

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MARCH 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

MCROY Having been appointed to read the minutes of the City Council proceedings of March 19, 2007, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF METRO DIVERSIFIED INC. DBA THE OFFICE GENTLEMEN'S CLUB FOR A CLASS C LIQUOR LICENSE AT 640 W. PROSPECTOR, SUITE 2;
MANAGER APPLICATION OF BRENT ZYWIEC FOR METRO DIVERSIFIED INC. DBA THE OFFICE GENTLEMEN'S CLUB AT 640 W. PROSPECTOR, SUITE 2 - Mike Rierden, 645 "M" Street, Suite 200, took oath and came forward representing Metro Diversified, Inc. to answer questions. Bruce Zywiec, Manager and Alexander Izbicki and Bieu Honey who are the sole shareholders were available for questions.

This matter was taken under advisement.

APPLICATION OF LINCOLN HOLDINGS LTD. DBA OSO BURRITO FOR A CLASS I LIQUOR LICENSE AT 2840 S. 70TH STREET;
MANAGER APPLICATION OF BRADLEY G. WHITELEY FOR LINCOLN HOLDINGS LTD. DBA OSO BURRITO AT 2840 S. 70TH STREET - Nader Sepahpur, 3245 W. Summit Blvd. owner took oath and came forward to answer questions.

Bradley Whiteley, 1227 S. 25th St., took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF STAR CITY HOCKEY DBA LINCOLN STARS FOR A CLASS I LIQUOR LICENSE AT 1800 STATE FAIR PARK DRIVE;
MANAGER APPLICATION OF JAMES R. PFLUG FOR STAR CITY HOCKEY DBA LINCOLN STARS AT 1800 STATE FAIR PARK DRIVE - James Pflug, 1700 S. 108th St., Omaha, NE, took oath and came forward to answer questions.

This matter was taken under advisement.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$300,000,000 LINCOLN ELECTRIC SYSTEM REVENUE AND REFUNDING BONDS. (REQUEST 2ND & 3RD READINGS ON 3/26/07)- Terry Bundy, LES, came forward to request 2nd & 3rd reading and action this date. He also stated \$100,000,000 will be used for capitol construction projects primarily for the completion of Council Bluffs Unit 4 and various transmission substation projects around the City. \$200,000,000 will be used to refund current outstanding bonds at a lower interest rate which is figured to save \$10,000,000. Discussion followed.

This matter was taken under advisement.

AMENDING SECTION 2.38.100 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT THE STARTRAN ADVISORY BOARD SHALL HAVE FINAL AUTHORITY AFTER FIRST HOLDING A PUBLIC HEARING TO ADD OR DELETE SPECIFIC TRIPS FROM REGULARLY SCHEDULED LINE SERVICE, ADJUST SCHEDULES, ADD NEW OR ADJUST EXISTING ROUTES, AND AUTHORIZE SPECIAL PROMOTIONAL FARES, AND TO PROVIDE WHEN SUCH CHANGES SHALL GO INTO EFFECT; BY ADDING SECTION 2.38.125 TO PROVIDE FOR NOTICE OF PUBLIC HEARING; AND BY ADDING SECTION 2.38.127 TO PROVIDE FOR APPEALS FROM ACTION OF THE STARTRAN ADVISORY BOARD - Brad Loos, no address given, came forward in opposition. Discussion followed.

Larry Worth, Transit Manager for Star Tran, came forward in favor of this amendment. Discussion followed.

This matter was taken under advisement.

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APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND LARRY ROOTS STUDIO FOR PHOTOGRAPHIC MURALS TO BE LOCATED ON SKYWALK II OVER 12TH STREET;
APPROVING AN ACCEPTANCE OF DONATION AGREEMENT FOR A DONATION FROM THE DOWNTOWN LINCOLN ASSOCIATION IN THE AMOUNT OF \$60,200.00 FOR THE FUNDING OF THE AGREEMENT BETWEEN THE CITY AND LARRY ROOTS STUDIO FOR PHOTOGRAPHIC MURALS TO BE LOCATED ON SKYWALK II OVER 12TH STREET AND THE FUTURE REMOVAL OF SAID MURALS;
AMENDING THE SKYWALK PERMIT AND OPERATING AGREEMENT SKYWALK II - 12 STREET TO PROVIDE THAT THE CITY WILL BE RESPONSIBLE TO MAINTAIN THE PHOTOGRAPHIC MURALS TO BE LOCATED ON THE SKYWALK BRIDGE OVER 12TH STREET - Dallas McGee, Asst. Director of Urban Development, stated that 12th street was designated as an art corridor in 2003 and this will be a part of that corridor.

Larry Root, no address given, came forward to explain his art work. Discussion followed.

This matter was taken under advisement.

APPROVING A MULTIPLE-YEAR MANAGEMENT CONTRACT FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICTS BETWEEN THE CITY AND THE DOWNTOWN LINCOLN BID ASSOCIATION - Dallas McGee, Asst. Director of Urban Development, stated this extends the current agreement for four additional years to 2011. Polly McMullen and Drew Stange of DLA were in attendance. Discussion followed.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF METRO DIVERSIFIED INC. DBA THE OFFICE GENTLEMEN'S CLUB FOR A CLASS C LIQUOR LICENSE AT 640 W. PROSPECTOR, SUITE 2 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84293 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 Metro Diversified Inc. dba The Office Gentlemen's Club for a Class "C" liquor license at 640 W. Prospector, Suite 2, Lincoln, Nebraska, for the license period ending October 31, 2007, 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, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF BRENT ZYWIEC FOR METRO DIVERSIFIED INC. DBA THE OFFICE GENTLEMEN'S CLUB AT 640 W. PROSPECTOR, SUITE 2 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84294 WHEREAS, Metro Diversified Inc. dba The Office Gentlemen's Club located at 640 W. Prospector, Suite 2, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Brent Zywiec be named manager;

WHEREAS, Brent Zywiec 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 Brent Zywiec 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, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF LINCOLN HOLDINGS LTD. DBA OSO BURRITO FOR A CLASS I LIQUOR LICENSE AT 2840 S. 70TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84295 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 Lincoln Holdings Ltd. dba Oso Burrito for a Class "I" liquor license at 2840 S. 70th Street, Lincoln, Nebraska, for the license period ending April 30, 2007, 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, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF BRADLEY G. WHITELEY FOR LINCOLN HOLDINGS LTD. DBA OSO BURRITO AT 2840 S. 70TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84296 WHEREAS, Lincoln Holdings Ltd. dba Oso Burrito located at 2840 S. 70th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Bradley G. Whiteley be named manager;

WHEREAS, Bradley G. Whiteley 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 Bradley G. Whiteley 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, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF STAR CITY HOCKEY DBA LINCOLN STARS FOR A CLASS I LIQUOR LICENSE AT 1800 STATE FAIR PARK DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84297 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 Star City Hockey dba Lincoln Stars for a Class "I" liquor license at 1800 State Fair Park Drive, Lincoln, Nebraska, for the license period ending April 30, 2007, 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, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF JAMES R. PFLUG FOR STAR CITY HOCKEY DBA LINCOLN STARS AT 1800 STATE FAIR PARK DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84298 WHEREAS, Star City Hockey dba Lincoln Stars located at 1800 State Fair Park Drive, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that James R. Pflug be named manager;

WHEREAS, James R. Pflug 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

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pertinent City ordinances, the City Council recommends that James R. Pflug 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, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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

AMENDING CHAPTER 10.14 OF THE LINCOLN MUNICIPAL CODE RELATING TO RULES OF THE ROAD BY AMENDING SECTION 10.14.360, MOTOR VEHICLE RESTRAINT; CHILDREN, BY CHANGING USE REQUIREMENTS FOR CHILD OCCUPANT RESTRAINTS, ADDING REQUIREMENTS FOR PERSONS WEARING OCCUPANT PROTECTION SYSTEMS IN VEHICLES OPERATED BY HOLDERS OF PROVISIONAL OPERATOR'S PERMITS OR SCHOOL PERMITS, AMENDING EXEMPTIONS, AND MODIFYING PENALTY PROVISIONS, IN ORDER TO REMAIN CONSISTENT WITH STATE STATUTE PROVISIONS, AND AMENDING SECTION 10.14.365, OCCUPANT PROTECTION SYSTEM; USE REQUIRED, BY DELETING OBSOLETE LANGUAGE, ADDING EXEMPTIONS, AND AMENDING LANGUAGE IN ORDER TO REMAIN CONSISTENT WITH STATE STATUTE - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 10.14 of the Lincoln Municipal Code relating to Rules of the Road by amending Section 10.14.360 (Motor Vehicle Restraint: Children) by changing use requirements for child occupant restraints, adding requirements for persons wearing occupant protection systems in vehicles operated by holders of provisional operator's permits or school permits, amending exemptions, and modifying penalty provisions, in order to remain consistent with state statute provisions; amending Section 10.14.365 (Occupant Protection System; Use Required) by deleting obsolete language, adding exemptions, and amending language in order to remain consistent with state statute; and repealing Sections 10.14.360 and 10.14.365 of the Lincoln Municipal Code as hitherto existing, the second time.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$300,000,000 LINCOLN ELECTRIC SYSTEM REVENUE AND REFUNDING BONDS. (REQUEST 2ND & 3RD READINGS ON 3/26/07) - PRIOR to reading:

MARVIN Moved to suspend the rules to have 3rd Reading and Action of Bill No. 07-42 on this date.

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

MARVIN Moved to amend Bill No. 07-42 on page 3, in the fourth paragraph titled "Redemption Date" revise the paragraph as follows:

"Redemption Date" means, with respect to the Refunded 1998 Bonds, September 1, ~~1998~~ 2008 and, with respect to the Refunded 2001 Bonds, September 1, 2011.

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

CLERK Read an ordinance, introduced by Annette McRoy, Fifth Series Ordinance adopted under and pursuant to Ordinance No. 17879 passed July 23, 2001; Authorizing the issuance of Lincoln Electric System revenue and refunding bonds of the City of Lincoln, Nebraska in one or more series in an aggregate principal amount not to exceed \$300,000,000; fixing in part and providing for the fixing in part of the details of such bonds; providing for the sale of such bonds and the application of the proceeds of such sale; taking other action in connection with the foregoing; and declaring an emergency, the second time. **(See Council Action under "ORDINANCES - 3RD READING".)**

AMENDING SECTION 2.38.100 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT THE STARTRAN ADVISORY BOARD SHALL HAVE FINAL AUTHORITY AFTER FIRST HOLDING A PUBLIC HEARING TO ADD OR DELETE SPECIFIC TRIPS FROM REGULARLY SCHEDULED LINE SERVICE, ADJUST SCHEDULES, ADD NEW OR ADJUST EXISTING ROUTES, AND AUTHORIZE SPECIAL PROMOTIONAL FARES, AND TO PROVIDE WHEN SUCH CHANGES SHALL GO INTO EFFECT; BY ADDING SECTION 2.38.125 TO PROVIDE FOR NOTICE OF PUBLIC HEARING; AND BY ADDING SECTION 2.38.127 TO PROVIDE FOR APPEALS FROM ACTION OF THE STARTRAN ADVISORY BOARD - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 2.38 of the Lincoln Municipal Code relating to StarTran by amending Section 2.38.100 to provide that the StarTran Advisory Board shall have final authority after first holding a public hearing thereon to add or delete specific trips from regularly scheduled line service, adjust schedules, add new or adjust existing routes, and authorize special promotional fares, and

to provide when such changes shall go into effect; adding a new section numbered 2.38.125 to provide for notice of public hearing; adding a new section numbered 2.38.127 to provide for appeals from action of the StarTran Advisory Board; and repealing Section 2.38.100 of the Lincoln Municipal Code as hitherto existing, the second time.

RESOLUTIONS

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND LARRY ROOTS STUDIO FOR PHOTOGRAPHIC MURALS TO BE LOCATED ON SKYWALK II OVER 12TH STREET - PRIOR to reading:

MCROY Moved to amend Bill No. 07R-69 by substituting the Agreement attached hereto for the Agreement attached to Bill No. 07R-69.

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

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption as amended:

A-84299 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln, Nebraska and Larry Roots Studio for a Work of Art to install two 86' by 8' photo murals on the skywalk bridge across 12th Street, upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is hereby directed to transmit a copy of the executed original Agreement to Rick Peo, Chief Assistant City Attorney, for transmittal to Larry Roots Studio.

Introduced by Annette McRoy

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

APPROVING AN ACCEPTANCE OF DONATION AGREEMENT FOR A DONATION FROM THE DOWNTOWN LINCOLN ASSOCIATION IN THE AMOUNT OF \$60,200.00 FOR THE FUNDING OF THE AGREEMENT BETWEEN THE CITY AND LARRY ROOTS STUDIO FOR PHOTOGRAPHIC MURALS TO BE LOCATED ON SKYWALK II OVER 12TH STREET AND THE FUTURE REMOVAL OF SAID MURALS - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84300 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Acceptance of Donation Agreement between the City of Lincoln, Nebraska, the Downtown Lincoln Foundation and the Downtown Lincoln Association to accept a \$60,200.00 donation to commission Larry Roots Studio to create a photo mural and for installation of said art on the skywalk bridge across 12th Street, upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is hereby directed to transmit a copy of the executed original Agreement to Rick Peo, Chief Assistant City Attorney, for transmittal to Downtown Lincoln Association.

Introduced by Annette McRoy

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

AMENDING THE SKYWALK PERMIT AND OPERATING AGREEMENT SKYWALK II - 12 STREET TO PROVIDE THAT THE CITY WILL BE RESPONSIBLE TO MAINTAIN THE PHOTOGRAPHIC MURALS TO BE LOCATED ON THE SKYWALK BRIDGE OVER 12TH STREET - PRIOR to reading:

SVOBODA Moved to amend Bill No. 07R-71 by substituting the attached Agreement between B&J Partnership Ltd., M&P Building, LLC, Energy Square Condo Association, and Sequoia Investments IVII, LLC (Collectively "Permittees") and the City of Lincoln, Nebraska for the agreement attached to Bill No. 07R-71.

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

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption as amended:

A-84301 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Second Amendment to Skywalk Permit and Operating Agreement Skywalk II - 12th Street between the City of Lincoln, Nebraska and the successors in interest to the original Permittees, Miller & Paine Inc., Magees Building Co., Centram Partners, and the Lincoln

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Group, to revise the maintenance responsibilities with regard to the photo mural to be installed on the skywalk bridge across 12th Street, upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is hereby directed to transmit a copy of the executed original Agreement to Rick Peo, Chief Assistant City Attorney, for transmittal to the parties.

Introduced by Annette McRoy

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY TO PROVIDE THE CITY WITH AN APPROPRIATE FACILITY AT THE COUNTY YOUTH SERVICES CENTER FOR TEMPORARY AND PRETRIAL DETENTION OF JUVENILES TAKEN INTO CUSTODY BY THE LINCOLN POLICE DEPARTMENT - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84302 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, to provide the City with an appropriate facility at the County Youth Services Center for temporary and pretrial detention of juveniles taken into custody by the Lincoln Police Department, 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 forward the four original executed Agreements to Kristy Mundt, Deputy Lancaster County Attorney, for approval and execution by the County.

Introduced by Annette McRoy

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

APPROVING A MULTIPLE-YEAR MANAGEMENT CONTRACT FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICTS BETWEEN THE CITY AND THE DOWNTOWN LINCOLN BID ASSOCIATION - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84303 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Management Contract for Downtown Business Improvement Districts between the City of Lincoln, and the Downtown BID Association, upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is hereby directed to transmit a copy of the executed original Agreement to Rick Peo, Chief Assistant City Attorney, for transmittal to the Downtown Lincoln BID Association.

Introduced by Annette McRoy

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone 07011 - App. of Historic Preservation Commission for Trinity United Methodist Church of Lincoln for landmark designation of Trinity Methodist Episcopal Church at 1345 S. 16th Street.

Special Permit 07005 - App. of Yankee Hill Townhomes, LLC, Yankee Hill Townhomes C.U.P., for approximately 164 dwelling units with requests to waive minimum lot width, minimum lot area, front, rear and side yard setbacks, lots without frontage to a public street or private roadway, and sanitary sewer running against street grade on property at S. 84th Street and Yankee Hill Road.

Special Permit 07006 - App. of The Hub, for a non-profit educational institution, on property at S. 11th Street and E Street.

SETTING THE HEARING DATE OF APRIL 9, 2007 AT 1:30 P.M. FOR APPLICATION OF LMM, INC. DBA LIBATIONS AND GRAND ROOM FOR A CLASS C LIQUOR LICENSE LOCATED AT 317 S. 11TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84304 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 9, 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 Application of LMM, Inc. dba Libations and Grand Room for a Class C liquor license located at 317 S. 11th Street.

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

Introduced by Ken Svoboda

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

MISCELLANEOUS REFERRALS

INVESTMENT OF FUNDS FOR QUARTER ENDING FEBRUARY 28, 2007 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:
A-84305 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 Ken Svoboda

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

SETTING THE HEARING DATE OF APRIL 9, 2007 FOR THE APPLICATION OF K-SARA ENTERPRISES, INC. DBA KEVIN MEIER IMPORTS FOR A CLASS C LIQUOR LICENSE LOCATED AT 3540 VILLAGE DRIVE, SUITE 200 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84306 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., April 9, 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 Application of K-Sara Enterprises, Inc. dba Kevin Meier Imports for a C liquor license located at 3540 Village Drive, Suite 200.

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

Introduced by Ken Svoboda

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

REPORTS OF CITY OFFICERS

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON MARCH 19, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS ON FEBRUARY 28, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNING ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED FEBRUARY - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84307 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended February 28, 2007, \$563,114.12 was earned from the investments fo "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Ken Svoboda

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

APPOINTING HERB SCHIMEK AND ARTHUR ZYGIELBAUM TO THE CABLE ADVISORY BOARD TO FILL UNEXPIRED THREE-YEAR TERMS EXPIRING JULY 1, 2009 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84308 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Herb Schimek and Arthur Zygielbaum to the Cable Advisory Board to fill unexpired three-year terms expiring July 1, 2009, is hereby approved.

Introduced by Annette McRoy

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

REAPPOINTING DR. LISA PETERSON, DR. DEBRA A. HUMPHREY AND DR. CATHERINE S. ALLEY TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR THREE-YEAR TERMS EXPIRING APRIL 15, 2010 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84309 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Dr. Lisa Peterson, Dr. Debra A. Humphrey, and Dr. Catherine S. Alley to the Lincoln-Lancaster County Board of Health for three-year terms expiring April 15, 2010, is hereby approved.

Introduced by Annette McRoy

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

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

CREATING AN ALLEY REPAVING DISTRICT NO. 48 IN THE EAST/WEST ALLEY OF O TO P STREETS, 17TH TO 18TH STREETS AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Ken Svoboda, creating Alley Re-paving District No. 48, defining the limits thereof, establishing the width of the alley roadway to be repaved, 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 first time.

AMENDING SECTIONS 10.12.030 AND 10.14.220 OF THE LINCOLN MUNICIPAL CODE TO ADD A DEFINITION FOR RED ARROW AND TO PROHIBIT RIGHT-HAND TURNS BY VEHICLES FACING A STEADY RED TURN ARROW - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 10 of the Lincoln Municipal Code relating to Vehicles and Traffic by amending Section 10.12.030 of the Lincoln Municipal Code, Traffic-Control Signal Legend, to add a definition for Red Arrow; amending Section 10.14.220 of the Lincoln Municipal Code relating to turns at intersections with automatic signals, to prohibit right-hand turns by vehicles facing a steady red turn arrow; and repealing Sections 10.12.030 and 10.14.220 of the Lincoln Municipal Code as hitherto existing the first time.

APPROVING THE WOODLANDS AT YANKEE HILL CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN CARL AND VICKIE SCHMIDT, SAP-SE LLC, MIDWEST NET LEASE INVESTORS SE LLC, AND CALRUBY LLC, AND THE CITY OF LINCOLN, RELATING TO THE ANNEXATION OF APPROXIMATELY 194 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 70TH STREET SOUTH OF YANKEE HILL ROAD. (RELATED ITEMS: 07R-79, 07-45, 07-46) (ACTION DATE: 4/9/07).

ANNEXATION 05015 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 245 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF S. 70TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 07R-79, 07-45, 07-46) - 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 first time.

CHANGE OF ZONE 05068 - APPLICATION OF CARL SCHMIDT, MIDWEST NET LEASE INVESTORS, AND SAP-SE, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT FOR A PLANNED UNIT DEVELOPMENT AND APPROVING A DEVELOPMENT PLAN FOR APPROXIMATELY 500 DWELLING UNITS AND APPROXIMATELY 324,000 SQUARE FEET OF COMMERCIAL AND OFFICE AREA OVER THE UNDERLYING R-3 ZONING DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF S. 70TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 07R-79, 07-45, 07-46) - 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 first time.

ANNEXATION 07001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 118 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 98TH AND O STREETS. (RELATED ITEMS: 07-47, 07-48)- 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 first time.

CHANGE OF ZONE 07002 - APPLICATION OF WATERFORD ESTATES, LLC, FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO B-1 LOCAL BUSINESS DISTRICT AND FROM AG AGRICULTURAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, R-3 RESIDENTIAL DISTRICT AND R-4 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 98TH AND O STREETS. (RELATED ITEMS: 07-47, 07-48)- 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 first time.

CHANGE OF ZONE 07008 - APPLICATION OF PREMIUM PROTEIN PRODUCTS, LLC, FOR A CHANGE OF ZONE FROM I-2 INDUSTRIAL PARK DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF N.W. 48TH STREET AND W. ADAMS 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 first time.

CHANGE OF ZONE 07009 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-1 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SUNDANCE DRIVE AND CAMPFIRE CIRCLE - 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 first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required) - NONE

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$300,000,000 LINCOLN ELECTRIC SYSTEM REVENUE AND REFUNDING BONDS. (Request 2nd & 3rd Readings on 3/26/07)- PRIOR to reading:

MARVIN Moved to suspend the rules to have 3rd Reading and Action of Bill No. 07-42 on this date.

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

MARVIN Moved to amend Bill No. 07-42 on page 3, in the fourth paragraph titled "Redemption Date" revise the paragraph as follows:

"Redemption Date" means, with respect to the Refunded 1998 Bonds, September 1, ~~1998~~ 2008 and, with respect to the Refunded 2001 Bonds, September 1, 2011.

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

CLERK Read an ordinance, introduced by Annette McRoy, Fifth Series Ordinance adopted under and pursuant to Ordinance No. 17879 passed July 23, 2001; Authorizing the issuance of Lincoln Electric System revenue

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and refunding bonds of the City of Lincoln, Nebraska in one or more series in an aggregate principal amount not to exceed \$300,000,000; fixing in part and providing for the fixing in part of the details of such bonds; providing for the sale of such bonds and the application of the proceeds of such sale; taking other action in connection with the foregoing; and declaring an emergency, the second time.

MCROY Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#18899**, is recorded in Ordinance Book #25, Page

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF SANITARY SEWER REVENUE BONDS OF THE CITY OF LINCOLN IN THE AMOUNT OF \$21,000,000 - CLERK read an ordinance, introduced by Dan Marvin, a third series ordinance adopted under and pursuant to Ordinance No. 18171 passed May 5, 2003; authorizing the issuance of Sanitary Sewer Revenue Bonds, Series 2007, of the City of Lincoln, Nebraska in an aggregate principal amount not to exceed \$21,000,000; fixing in part and providing for the fixing in part of the details of the Bonds; providing for the sale of the Bonds and the application of the proceeds thereof; 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 **#18900**, is recorded in Ordinance Book #25, Page

AMENDING SECTION 10.16.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO AGE LIMITS IN CONNECTION WITH OPERATING A MOTOR VEHICLE BY CHANGING AGE LIMITS TO REMAIN CONSISTENT WITH STATE STATUTE - CLERK read an ordinance, introduced by Dan Marvin, amending Section 10.16.010 of the Lincoln Municipal Code relating to age limits in connection with operating a motor vehicle by changing age limits to remain consistent with state statute; and repealing Section 10.16.010 of the Lincoln Municipal Code as hitherto existing, 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 **#18901**, is recorded in Ordinance Book #25, Page

AMENDING CHAPTER 8.32.060 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE HOURS OF OPERATION AT THE BLUFF ROAD AND NORTH 48TH STREET SOLID WASTE DISPOSAL SITES - CLERK read an ordinance, introduced by Dan Marvin, amending Section 8.32.060 of the Lincoln Municipal Code to amend the hours of operation of the public sanitary landfills; and repealing Section 8.32.060 of the Lincoln Municipal Code as hitherto existing, 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 **#18902**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 07007 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO IMPLEMENT REVISIONS TO THE PARKING MATRIX TO CORRECT PAST ERRORS AND OMISSIONS BUT NOT IMPOSING NEW PARKING REQUIREMENTS - PRIOR to reading:

MARVIN Moved to amend Bill No. 07-37 on page 16, line 22, after the word "districts", insert the words "and on the premises of a restaurant in the O-3 district".

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

CLERK Read an ordinance, introduced by Dan Marvin, amending Title 27 of the Lincoln Municipal Code to implement revisions to the Parking Matrix to correct past errors and omissions but not imposing new parking requirements, by amending Sections 27.07.030, 27.09.030, 27.37.020, 27.47.030, 27.63.210, 27.63.215, 27.63.530, 27.63.660, 27.63.680, 27.63.685, 27.63.690, 27.67.020, 27.67.040; deleting Sections 27.63.600 and 27.67.060; and repealing Sections 27.07.030, 27.09.030, 27.37.020, 27.47.030, 27.63.210, 27.63.215, 27.63.530, 27.63.660, 27.63.680, 27.63.685, 27.63.690, 27.67.020, and 27.67.040 of the Lincoln Municipal Code as hitherto existing, the third time.

MARVIN Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#18903**, is recorded in Ordinance Book #25, Page

STREET AND ALLEY VACATION NO. 07001 - VACATING THE SOUTH 84TH STREET RIGHT-OF-WAY SOUTH OF HIGHWAY 2, GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2 - CLERK read an ordinance, introduced by Dan Marvin, vacating the South 84th Street right-of-way south of Highway 2, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, 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 **#18904**, is recorded in Ordinance Book #25, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Richard Esquivel, 733 Cuming, came forward to express his thoughts reference the North 50th Street widening.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to April 2, 2007.

Seconded by Marvin & 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 April 2, 2007.

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

ADJOURNMENT 6:45 P.M.

CAMP Moved to adjourn the City Council meeting of March 26, 2007.

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

So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

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