resources; and

WHEREAS, LES is incurring significantly higher power costs because it must buy higher priced wholesale power or generate using its own higher cost generating units to replace the amount of power normally supplied by LRS and GGS; and

WHEREAS, LES incurred more than \$3 million in storm related replacement power costs in January 2007 along; and

WHEREAS, such increased costs are currently averaging \$80,000 to \$100,000 or more per day and are expected to total \$9.4 million before the transmission system is fully repaired which is currently estimated at June 1, 2007; and

WHEREAS, the Budget and Rates Committee and the full LES Administrative Board have reviewed LES' financial condition and have determined that an emergency exists because LES' current rates and reserve levels are insufficient to cover the increased power costs

resulting from the ice storm damage to the high voltage transmission system; and

WHEREAS, the LES Administrative Board has identified a temporary 5.5% surcharge as the most effective way to cover the storm-related costs without having to add the costs to the ongoing rate base; and

WHEREAS, the LES Administrative Board has requested the Lincoln City Council to declare an emergency and approve the temporary surcharge; and

WHEREAS, it is the responsibility of the City Council of the City of Lincoln to set rates and adopt service regulations for electric service to ratepayers in the LES service area.

NOW, THEREFORE, BE IT RESOLVED, that the Lincoln City Council finds that an emergency exists and adopts and approves a 5.5 percent surcharge on LES electric rates solely for the purpose of paying increased power costs stemming from the December 29 - 31, 2006 ice storm damage to the Nebraska transmission system and LES' inability to receive its full allocation of power from LRS and GGS. Details of the surcharge are provided in Attachment I to this resolution which is hereto fully incorporated by reference.

BE IT FURTHER RESOLVED, that the surcharge on electric rates shall expire on December 31, 2007, or at the end of the billing cycle in the month when the surcharge has generated revenues sufficient to cover the storm-related power costs, whichever occurs first.

BE IT FURTHER RESOLVED, that while the surcharge is in effect, LES will include in its monthly reporting to the LES Administrative Board a specific report that monitors the ice storm related power costs and the accumulated surcharge revenue.

Introduced by Jon Camp

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, MARCH 12, 2007 AT 1:30 P.M. FOR THE APPLICATION OF TRIPLE D, LLC DBA DINO'S EASTSIDE GRILLE FOR A CLASS C LIQUOR LICENSE LOCATED AT 2901 S. 84TH STREET, SUITE L - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84261 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 12, 2007, 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 Triple D, LLC dba Dino's Eastside Grille for a Class C liquor license located at 2901 S. 84th Street, Suite L.

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 McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 07007 - Req. by the Director of Planning to amend, repeal, correct, reorganize and delete various Sections of Title 27 of the Lincoln Municipal Code.

Special Permit No. 07003 - App. of Dan Lesoing for the authority to sell alcoholic beverages for consumption on the premises, on property generally located at N. 9th Street and Oak Street.

MISCELLANEOUS REFERRALS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON FEBRUARY 12, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JANUARY 31, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR JANUARY, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

REPEALING ORDINANCE NO. 18841 CREATING PAVING/RE-PAVING DISTRICT NO. 01 IN NORTH 50TH STREET BETWEEN O AND R STREETS, DUE TO THE LACK OF MAJORITY PETITION - CLERK read an ordinance, introduced by Jonathan Cook, repealing Ordinance No. 18841 which created Re-Paving/Paving District No. 01, which district included all that portion of North 50th Street lying between the North curblane of "O" Street, North approximately 800 +/- feet; describing the benefitted property and providing for the payment of the cost thereof, the first time.

CHANGE OF ZONE 07004 - AMENDING SECTION 27.69.220 OF THE LINCOLN MUNICIPAL CODE TO REVISE REGULATIONS FOR COMPLEX OR SUBDIVISION AREA IDENTIFICATION SIGNS - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 27.69.220 of the Lincoln Municipal Code relating to area signs for complexes or subdivision areas to revise regulations for complex or subdivision area identification signs; and repealing Section 27.69.220 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 07003 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED N. 84TH STREET AND HAVELOCK AVENUE - 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.

MISC. 06012 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LAND SUBDIVISION ORDINANCE BY AMENDING SECTION 26.11.032 TO DELETE THE FILING DEADLINE BEFORE A PRELIMINARY PLAT MAY BE SCHEDULED ON THE PLANNING COMMISSION AGENDA; AND BY AMENDING SECTIONS 26.11.037, 26.11.060 AND 26.31.010 TO PROVIDE THAT ALL APPLICATIONS WHICH HAVE BEEN PLACED ON PENDING BY THE SUBDIVIDER SHALL AUTOMATICALLY EXPIRE ONE YEAR THEREAFTER UNLESS THE SUBDIVIDER REQUESTS THE APPLICATION BE REMOVED FROM PENDING PRIOR TO THE EXPIRATION DATE. (RELATED ITEMS: 07-33, 07-32) - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 26 of the Lincoln Municipal Code relating to the Land Subdivision Ordinance by amending Section 26.11.032 to delete the filing deadline before a preliminary plat may be scheduled on the Planning Commission agenda; and by amending Sections 26.11.037, 26.11.060 and 26.31.010 to provide that all applications which have been placed on pending by the subdivider shall automatically expire one year thereafter unless the subdivider requests the application be removed from pending prior to the expiration date; and repealing Sections 26.11.032, 26.11.037, 26.11.060, and 26.31.010 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 06062 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTIONS 27.27.080, 27.28.090, 27.31.100, 27.37.070, AND 27.51.100 RELATING TO THE O-3 OFFICE PARK DISTRICT, R-T RESIDENTIAL TRANSITION DISTRICT, B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, B-5 PLANNED REGIONAL BUSINESS DISTRICT, I-3 EMPLOYMENT CENTER DISTRICT, RESPECTIVELY; AMENDING SECTION 27.60.040 RELATING TO PLANNED UNIT DEVELOPMENTS; AMENDING SECTION 27.63.020 RELATING TO SPECIAL PERMITS; AMENDING SECTION 27.65.030 RELATING TO COMMUNITY UNIT PLANS; AND AMENDING SECTION 27.81.040 RELATING TO AMENDMENTS TO THE ZONING CODE; TO PROVIDE THAT ALL APPLICATIONS WHICH HAVE BEEN PLACED ON PENDING BY THE APPLICANT SHALL AUTOMATICALLY EXPIRE ONE YEAR THEREAFTER UNLESS THE APPLICANT REQUESTS THE APPLICATION BE REMOVED FROM PENDING PRIOR TO THE EXPIRATION DATE. (RELATED ITEMS: 07-33, 07-32) - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Sections 27.27.080, 27.28.090, 27.31.100, 27.37.070, and 27.51.100 relating to the O-3 Office Park District, R-T Residential Transition District, B-2 Planned Neighborhood Business District, B-5 Planned Regional Business District, I-3 Employment Center District, respectively, by amending said sections to provide that all applications which have been placed on pending by

the applicant shall automatically expire one year thereafter unless the applicant requests the application be removed from pending prior to the expiration date; amending Section 27.60.040 relating to Planned Unit Developments to provide that applications placed on pending by the applicant shall automatically expire one year thereafter unless the applicant files a request with the Planning Director requesting that the application be removed from pending; amending Section 27.63.020 relating to Special Permits to provide that applications placed on pending by the applicant shall automatically expire one year thereafter unless the applicant files a request with the Planning Director requesting that the application be removed from pending; amending Section 27.65.030 relating to Community Unit Plans to provide that applications placed on pending by the applicant shall automatically expire one year thereafter unless the applicant files a request with the Planning Director requesting that the application be removed from pending; and amending Section 27.81.040 relating to amendments to the Zoning Code to provide that applications placed on pending by the applicant shall automatically expire one year thereafter unless the applicant files a request with the Planning Director requesting that the application be removed from pending; and repealing Sections 27.27.080, 27.28.090, 27.31.100, 27.37.070, 27.51.100, 27.60.040, 27.63.020, 27.65.030 and 27.81.040 of the Lincoln Municipal Code as hitherto existing, the first time.

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

APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT (VERIZON WIRELESS PROJECT) BETWEEN THE CITY AND MDG LINCOLN LP FOR DEVELOPMENT OF APPROXIMATELY 13.5 ACRES OF PROPERTY IN UNIVERSITY OF NEBRASKA TECHNOLOGY PARK FOR CONSTRUCTION OF A COMMERCIAL BUILDING AND IMPROVEMENTS BY VERIZON WIRELESS, GENERALLY LOCATED AT N.W. 1ST STREET AND HIGHLANDS BLVD. (RELATED ITEMS 07R-48, 07-28) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84256 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. The attached City of Lincoln Redevelopment Agreement (Verizon Wireless Project) between the City of Lincoln and MDG Lincoln, LP, for redevelopment of property generally located southwest of N.W. 1st Street and Highlands Blvd., as private development including new construction and improvements for commercial use, including parking and related uses, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

2. The Redevelopment Project Area for the Redevelopment Project comprising the property to be included in the area subject to the increment provision authorized in the Nebraska Community Development Law related to the project commencing hereafter as provided by law is hereby adopted and approved; said property being legally described as Lot 1, Block 1, University of Nebraska Technology Park 2nd Addition, Lincoln, Lancaster County, Nebraska, including the abutting streets, alleys and rights-of-way thereto.

3. The findings in connection with the adoption of the Option 13 Redevelopment Plan are hereby ratified and approved, and the City Council hereby determines that the use of the increment provision authorized in the Nebraska Community Development Law is necessary and appropriate in furtherance of the Redevelopment Plan and that the redevelopment would otherwise not occur in this area but for the use of such financing.

The City Clerk is directed to return one fully executed copy of the Agreement to the Urban Development Department, for transmittal to MDG Lincoln, LP.

Introduced by Jon Camp

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

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A VERIZON WIRELESS TAX ALLOCATION BOND, SERIES 2007 IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$2,265,000. (RELATED ITEMS 07R-48, 07-28) (REQUEST 2ND & 3RD READINGS 2/26/07) - CLERK read an ordinance, introduced by Dan Marvin, authorizing the issuance of not to exceed \$2,500,000 Verizon Wireless Tax Allocation Bonds, Series 2007, for the purpose of (1) paying all or part of the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within

the City's Verizon Wireless including acquiring any real estate and/or interests in real estate in connection therewith, (2) making a deposit into such accounts as may be established in the reserve account established in the special fund and (3) paying the costs of issuance thereof; prescribing the form and certain of the details of the bonds; pledging certain tax allocation and other tax revenues to payment of the principal of and interest on the bonds as the same become due and to carry out all other covenants of this ordinance; limiting payment of the bonds to such tax allocation and other tax revenues; creating and establishing funds and accounts; authorizing the public or private sale and delivery of the bonds; delegating, authorizing and directing the Finance Director to exercise his own independent discretion and judgment in determining and finalizing the terms and provisions with respect to the bonds not specified herein; providing for application of the proceeds of the bonds; providing for payment of the principal of and interest on the bonds; taking other action and making other covenants and agreements in connection with the foregoing; and related matters, the third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered #18886, is recorded in Ordinance Book #25, Page

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF SMALL ISSUE TAX ALLOCATION BONDS - CLERK read an ordinance, introduced by Ken Svoboda, Authorizing the issuance of Small Issue Tax Allocation Bonds in one or more series for the purpose of paying the costs of constructing, reconstructing, improving, extending, equipping or furnishing improvements within one or more of the City's Present and Future Community Development Law Improvement Projects and the acquisition of parcels of real estate and/or interests in real estate in connection therewith; prescribing the form and certain details of the Bonds; pledging certain Tax Allocation Revenues to the payment of the principal of and interest on the Bonds as the same become due and making certain covenants and agreements in connection therewith; limiting payment of the Bonds to said Tax Allocation Revenues; authorizing the creation and establishment of Funds and Accounts; authorizing the purchase of such Bonds from City fund balances as determined by the Finance Director or City Controller; delegating, authorizing and directing the Finance Director or City Controller to exercise his or her own independent discretion and judgment to determine and finalize the issuance of any series of Bonds and the terms and provisions thereof not specified herein; providing for the application of the proceeds of the Bonds; providing for the payment of the principal of and interest on the Bonds; taking other action and making other covenants and agreements in connection with the foregoing, the third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered #18887, is recorded in Ordinance Book #25, Page

AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE AGREEMENT WITH UNION BANK & TRUST COMPANY, LINCOLN, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$6,000,000 FOR THE ACQUISITION BY THE CITY OF STREET LIGHTING EQUIPMENT - PRIOR to reading:

CAMP Moved to delay Action on Bill No. 07-25 for one week to 3/5/07.

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

CLERK Read an ordinance, introduced by Ken Svoboda, authorizing and approving a Lease-Purchase Agreement among the City, Union Bank & Trust Company, as Lessor, and Union Bank & Trust Company, as Registrar and Paying Agent, with respect to the purchase and installation of street light poles and related equipment; approving the issuance, sale and delivery by the Lessor of not to exceed \$6,000,000 aggregate 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.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND STEVEN HARMS RELATING TO THE CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO I-1 INDUSTRIAL DISTRICT, GENERALLY LOCATED AT N. 84TH STREET AND CORNHUSKER HIGHWAY. (RELATED ITEMS: 07R-40, 07-20) (ACTION DATE: 2/26/07) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84262 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Development and Conditional Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Steven Harms, for a change of zone from AG Agricultural District to I-1 Industrial

District for development of the property with certain restrictions on the property generally located at N. 84th Street and Cornhusker Highway, is hereby approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Development and Conditional Zoning 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 Applicant.

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

Introduced by Ken Svoboda

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

CHANGE OF ZONE 06083 - APPLICATION OF STEVEN HARMS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 84TH STREET AND CORNHUSKER HIGHWAY. (RELATED ITEMS: 07R-40, 07-20) - 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, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18888**, is recorded in Ordinance Book #25, Page

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE, 2006 AND DECEMBER, 2006 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, 2006; and December 2006 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, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18889**, is recorded in Ordinance Book #25, Page

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE HICKMAN PRESBYTERIAN CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 300 E STREET, HICKMAN, FOR A PERIOD OF SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007 - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving a Lease Agreement between the City of Lincoln and Hickman Presbyterian Church for the lease of office space by the Lincoln Area Agency on Aging for its AcitivAge Center program at 300 E. Third Street, Hickman, NE for a term beginning September 1, 2006 through August 31, 2007, the third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18890**, is recorded in Ordinance Book #25, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Danny Walker, 427 "E" Street, came forward to provide the Council with a newspaper article regarding the Quest Center in Omaha.

This matter was taken under advisement.

Richard Esquivel, 733 W. Cuming, came forward to speak about the 2015 Vision. He questioned if the people of the City of Lincoln supported the Sheldon Art Gallery project.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to March 5, 2007.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on March
5, 2007.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 8:15 P.M.

CAMP Moved to adjourn the City Council meeting of February 26, 2007.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant