

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 23, 2009 AT 5:30 P.M.**

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

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

READING OF THE MINUTES

COOK Having been appointed to read the minutes of the City Council proceedings of February 9, 2009 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

Council Chair Eschliman recognized Boy Scout Troop 21 from Hope Community Church who were in attendance working on their Citizenship in the Community badges.

APPLICATION OF WIYUAL RUACH DBA JOHNNY DISCO FOR A CLASS I LIQUOR LICENSE AT 5800 CORNHUSKER HIGHWAY - Wiyual Ruach, 5800 Cornhusker Highway, came forward to take oath and answer questions. He stated he has been a DJ for years and said he has experience serving alcohol. He explained that his Sudanese community would benefit from an establishment in which to socialize with friends & family and host parties & wedding receptions. He stated he has taken the required RHC training.

Russ Fosler, LPD Investigator, came forward to answer questions regarding the sequence of events and the requirement of a special permit at this location. Because of time constraints, he requested Council to deny the liquor license application at this time.

Steve Henrichsen, Planning Department, came forward to report that Mr. Ruach has not applied for the special permit yet. The real concern is to make sure he has enough parking spaces in the shared lot with other businesses in order to meet the code. If it is determined that insufficient parking exists, the applicant would need to look at a different location.

This matter was taken under advisement.

APPLICATION OF GJJRB LLC DBA THE SPIGOT LOUNGE FOR A CLASS C LIQUOR LICENSE AT 1624 O STREET;

MANAGER APPLICATION OF RANDY A. WILSON, JR. FOR GJJRB LLC DBA THE SPIGOT LOUNGE AT 1624 O STREET - Randy A. Wilson, Jr., 1624 O St., came forward to take oath and answer questions. He said he is currently the owner/manager at Randy's Grill & Chill at 49th & Holdrege. Mr. Wilson explained that while he felt it unjust, he did not contest his 2007 citation for drinking on the job.

This matter was taken under advisement.

APPLICATION OF EL PLATANAR, INC. DBA LA TAPATILLA FOR A CLASS C LIQUOR LICENSE AT 1037 L STREET;

MANAGER APPLICATION OF GUILLERMO HARO FOR EL PLATANAR, INC. DBA LA TAPATILLA AT 1037 L STREET - David Watermeier, 201 N. 8th St., Suite 300, attorney representing the applicant, came forward to take oath and answer questions. He stated Mr. Haro brings his prior restaurant management experience to the newly refurbished family-style restaurant & grocery store.

This matter was taken under advisement.

CHANGE OF ZONE 08070 - APPLICATION OF THE HISTORIC PRESERVATION COMMISSION ON BEHALF OF CHURCH OF THE NAZARENE TO DESIGNATE THE STANDARD OIL COMPANY BARN AND GARAGE AT 1219 NORTH 14TH STREET AS A HISTORIC LANDMARK AND TO CHANGE THE ZONING FROM I-1 INDUSTRIAL TO B-3 COMMERCIAL DISTRICT - Ed Zimmer, City Planning Department, came forward to present a slide show history of the location which will be converted into a mixed-use building housing a student campus center as well as providing coffee & smoothies.

Danny Walker, 427 "E" Street, came forward to inquire about possible contamination on the site.

Rev. Wes Meisner, 1340 New Hampshire, came forward as Executive Director of Ministry, stating no negative conditions existed which would have prohibited the church's purchase of this property.

This matter was taken under advisement.

ANNEXATION NO. 08009 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 105.4 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND CORNHUSKER HIGHWAY - Steve Henrichsen, Planning Department, came forward to make general remarks as a result of the annexation study and to answer any questions the Council may have on this item as well as the following eight annexations. He said public-house forums were held and mailings were sent to property owners. He said the current economic status was taken into consideration which delayed annexation from 2008 to 2009, thereby delaying property tax implication to the year 2010. He explained that annexation does not require immediate costly installation of sidewalks or switching to City water/sewer. However, once annexed, various residential permits & licensing would apply. Mr. Henrichsen further recounted two important benefits as being first-class police protection and fast emergency response from Lincoln Fire & Rescue. In response to questions, Henrichsen said Council may recommend subtractions from proposed areas but because of legal advertising, additions and expansions would require a return to the Planning Commission. In answer to Council's suggestion to delay for another year, Henrichsen stated this is the first annexation study done in 8 years and even though these are difficult economic times, he said many of these properties could have been annexed within the last five years.

This matter was taken under advisement.

ANNEXATION NO. 08010 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 443 ACRES OF PROPERTY GENERALLY LOCATED FROM SOUTH 66TH STREET TO SOUTH 84TH STREET, FROM PINE LAKE ROAD TO THE RAILROAD TRACKS NORTH OF YANKEE HILL ROAD - Steve Henrichsen, Planning Department, came forward to clarify the annexation area as comprised mostly of 3-acre lots currently zoned AGR.

Tom Olson, 7500 Boone Trail, came forward expressing concerns of fire protection services. He suggested locating a fire station near 84th & Pine Lake Road.

Tom Gapp, 7501 S. 70th St., came forward as a 32-acre homeowner in a neutral position to state he is not ready to develop his property and hopes to remain rural for several more years.

Peter Katt, 600 Wells Fargo Center, 1248 O St., came forward on behalf of his client who owns property in this area and is opposed to annexation. He said before going forward, a plan should be in place to access City services.

Norman Hunt, 7201 Pine Lake Rd., came forward in opposition to the annexation due to the poor economic times.

Mr. Henrichsen, came forward to clarify the rural water district and estimated real estate tax income for the City. He said land has been purchased in the Thompson Creek Subdivision for the purpose of a fire station.

Roger Figard, Public Works & Utilities City Engineer, came forward to clarify expenses incurred with properties that have large frontages.

This matter was taken under advisement.

ANNEXATION NO. 08012 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 22.2 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 27TH STREET AND ROKEBY ROAD AND NORTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND ROKEBY ROAD - Steve Henrichsen, Planning Department, came forward to state no property owners came before the Planning Commission in opposition to this annexation.

This matter was taken under advisement.

ANNEXATION NO. 08014 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 145.2 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 1ST STREET AND VAN DORN STREET AND SOUTH 6TH STREET AND PIONEERS BOULEVARD - Steve Henrichsen, Planning Department, came forward stating no one appeared in opposition at the Planning Commission hearing. He said revenue was not an issue as the State Penitentiary is tax exempt.

This matter was taken under advisement.

ANNEXATION NO. 08015 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 117 ACRES OF PROPERTY GENERALLY LOCATED NEAR SOUTH FOLSOM STREET FROM WEST PROSPECTOR PLACE TO WEST PIONEERS BOULEVARD - Steve Henrichsen, Planning Department, came forward to clarify this area.

Dirk Johnson, 4501 SW 12th St., came forward as the President of the Yankee Hill Association stating for the record that the association and its members are against the proposed annexation at this time. He asked that it be postponed for a later date so that once planned amenities are in place, costs can be spread out. It was clarified that this area is comprised of 101 homes. Mr. Johnson said 20-30 property owners were present.

This matter was taken under advisement.

ANNEXATION NO. 08016 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 243.1 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND INTERSTATE 80 - Steve Henrichsen, Planning Department, came forward to clarify the property area.

Duane Dowd, 220 N. 89th St., Omaha, representing the Dowd Grain Company. He came forward in opposition stating his company's 25 acres could not be considered urban as it is farmland only, nonresidential, taxed under the Greenbelt provision and has restricted access. He feels the farm ground does not produce enough to pay an estimated \$5,000 tax annually.

Peter Katt, 600 Wells Fargo Center, 1248 O St., came forward as an invested property owner stating he feels it is not the right time to annex the property and currently the State of Nebraska controls access points on NW 48th Street.

Mr. Henrichsen, came forward to answer questions. He responded affirmatively to Council Member Camp's request to prepare a motion to amend regarding the properties to the north of O Street.

This matter was taken under advisement.

TOOK BREAK 7:27 P.M.

RECONVENED 7:38 P.M.

ANNEXATION NO. 08017 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 32.2 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 40TH STREET AND WEST ADAMS STREET - Steve Henrichsen, came forward to clarify this as a housekeeping matter to annex publicly-owned airport property.

This matter was taken under advisement.

ANNEXATION NO. 08018 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 6.8 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND U.S. HIGHWAY 34 - Steve Henrichsen, Planning Department, came forward to state that NEBCO owns the property and is not opposed to annexation.

This matter was taken under advisement.

ANNEXATION NO. 08021 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 133.8 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 44TH STREET AND SUPERIOR STREET - Steve Henrichsen, Planning Department, came forward to state no one came to speak in opposition to the Planning Commission hearing. He noted that this annexation will supercede Item #49 (Bill No. 08-63) Annexation No. 08003 on the Pending List. He informed Council that upon passage of one ordinance, motion for withdrawal may be made on the other.

This matter was taken under advisement.

VACATION 08012 - APPLICATION OF HUNG T. NGUYEN AND THUY LE NGUYEN TO VACATE THAT PORTION OF THE EAST-WEST ALLEY IN BLOCK 8, TRESTERS ADDITION, FROM THE EAST LINE OF NORTH 26TH STREET TO THE WEST LINE OF THE VACATED NORTH-SOUTH ALLEY (EXTENDED) IN SAID BLOCK 8, TRESTERS ADDITION, GENERALLY LOCATED BETWEEN N. 26TH STREET AND N. 27TH STREET, NORTH OF W STREET - Wynn Hjermsstad, Urban Development, came forward to answer questions. She said the expanded building is 8,400 sq. ft. with plans for a restaurant and five bays for economic opportunities.

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, 2009 - Council Member Marvin said he spoke with a claimant earlier but surmised they could not stay for the lengthy meeting.

Council Chair Eschliman said she received a lengthy e-mail from a university student regarding his denied claim but perceived he was not present to testify.

This matter was taken under advisement.

MISC. NO. 08015 - DECLARING THE SOUTH CAPITOL REDEVELOPMENT AREA AS BLIGHTED AND SUBSTANDARD CONSISTING OF APPROXIMATELY 287 ACRES GENERALLY BOUNDED BY 8TH STREET TO 18TH STREET, BETWEEN EUCLID AVENUE AND G STREET - David Landis, Director of Urban Development, came forward to answer questions about the study comprising 1,014 parcels of land, 990 structures, 117 of which were used as a sample to determine what the nature of the property was. While he said state law requires 1 of 4 criteria for substandard urban development be evinced; 3 of 4 were found present. He said 43% of the residential structures were discovered to be in a dilapidated state; furthermore, due to age, 80% of the buildings had masonry elements in need of repair or older wood structures were susceptible to fire. Substandard 75-90 year-old underground utilities included four-inch water mains which are inconsistent with today's standards of 6-8 inches for water protection. Mr. Landis said state law also requires one of 12 blighted criteria be found, but the Hanna:Keelan Associates, P.C. Blight Study (financially funded by NeighborWorks, NIFA and private donations) found 10 of the 12 criteria in some form in this area: dilapidation, inadequate street layout, faulty lot line layouts, and obsolete planning to name a few. This urban renewal project would encourage developers to come into the area, expand and create a positive domino effect that would strategically effect the neighborhood around it. Mr. Landis said while not every building is considered blighted, the obligation is to follow state law and redevelop the neighborhood.

Jon Carlson, Mayoral Aide for Stronger Safer Neighborhoods, came forward to offer support for the blight study. He said there are 125 people on residential action teams involved in cleaning up this focus area, landlords who are improving properties & screening tenants, removing problem tenants, City increasing fines, business leaders donating time & materials all in an area close to downtown and the University. He said community organizers are doing property assessments for 1,100 properties in need followed up by analyzation with direction to specific limited resources. In answer to Council questions, Carlson said the only negative feedback is the designation of "blight" which is neither an insurance nor mortgage issue. He said through the help of the

Unicameral, discussion with senators suggested the name be changed to the "Revitalization Study". He said upon explanation of the plan process and its advantages, neighbors are excited to be on board.

LPD Southwest Team Capt. Mike Woolman, came forward in support of the blight study and present the area that the police department is focusing on to take care of crime and disturbances in these fragile neighborhoods. He encouraged citizens to continue making service calls to police on suspicious activity. Council applauded LPD's hard-working efforts to eliminate crime in the area.

Scott Baird, 1932 S. 24th St., came forward representing the Near South Neighborhood Association in support of revitalization and preservation of historic landmarks.

Corwin Frey, 2521 Coventry Ct., came forward in support stating his company, Century Sales & Management, manages 2,000 units across Lincoln, of which 25 buildings are in this revitalization area. He expressed appreciation to the Lincoln Police Department for their hard work.

Paula Rhian, 2002 S. 11th St., came forward representing the Everett Neighborhood Association in support as the designation will rejuvenate the area and bring architecturally-interesting buildings back to their former glory. Council expressed appreciation to the Everett Neighborhood for their hard-working efforts.

Peter Katt, 600 Wells Fargo Center, 1248 O St., came forward as an owner of rental property in the neighborhood study in support of a plan which puts a tool in place to reinvest in an important area of Lincoln.

Bob Beecham, 2925 O'Reilly Dr., came forward as a Near South area property owner in support. He stated for the record that 9% of the entire land-use area in the study zone are alleys and requested that the redevelopment team address the issue of those in disrepair. In answer to questioning, Mr. Beecham said his 12- & 6-plex rentals will remain in the area as their ongoing family business.

Pat Anderson-Sifuentez, 1500 S. 11th St., came forward representing NeighborWorks, Inc. who relates to first-time home buyers. She said the mixed diversity makes the area exciting and an attractive investment tool.

Jacob Colling, 821 Goodhue Blvd., Apt. 2, came forward as a Near South Neighborhood resident as well as his capacity as a member of the Government Liaison Committee of the Association of Students at the University of Nebraska - Lincoln in support of the study. He presented positive factors that encourage students to live off campus in this area as being a close proximity to school/work and accessible key businesses; in contrast, negative factors listed low-home ownership, dilapidated housing, high poverty & high crime. Revitalization would help attract more students and retain them on their pursuit of professional careers.

Erick Saavedra, 1615 G St., immigrant of Mexico, came forward in support of a study which will aid in the renovation of his neighborhood as his particular arts & crafts home was built in 1916.

Danny Walker, 427 "E" Street, came forward as a 60-year resident of the South Salt Creek Neighborhood in opposition. He claimed that not all of his neighborhood boundary was consulted about the blight study and he demanded a written explanation.

Mr. Carlson came forward to clarify the method of notification. He said not everyone in South Salt Creek was notified but every property owner in the blighted area of Near South and Everett Neighborhood Associations received both a mailing and a door flyer.

Mr. Landis came forward to answer Council questions about the study boundary. He said to cover an entire corridor, both sides of the street must be covered. In response to Mr. Walker, Landis responded while there was a legal obligation to meet 1 out of 12 blight standards; this study met 10 out of 12. Council Chair Eschliman advised Mr. Landis that his verbal explanation would suffice Mr. Walker's demand for a written response.

This matter was taken under advisement.

SPECIAL PERMIT NO. 310D - APPLICATION OF THE AMBASSADOR LINCOLN TO ADJUST THE ALLOWED HEIGHT AND SIDE SETBACK REQUIREMENTS TO ALLOW FOR THE RENOVATION AND EXPANSION OF THE EXISTING HEALTH CARE FACILITY, ON PROPERTY GENERALLY LOCATED SOUTH OF THE INTERSECTION OF SOUTH COTNER BOULEVARD AND NORMAL BOULEVARD - Anne Furguson, Executive Director of The Ambassador Lincoln, 4405 Normal Blvd., came forward to answer questions and request permission to build a 3-story addition and easement to the east to provide 141 private suites.

This matter was taken under advisement.

APPROVING AND RATIFYING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN FIREFIGHTERS ASSOCIATION EFFECTIVE AUGUST 21, 2008 - Dave Engler, President of Firefighters Association came forward in support of the contract. He said when they went into negotiations the City offered the last best offer of 4% and they accepted it. He said the association would like to settle this contract and move on to the future.

Coby Mach, LIBA, came forward stating his organization is not opposed to the contract but one issue of concern is the addition of Article 36 - Daily Staffing. LIBA believes this addition takes control of the Lincoln Fire & Rescue away from the Fire Chief. Mr. Mach said requiring a certain number of employees should not be a concession that the City makes to the Fire Union. He said in contrast, the City does not allow the Police Union to determine the number of police officers, now is not the time to allow the Fire Union to take away control from the Fire Chief. He requested an amendment to the contract by removing Article 36.

Peter Katt, came forward representing LIBA to clarify their request to give thoughtful consideration to remove Article 36 from the contract. He said the provision takes away management discretion and Council budgetary discretion, and places it in a contract that has implications not only for this union but for others and the City. Mr. Katt said LIBA is not opposed to the balance of the contract.

Don Taute, Asst. City Attorney, came forward to answer questions. He said a good portion of Article 36 is language that was taken from the management policy which was adopted in July 2004. He said the terms/conditions of the existing contract continue until (1) a contract voted upon/adopted replaces it or (2) upon dissatisfaction of either party CIR establishes a contract for the parties.

This matter was taken under advisement.

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$427,458 WITHIN THE 2008-2009 OPERATING BUDGET FROM GENERAL EXPENSE/SHARED SERVICES - CORRECTIONS TO VARIOUS ACCOUNTS IN THE LINCOLN FIRE AND RESCUE, BUILDING AND SAFETY DEPARTMENTS AND THE SOCIAL SECURITY BUDGETS TO COVER ADDITIONAL AMOUNTS NEEDED FOR THE 2008-2009 CONTRACT WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS - Steve Hubka, Budget Officer, came forward to explain that when the 2008-09 budget was adopted for the Fire Department, it did not include enough appropriations to cover a 4% raise. He said the billed 1.7% was thought to ultimately end up in the pension fund for the COLA. It then was not adopted. Mr. Hubka said this resolution takes unused appropriations from the Corrections line item (funds not needed due to the Joint Public Agency creation) and transfers them to the Fire Department and the Building & Safety Department for fire inspectors in an amount adequate to cover a 4% raise.

This matter was taken under advisement.

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN DAVID C. LANGE AND THE CITY OF LINCOLN REGARDING DAVID C. LANGE'S CONVEYANCE OF A PERMANENT CONSERVATION EASEMENT TO THE CITY OF LINCOLN TO PRESERVE THE FLOOD STORAGE CAPACITY ON LOT 3, BLOCK 5, MECHANIC'S ADDITION, GENERALLY

LOCATED AT S.W. 1ST STREET AND WEST E STREET - Ben Higgins, Public Works & Utilities, came forward to state that there will be no adverse impact to the amount of storage so no fill is needed on this property.
This matter was taken under advisement.

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

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON FEBRUARY 2, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON FEBRUARY 9, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF JANUARY, 2009. - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS DECEMBER 31, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, MARCH 9, 2009 AT 1:30 P.M. FOR THE APPLICATION OF JADE RIVERS RESTAURANT, INC. DBA JADE RIVERS FOR A CLASS C LIQUOR LICENSE LOCATED AT 3940 VILLAGE DRIVE - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:
A-85224 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 9, 2009, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the application of Jade Rivers Restaurant Inc. dba Jade Rivers for a Class C liquor license located at 3940 Village Drive.

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

Introduced by Doug Emery

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

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF WIYUAL RUACH DBA JOHNNY DISCO FOR A CLASS I LIQUOR LICENSE AT 5800 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-85225 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, pertinent City ordinances, and the following:

- a. If the applicant is of a class of person to whom no license can be issued.

- b. If the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are adequate to support the proposed license.
- c. If the issuance of the license would be compatible with the nature of the neighborhood or community.
- d. If existing licenses with similar privileges adequately serve the area.
- e. If there are any existing motor vehicle and/or pedestrian traffic flow in the area or if this application would cause motor vehicle and/or pedestrian traffic flow issues.
- f. If there is an adequate number of existing law enforcement officers in the area.
- g. If there are zoning and/or distance restrictions that prevent the issuance of a license.
- h. If there are sanitation and/or sanitary conditions on or about the area.
- i. If a citizens' protest has been made.

The City Council recommends to the Nebraska Liquor Control Commission that the application of Wiyual Ruach dba Johnny Disco for a Class "I" liquor license, at 5800 Cornhusker Highway, Lincoln, Nebraska, be denied. The City Council has determined that the application should be denied for one or more of the following reasons:

- a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.
- b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.
- d. The applicant has not demonstrated that the issuance of the license is or will be required by the present or future public convenience and necessity.
- e. The applicant has failed to obtain a special permit under applicable provisions of the City's zoning restrictions.

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 Jon Camp

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

APPLICATION OF GJJRB LLC DBA THE SPIGOT LOUNGE FOR A CLASS C LIQUOR LICENSE AT 1624 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85226 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 GJJRB LLC dba The Spigot Lounge for a Class "C" liquor license at 1624 O Street, Lincoln, Nebraska, for the license period ending October 31, 2009, 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 Emery & carried by the following vote: AYES: Camp, Emery, Marvin, Spatz, Svoboda; NAYS: Cook, Eschliman.

MANAGER APPLICATION OF RANDY A. WILSON, JR. FOR GJJRB LLC DBA THE SPIGOT LOUNGE AT 1624 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85227 WHEREAS, GJJRB LLC dba The Spigot Lounge located at 1624 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Randy A. Wilson be named manager;

WHEREAS, Randy A. Wilson 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 Randy A. Wilson 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 Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: Cook.

APPLICATION OF EL PLATANAR, INC. DBA LA TAPATILLA FOR A CLASS C LIQUOR LICENSE AT 1037 L STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85228 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 El Platanar, Inc. dba La Tapatilla for a Class "C" liquor license at 1037 L Street, Lincoln, Nebraska, for the license period ending October 31, 2009, 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 Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

MANAGER APPLICATION OF GUILLERMO HARO FOR EL PLATANAR, INC. DBA LA TAPATILLA AT 1037 L STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85229 WHEREAS, El Platanar, Inc. dba La Tapatilla located at 1037 L Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Guillermo Haro be named manager;

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

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

CHANGE OF ZONE 08070 - APPLICATION OF THE HISTORIC PRESERVATION COMMISSION ON BEHALF OF CHURCH OF THE NAZARENE TO DESIGNATE THE STANDARD OIL COMPANY BARN AND GARAGE AT 1219 NORTH 14TH STREET AS A HISTORIC LANDMARK AND TO CHANGE THE ZONING FROM I-1 INDUSTRIAL TO B-3 COMMERCIAL DISTRICT - CLERK read an ordinance, introduced by Jonathan Cook, amending the City of

Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal and designating certain property as a Landmark, the second time.

ANNEXATION NO. 08009 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 105.4 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND CORNHUSKER HIGHWAY - 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 second time.

ANNEXATION NO. 08010 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 443 ACRES OF PROPERTY GENERALLY LOCATED FROM SOUTH 66TH STREET TO SOUTH 84TH STREET, FROM PINE LAKE ROAD TO THE RAILROAD TRACKS NORTH OF YANKEE HILL ROAD - 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 second time.

ANNEXATION NO. 08012 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 22.2 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 27TH STREET AND ROKEBY ROAD AND NORTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND ROKEBY ROAD - 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 second time.

ANNEXATION NO. 08014 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 145.2 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 1ST STREET AND VAN DORN STREET AND SOUTH 6TH STREET AND PIONEERS BOULEVARD - 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 second time.

ANNEXATION NO. 08015 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 117 ACRES OF PROPERTY GENERALLY LOCATED NEAR SOUTH FOLSOM STREET FROM WEST PROSPECTOR PLACE TO WEST PIONEERS BOULEVARD - 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 second time.

ANNEXATION NO. 08016 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 243.1 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND INTERSTATE 80 - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

ANNEXATION NO. 08017 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 32.2 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 40TH STREET AND WEST ADAMS STREET - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

ANNEXATION NO. 08018 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 6.8 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND U.S. HIGHWAY 34 - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

ANNEXATION NO. 08021 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 133.8 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 44TH STREET AND SUPERIOR STREET - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND SLICK GRAPHIX FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 370 FIFTH STREET, DAVID CITY, NE 68632 FOR A TERM OF MARCH 1, 2009 THROUGH FEBRUARY 28, 2010 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Slick Graphix for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program located at 370 Firth Street, David City, NE 68632, for a term of March 1, 2009 through February 28, 2010, the second time.

VACATION 08012 - APPLICATION OF HUNG T. NGUYEN AND THUY LE NGUYEN TO VACATE THAT PORTION OF THE EAST-WEST ALLEY IN BLOCK 8, TRESTERS ADDITION, FROM THE EAST LINE OF NORTH 26TH STREET TO THE WEST LINE OF THE VACATED NORTH-SOUTH ALLEY (EXTENDED) IN SAID BLOCK 8, TRESTERS ADDITION, GENERALLY LOCATED BETWEEN N. 26TH STREET AND N. 27TH STREET, NORTH OF W STREET - CLERK read an ordinance, introduced by Jonathan Cook, vacating the east-west alley from the east line of N. 26th Street east approximately 125 feet between N. 26th Street and N. 27th Street, north of W Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

PUBLIC HEARING RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 16 - 31, 2009 - PRIOR to reading:

MARVIN Moved to amend Bill No. 09R-25 in the following manner:
On line 14, the amount of the settled claim of Dave Pauley should be changed to \$3,449.35.

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

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

A-85230 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated February 2, 2009, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED/SETTLED</u>	
Zach Goodwin	\$3,060.00	Progressive Insurance	
Michelle Houfek	1,958.23	(Claim No. 08-1324046)	\$ 322.64
Bob Davis	889.84	Corwin Stevenson	203.30
Richard Kenneth German	3,394.91	Julie Carmer	4,342.32
Randy Burianek	93.30	Dave Pauley	1,949.35 <u>3,449.35</u>
		Cherise Stortvedt	100.00

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

Introduced by Jonathan Cook

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

MISC. NO. 08015 - DECLARING THE SOUTH CAPITOL REDEVELOPMENT AREA AS BLIGHTED AND SUBSTANDARD CONSISTING OF APPROXIMATELY 287 ACRES GENERALLY BOUNDED BY 8TH STREET TO 18TH STREET, BETWEEN EUCLID AVENUE AND G STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85231 WHEREAS, it is desirable and in the public interest that the City of Lincoln, Nebraska, a municipal corporation and a city of the primary class, undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1943, as amended, known as the Community Development Law, is the urban renewal and redevelopment law for the State of Nebraska and prescribes the requirements and procedures for the planning and implementation of urban redevelopment projects; and

WHEREAS, the City in accordance with its Home Rule Charter and the laws of the State of Nebraska applicable to cities of the primary class has duly prepared and approved a general plan for the development of the City known as its Comprehensive Plan, all as required by Section 18-2110, R.R.S. 1943; and

WHEREAS, this Council has received and duly considered evidence relating to the present condition of the South Capitol Redevelopment Area, generally bounded by 8th Street to 18th Street, between Euclid Avenue and G Street, as shown and described on Attachment "A" (entitled South Capitol Redevelopment Area Blight and Substandard Determination Study); and

WHEREAS, this Council has received and duly considered other evidence, including evidence relating to the scope and limitations of the nearby redevelopment plans in the area, and the inability of the other plans to effectively remedy the substandard and blighted conditions;

WHEREAS, Article 8, Section 12 of the Constitution of the State of Nebraska requires that said area must be found to be both substandard and blighted in order for tax increment financing to be used in said area; and

WHEREAS, Section 18-2109, R.R.S. 1943, as amended, requires that prior to the preparation by the City of an urban redevelopment plan for a redevelopment project for the South Capitol Redevelopment Area, this Council as governing body of the City, by resolution, after review and recommendation from the Lincoln City Lancaster County Planning Commission, find and determine that said area is both a substandard and blighted area as defined in said Community Development Law, and in need of redevelopment; and

WHEREAS, on January 2, 2009, notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within a one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on January 14, 2009, before the Lincoln City - Lancaster County Planning Commission regarding the proposed determination that the South Capitol Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission on January 14, 2009 recommended that the South Capitol Redevelopment Area be found to be both a substandard and blighted area as defined in said Community Development Law and the evidence demonstrates that said South Capitol Redevelopment Area as shown and described on Attachment "A" constitutes both a substandard and blighted area as defined in said Community Development Law, which area is in need of redevelopment.

WHEREAS, on February 6, 2009 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on February 23, 2009 regarding the proposed determination that the South Capitol Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on February 6, 2009 and February 13, 2009 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on February 23, 2009 regarding the proposed determination that the South Capitol Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on February 23, 2008 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed determination that the South Capitol Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed determination.

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

1. That it is hereby found and determined that substandard and blighted conditions exist as set forth and discussed in Attachment "A" (entitled South Capitol Redevelopment Area Blight and Substandard Determination Study) attached hereto and incorporated herein as though fully set forth verbatim.

2. That it is hereby found and determined that the South Capitol Redevelopment Area as shown and described on Attachment "A", constitutes both a substandard and blighted area as defined by subsections (10) and (11), respectively, of Section 18-2103, R.R.S. 1943, as amended, and that said area is in need of redevelopment.

3. That it is hereby found and determined that said area is an eligible site for urban redevelopment projects under the provision of Chapter 18, Article 21, Nebraska Revised Statutes of 1943, as amended.

4. That the elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

5. That such substandard and blighted conditions are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aid provided by the Community Development law, specifically including Tax Increment Financing.

BE IT FURTHER RESOLVED that the Department of Urban Development as the duly designated community development agency for the City of Lincoln is hereby authorized and directed to immediately proceed with the preparation of a new redevelopment plan and associated projects for the South Capitol Redevelopment Area, which plan shall be prepared in accordance with the requirements and procedures of said Chapter 18, Article 21, for ultimate review and consideration by this Council.

Introduced by Jonathan Cook

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

SPECIAL PERMIT NO. 310D - APPLICATION OF THE AMBASSADOR LINCOLN TO ADJUST THE ALLOWED HEIGHT AND SIDE SETBACK REQUIREMENTS TO ALLOW FOR THE RENOVATION AND EXPANSION OF THE EXISTING HEALTH CARE FACILITY, ON PROPERTY GENERALLY LOCATED SOUTH OF THE INTERSECTION OF SOUTH COTNER BOULEVARD AND NORMAL BOULEVARD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85232 WHEREAS, The Ambassador Lincoln has submitted an application designated as Special Permit No. 310D to allow for the renovation and expansion of the existing health care facility, with a request to adjust the allowed height and side setback requirements, on property generally located at South Cotner Boulevard and Normal Boulevard, legally described as:

Lot 188 I.T., located in the Southwest Quarter of
Section 32, Township 10 North, Range 7 East of the 6th
P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for the expanded health care facility will not be adversely affected; and

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

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

That the application of The Ambassador, hereinafter referred to as "Permittee", to renovate and expand the health care facility on property legally described above be and the same is hereby granted under the provisions of Section 27.63.080 of the Lincoln Municipal Code upon condition that construction of said health care facility be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits a health care facility with a maximum 35% lot coverage and reduces the side yard setback along the east lot line from 35' to 10' and increases the maximum height from 35' to 45'.
2. Before receiving building permits the Permittee shall:
 - a. Submit to the Planning Department a revised and reproducible final plot plan including 5 copies showing the following required revisions.
 - i. Designate the 100-year floodplain and FEMA cross-sections and elevations on the plan.
 - ii. Revise the setbacks to define the building envelope as follows: 25' along the north lot line; 10' along the east lot line; 10' north of the north line of the bike trail easement; 35' along the west lot line.

- iii. Revise the setbacks to parking to show 10' from the north line of the bike trail easement, and 6' from the west lot line.
 - iv. Revise the landscaping note to state "All landscaping to be provided per LMC and Design Standards at the time of building permit."
 - v. Add a general note that states "All new parking to comply with LMC and Design Standards."
 - vi. Re-label "South Cotner Boulevard (Private Roadway)" as "Driveway".
 - vii. Re-label "Existing 8' Sidewalk" as "Existing 8' Bike Trail".
 - viii. Show finished floor elevation, which must be one foot above existing 100-year floodplain.
 - ix. Revise site plan to the satisfaction of Public Works and Utilities.
- b. Provide documentation that an easement has been granted to The Ambassador allowing shared access to the driveway onto Normal Blvd located on the adjacent property to the west.
 - c. The construction plans must substantially comply with the approved plans.
3. Before occupying the buildings, all development and construction must substantially comply with the approved plans.
 4. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee.
 5. The physical location of all setbacks, yards, buildings, parking, and circulation elements and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
 6. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 7. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
 8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however the terms and conditions of all prior resolutions approving Special Permit 310 as amended shall remain in full force and effect except as specifically amended by this resolution.

Introduced by Jonathan Cook

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

APPROVING AND RATIFYING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN FIREFIGHTERS ASSOCIATION EFFECTIVE AUGUST 21, 2008 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85233 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor agreement between the City of Lincoln and the Lincoln Firefighters Association, Local No. 644, International Association of Firefighters, to be effective August 21, 2008, is hereby ratified and approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Jonathan Cook

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

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$427,458 WITHIN THE 2008-2009 OPERATING BUDGET FROM GENERAL EXPENSE/SHARED SERVICES - CORRECTIONS TO VARIOUS ACCOUNTS IN THE LINCOLN FIRE AND RESCUE, BUILDING AND SAFETY DEPARTMENTS AND THE SOCIAL SECURITY BUDGETS TO COVER ADDITIONAL AMOUNTS NEEDED FOR THE 2008-2009 CONTRACT WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85234 A RESOLUTION authorizing the transfer of appropriations and cash within the 2008-2009 operating budget in the amount of \$427,458.00 from General Expense/Shared Services - Corrections (18002.5647) for reallocation to various accounts in the Lincoln Fire and Rescue, Building and Safety Departments and the Social Security budgets to cover additional amounts needed for the 2008-2009 contract with the International Association of Firefighters.

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

That the transfer of appropriations in the amount of \$427,458.00 from General Expense/Shared Services - Corrections (18002.5647) for reallocation to various accounts in the Lincoln Fire and Rescue, Building and Safety Departments and the Social Security budgets as set out below is approved and the Finance Director is authorized to make such transfers on passage of this resolution:

<u>FROM</u>		
	18002.5647	427,458.00
<u>TO</u>		
	05001.5021	34.00
	05002.5021	3,641.00
	05003.5021	3,394.00
	05004.5021	355,477.00
	227121.5021	7,718.00
	08012.5021	5,096.00
	08013.5021	7,300.00
	05006.5021	40,741.00
	06003.5087	4,057.00
	Total	\$427,458.00

Introduced by Jonathan Cook

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

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN DAVID C. LANGE AND THE CITY OF LINCOLN REGARDING DAVID C. LANGE'S CONVEYANCE OF A PERMANENT CONSERVATION EASEMENT TO THE CITY OF LINCOLN TO PRESERVE THE FLOOD STORAGE CAPACITY ON LOT 3, BLOCK 5, MECHANIC'S ADDITION, GENERALLY LOCATED AT S.W. 1ST STREET AND WEST E STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85235 WHEREAS, David C. Lange has offered to grant a conservation easement to the City of Lincoln to preserve the flood storage capacity on property generally located at S.W. 1st Street and West E Street and legally described as Lot 3, except the railroad right-of-way, Block 5, Mechanic's Addition, Lincoln, Lancaster County, Nebraska, as described in the Conservation Easement Agreement attached hereto; 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, David C. Lange's offer to grant a conservation easement to the City of Lincoln over the property legally described above and in accordance with the terms of the Conservation Easement Agreement, attached hereto and marked as Exhibit "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.

BE IT FURTHER RESOLVED that the City Clerk is directed to return the original Conservation Easement to Michelle Backemeyer, Real Estate and Relocation, for recording with the Register of Deeds.

Introduced by Jonathan Cook

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

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

AMENDING CHAPTER 23.10 OF THE LINCOLN MUNICIPAL CODE, THE LINCOLN ELECTRICAL CODE, BY AMENDING SECTION 23.10.010 TO ADOPT THE 2008 EDITION OF THE NATIONAL ELECTRICAL CODE; AMENDING SECTION 23.10.140 RELATING TO ELECTRICAL PERMITS TO ALLOW FOR ROUTINE MAINTENANCE WITHOUT A PERMIT; AMENDING SECTION 23.10.160 RELATING TO INSTALLATION BY HOMEOWNER FOR BRANCH CIRCUIT AND FEEDER WIRING; AMENDING SECTION 23.10.190 RELATING TO REQUESTS FOR INSPECTIONS BY HOMEOWNERS; AMENDING SECTION 23.10.290 RELATING TO WIRING METHODS REQUIRING SEPARATE CONDUCTORS FOR GROUNDING, PVC COATING FOR METALLIC RACEWAYS, AND INSTALLATION OF ALTERNATE ENERGY SOURCES; AMENDING SECTION 23.10.300 RELATING TO SERVICE DISCONNECTIONS AND METERING REQUIREMENTS; AND REPEALING IN THEIR ENTIRETY, SECTIONS 23.10.310, 23.10.312, 23.10.320, 23.10.323, 23.10.324, 23.10.327, 23.10.329, 23.10.330, 23.10.331, 23.10.332, 23.10.333, 23.10.335, 23.10.337, 23.10.340, 23.10.345, 23.10.347, 23.10.350, 23.10.351, 23.10.353, 23.10.355, 23.10.380, 23.10.385, 23.10.390, 23.10.393, 23.10.395, 23.10.400, 23.10.402, 23.10.410, 23.10.417, 23.10.420, 23.10.425, 23.10.430, 23.10.440, 23.10.457, 23.10.458, 23.10.459, 23.10.460, 23.10.470, 23.10.475, 23.10.480, 23.10.490, 23.10.495, 23.10.500 TO DELETE SPECIFIC SECTIONS OF THE 2002 NATIONAL ELECTRICAL CODE PREVIOUSLY AMENDED OR DELETED IN THE LINCOLN ELECTRICAL CODE; AMENDING SECTION 23.10.510 RELATING TO CODE COORDINATION WITH THE INTERNATIONAL CODES; AND REPEALING SECTION 23.10.010, 23.10.140, 23.10.160, 23.10.190, 23.10.290, 23.10.300, AND 23.10.510 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Clerk read an ordinance, introduced by Doug Emery, amending Chapter 23.10 of the Lincoln Municipal Code, the Lincoln Electrical Code, by amending Section 23.10.010 to adopt the 2008 Edition of the National Electrical Code; amending Section 23.10.140 relating to electrical permits to allow for routine maintenance without a permit; amending Section 23.10.160 relating to installation by homeowner for branch circuit and feeder wiring; amending Section 23.10.190 relating to requests for inspections by homeowners; amending Section 23.10.290 relating to wiring methods requiring separate conductors for grounding, PVC coating for metallic raceways, and installation of alternate energy sources; amending Section 23.10.300 relating to service disconnections and metering requirements; and repealing in their entirety, Sections 23.10.310, 23.10.312, 23.10.320, 23.10.323, 23.10.324, 23.10.327, 23.10.329, 23.10.330, 23.10.331, 23.10.332, 23.10.333, 23.10.335, 23.10.337, 23.10.340, 23.10.345, 23.10.347, 23.10.350, 23.10.351, 23.10.353, 23.10.355, 23.10.380, 23.10.385, 23.10.390, 23.10.393, 23.10.395, 23.10.400, 23.10.402, 23.10.410, 23.10.417, 23.10.420, 23.10.425, 23.10.430, 23.10.440, 23.10.457, 23.10.458, 23.10.459, 23.10.460, 23.10.470, 23.10.475, 23.10.480, 23.10.490, 23.10.495, 23.10.500 to delete specific sections of the 2002 National Electrical Code previously amended or deleted in the Lincoln Electrical Code; amending Section 23.10.510 relating to code coordination with the international Codes; and repealing Section 23.10.010, 23.10.140, 23.10.160, 23.10.190, 23.10.290, 23.10.300, and 23.10.510 of the Lincoln Municipal Code as hitherto existing, the first time.

VACATION 08011 - VACATING SOUTHBOUND TALLGRASS PARKWAY FROM THE NORTH RIGHT-OF-WAY LINE OF ASTER ROAD NORTH TO THE END OF THE RIGHT-OF-WAY AND PENROSE DRIVE FROM THE WEST RIGHT-OF-WAY LINE OF NORTHBOUND TALLGRASS PARKWAY WEST TO THE END OF THE RIGHT-OF-WAY, RETAINING TITLE THERETO, AND AUTHORIZING THE EXCHANGE THEREOF TO NEBCO FOR NEW RIGHT-OF-WAY BEING DEDICATED FOR THE NEW ALIGNMENT OF TALLGRASS PARKWAY AND PENROSE DRIVE - CLERK read an ordinance, introduced by Doug Emery, vacating southbound Tallgrass Parkway from the north right-of-way line of Aster Road north to the end of the right-of-way for southbound Tallgrass Parkway and vacating Penrose Drive from the west right-of-way line of northbound Tallgrass Parkway west to the end of the right-of-way for Penrose Drive, and retaining title thereto, all in Fallbrook 18th Addition, Lincoln, Lancaster County, Nebraska, the first time.

VACATION 05007 - VACATING A PORTION OF STOCKWELL STREET WEST OF SOUTH 52ND STREET WITHIN THE UNION COLLEGE CAMPUS, RETAINING TITLE THERETO, AND AUTHORIZING THE SALE THEREOF TO UNION COLLEGE - CLERK read an ordinance, introduced by Doug Emery, vacating Stockwell Street west of South 52nd Street within the Union College Campus, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

STREET NAME CHANGE 09001 - RENAMING WEST STANTON STREET WEST OF N.W. 48TH STREET AS MIKE SCHOLL STREET - CLERK read an ordinance, introduced by Doug Emery, changing the name of "West Stanton Street" located west of N.W. 48th Street to "Mike Scholl Street", as recommended by the Street Name Committee, the first time.

CHANGE OF ZONE 08073 - APPLICATION OF SOUTH RIDGE VILLAGE, LLC, FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 29TH STREET AND PORTER RIDGE ROAD. (RELATED ITEMS: 09-30, 09R-28, 09R-29) - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

SPECIAL PERMIT 08052 - APPLICATION OF SOUTH RIDGE VILLAGE, LLC, TO DEVELOP AN EARLY CHILDHOOD CARE FACILITY FOR 130 CHILDREN WITH A REQUEST TO WAIVE THE REQUIREMENT TO BE LOCATED ON AN ARTERIAL STREET, GENERALLY LOCATED AT SOUTH 29TH STREET AND PORTER RIDGE ROAD. (RELATED ITEMS: 09-30, 09R-28, 09R-29) (ACTION DATE: 3/9/09)

USE PERMIT 100B - APPLICATION OF SOUTH RIDGE VILLAGE, LLC, TO EXPAND THE SOUTH RIDGE VILLAGE USE PERMIT ON PROPERTY GENERALLY LOCATED AT SOUTH 29TH STREET AND PORTER RIDGE ROAD. (RELATED ITEMS: 09-30, 09R-28, 09R-29) (ACTION DATE: 3/9/09)

AMENDING SECTIONS 7.04.050 AND 7.04.200 OF THE LINCOLN MUNICIPAL CODE TO REMOVE STAND-BY AMBULANCE SERVICE FROM THE DEFINITION OF EMERGENCY AMBULANCE SERVICE AND LIMIT THE DEFINITION OF STAND-BY AMBULANCE SERVICE; AND REPEALING SECTIONS 7.04.050 AND 7.04.200 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Doug Emery, amending Sections 7.04.050 and 7.04.200 of the Lincoln Municipal Code to remove Stand-by Ambulance Service and limit the definition of Stand-by Ambulance Service; and repealing Section 7.04.050 and 7.04.200 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING THE LINCOLN FLATS/BANK OF THE WEST REDEVELOPMENT AGREEMENT BETWEEN CONCORDE MANAGEMENT AND DEVELOPMENT, INC. AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 13TH AND 14TH STREETS, ON THE NORTH SIDE OF O STREET. (RELATED ITEMS: 09R-32, 09-32, 09R-33) (ACTION DATE: 3/9/09)

AUTHORIZING THE ISSUANCE OF SERIES A AND SERIES B TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED \$614,000.00 FOR THE CITY OF LINCOLN, LINCOLN FLATS/BANK OF THE WEST REDEVELOPMENT PROJECT. (RELATED ITEMS: 09R-32, 09-32, 09R-33) - CLERK read an ordinance, introduced by Doug Emery, Authorizing and providing for the issuance of City of Lincoln, Nebraska Taxable Tax Allocation Bonds in one or more series, in a principal amount not to exceed \$764,000 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 the City's Lincoln Flats/Bank of the West Redevelopment Project Area, 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 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; limiting payment of the bonds to such tax revenues; creating and establishing funds and accounts; authorizing the sale of the bonds; 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; 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 actions and making other covenants and agreements in connection with the foregoing; and related matters, the first time.

APPROVING AMENDMENT NO. 1 TO THE UNIVERSITY SQUARE REDEVELOPMENT AGREEMENT BETWEEN CONCORDE MANAGEMENT AND DEVELOPMENT, INC., FOUNDATION FOR EDUCATION SERVICES, INC., UNIVERSITY TOWERS CONDOMINIUM ASSOCIATION, AND THE CITY RELATING TO THE PRIVATE SECTOR PARKING ARRANGEMENT AT THE UNIVERSITY SQUARE PARKING GARAGE AT 14TH AND O STREETS. (RELATED ITEMS: 09R-32, 09-32, 09R-33) (ACTION DATE: 3/9/09)

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

APPROVING A FOUR YEAR/5,000 HOUR LEASE AGREEMENT WITH A BUY OUT OPTION BETWEEN THE CITY AND 1ST SOURCE BANK FOR THE LEASE OF ONE FOUR-WHEEL STREET SWEEPER FOR SWEEPING OF RESIDENTIAL AND ARTERIAL STREETS - PRIOR to reading:

CAMP Moved to amend Bill No. 09-11 in the following manner:
1. On page 1, line 1, delete the words "three-year" and insert in lieu thereof four-year.

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

CLERK Read an ordinance, introduced by Jon Camp, accepting and approving a three-year lease agreement with option to purchase between the City of Lincoln, Nebraska and 1st Source Bank for a 2009 Elgin Eagle "F" Dual Driver Sweeper for use by the Department of Public Works & Utilities, the third time.

CAMP Moved to pass the ordinance as amended.
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz; NAYS: Svoboda.

The ordinance, being numbered **#19204**, is recorded in Ordinance Book #26, Page

COMP. PLAN CONFORMITY 08028 - APPROVING AND ADOPTING PROPOSED AMENDMENTS TO THE ANTELOPE VALLEY REDEVELOPMENT PLAN TO ADD THE "ANTELOPE VILLAGE PROJECT" FOR REDEVELOPMENT OF THE BLOCK BETWEEN 23RD AND 24TH STREETS, P AND Q STREETS, FOR AN OFFICE/CONDOMINIUM BUILDING TO INCLUDE OFFICE SPACE, A COMMUNITY ROOM, WORKOUT FACILITIES, 8 TO 10 CONDO UNITS ON THE SECOND AND THIRD FLOORS AND 18 TOWNHOUSES FOR HOME OWNERSHIP. (RELATED ITEMS: 09R-17, 09-12) (ACTION DATE: 2/23/09) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85236 WHEREAS, the City Council on July 21, 2003, adopted Resolution No. A-82222 finding an area generally bounded by C Street on the south, 17th Street on the west, the Burlington Northern Railroad on the north, and 28th Street on the east (comprising parts of the Near South, Woods Park, Malone, Clinton, Hawley, Hartley, and Downtown neighborhoods), and an area generally bounded by the Burlington Railroad on the south, Interstate 180 on the west, Salt Creek on the north, and 14th Street on the east (comprising the North Bottoms neighborhood) to be blighted and substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, the City Council has previously adopted the Antelope Valley Redevelopment Plan and amendments thereto (hereinafter the "Antelope Valley Redevelopment Plan" or "Plan") including plans for various redevelopment projects within said blighted and substandard area in accordance with the requirements and procedures of the Nebraska Community Development Law; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk proposed amendments to the Plan (hereinafter the "Amendments") for said blighted and substandard area contained in the document entitled "Proposed Amendment to the Antelope Valley Redevelopment Plan - Antelope Village", which is attached hereto, marked as Attachment "A", and made a part hereof by reference; and

WHEREAS, the Director of Urban Development has reviewed said Amendments and has found that if adopted the Amendments and the Plan meet the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 2007); and

WHEREAS, said proposed Amendments to the Antelope Valley Redevelopment Plan have been submitted to the Lincoln City - Lancaster County Planning Commission for review and recommendation; and

WHEREAS, on January 2, 2009 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on January 14, 2009 before the Lincoln City - Lancaster County Planning Commission regarding the Amendment, a copy of said notice and list of said governing bodies and registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission on January 14, 2009 held a public hearing relating to the proposed Amendment to the Antelope Valley Redevelopment Plan and found the Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on January 23, 2009 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on February 9, 2009 regarding the proposed Amendment, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on January 23, 2009 and January 30, 2009, a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on February 9, 2009 regarding the proposed Amendment to the Plan for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on February 9, 2009 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Amendments to the Antelope Valley Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed Amendments to the Plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed plans; and

WHEREAS, the City Council now desires to modify said Plan by establishing the "Antelope Village Redevelopment Project" in the block that includes P Street to the south, Q Street to the north, 23rd Street to the west, 24th Street to the east ("Antelope Village Redevelopment Project Area"), to accommodate the future development of an office/condominium building of 18,000 square feet and 18 townhomes for homeownership.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That Antelope Village Redevelopment Project is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City which will promote general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the reoccurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That incorporating the Antelope Village Redevelopment Project into the Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations, and the determinations set forth in the Community Development Law.

3. That the substandard and blighted conditions in the Antelope Village Redevelopment Project are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing.

4. That elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

5. That the Antelope Village Redevelopment Project would not be economically feasible without the use of tax-increment financing.

6. That the Antelope Village Redevelopment Project would not occur in the Redevelopment Area without the use of tax-increment financing.

7. That the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

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

1. That, pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the Proposed Amendment to the Antelope Valley Redevelopment Plan attached hereto as Attachment "A", establishing the Antelope Village Redevelopment Project, is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan as they relate to the above-described amendment.

3. That the Urban Development Director, or the Director's authorized representative, is hereby authorized and directed to contact the owners and tenants of those properties listed herein for the purpose of negotiation of contracts or options for the acquisition of all

interests in said real estate in accordance with the land acquisition procedures of the City of Lincoln; and to take all steps necessary for the acquisition of said property by purchase, if possible.

4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents for the authorization to provide necessary funds, including Community Improvement Financing in accordance with the Community Development Law, to finance the related necessary and appropriate public acquisitions, improvements, and activities set forth in said Amendments to the Antelope Valley Redevelopment Plan.

Introduced by Jon Camp

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

CHANGE OF ZONE 08066 - APPLICATION OF THE PLANNING DIRECTOR FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION FOR THE ANTELOPE VILLAGE PUD AND MODIFICATIONS TO THE STANDARDS OF THE UNDERLYING ZONING DISTRICT, SUBDIVISION ORDINANCE AND DESIGN STANDARDS, FOR DWELLINGS ON THE FIRST FLOOR IN THE B-3 DISTRICT, REDUCTION OF FRONT AND REAR SETBACKS, INCREASE IN HEIGHT LIMIT FOR THE R-6 DISTRICT, REDUCTION OF LOT AREA FOR TWO-FAMILY, TOWNHOUSES AND MULTIPLE DWELLINGS, REDUCTION OF PARKING REQUIREMENTS IN THE R-6 DISTRICT, PORCHES IN THE REQUIRED FRONT YARD, PROHIBIT OFF PREMISES SIGNS, PROHIBIT POLE SIGNS AND ALLOW INCREASED AREA FOR GROUND SIGNS, OVER A FOUR-BLOCK AREA FROM N. 22ND STREET TO N. 24TH STREET AND FROM P STREET TO R STREET. (RELATED ITEMS: 09R-17, 09-12 - PRIOR to reading:

CAMP Moved to amend Bill No. 09-12 in the following manner:

1. On page 1, line 10, delete the word "Stewards" and insert in lieu thereof the word Stewarts.

2. On page 2, line 13, after the words "total area" insert or 8 feet in height.

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

CLERK Read an ordinance, introduced by Jon Camp, 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.

CAMP Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#19205**, is recorded in Ordinance Book #26, Page

COMP. PLAN CONFORMITY 08026 - APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE NORTH 27TH STREET CORRIDOR AND ENVIRONS REDEVELOPMENT PLAN TO ADD THE "LITTLE SAIGON COMMERCIAL DEVELOPMENT PROJECT" FOR AN APPROXIMATELY 8,400 SQ. FT. COMMERCIAL/RETAIL BUILDING, ON PROPERTY GENERALLY LOCATED AT NORTH 26TH STREET AND W STREET. (RELATED ITEMS: 09R-19, 09-13) (ACTION DATE: 2/23/09) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85237 WHEREAS, the City Council, on June 19, 2000, adopted Resolution No. A-80238 finding an area generally bounded by "N" Street on the south; the viaduct over the Burlington Northern Santa Fe right-of-way, parallel to Cornhusker Highway on the north; 23rd Street on the west; and 31st Street on the east to be blighted and substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, the City Council has previously adopted the North 27th Street Corridor and Environs Redevelopment Plan and amendments thereto (hereinafter the "Plan") including plans for various redevelopment projects within said blighted and substandard area in accordance with the requirements and procedures of the Nebraska Community Development Law; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk proposed amendments to the Plan (hereinafter the "Amendments") for said blighted and substandard area contained in the document entitled "Proposed Amendment to the North 27th Street Corridor and Environs Redevelopment Plan for the Little Saigon Commercial Development Project", which is attached hereto, marked as Attachment "A", and made a part hereof by reference; and

WHEREAS, the Director of Urban Development has reviewed said Amendment and has found that if adopted the Amendment and the Plan meet the conditions set forth in Neb. Rev. State. § 18-2113 (Reissue 2007); and

WHEREAS, said proposed Amendment to the Plan has been submitted to the Lincoln City - Lancaster County Planning Commission for review and recommendation; and

WHEREAS, on January 2, 2009 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on January 14, 2009 before the Lincoln City - Lancaster County Planning Commission regarding the Amendment, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission on January 14, 2009 held a public hearing relating to the proposed Amendment to the Plan and found the Amendment to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on January 23, 2009 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on February 9, 2009 regarding the proposed Amendment, a copy of said notice having been attached hereto as Exhibit "D"; and

WHEREAS, on January 23, 2009 and January 30, 2009 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on February 9, 2009 regarding the proposed Amendment to the Plan for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on February 9, 2009 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Amendments to the North 27th Street Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed Amendment to the Plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed Plan; and

WHEREAS, the City Council now desires to modify said Plan by establishing the Little Saigon Commercial Development Project on property generally located at North 26th and W Streets ("Little Saigon Commercial Development Project Area"), to accommodate the construction of an 8,400 square foot commercial/retail building.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the Proposed Amendment is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City which will promote general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That incorporating the Little Saigon Commercial Development Project into the Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations, and the determinations set forth in the Community Development Law.

3. That the substandard and blighted conditions in the Little Saigon Commercial Development Project are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing.

4. That elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

5. That the Little Saigon Commercial Development Project would not be economically feasible without the use of tax-increment financing.

6. That the Little Saigon Commercial Development Project would not occur in the Redevelopment Area without the use of tax-increment financing.

7. That the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

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

1. That, pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the Proposed Amendment to the North 27th Street Corridor and Environs Redevelopment Plan attached hereto as Attachment "A" establishing the Little Saigon Commercial Development Project is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Urban Development Director or his authorized representative is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan as they relate to the above-described amendment.

3. That the Urban Development Director, or the Director's authorized representative, is hereby authorized and directed to contact the owners and tenants of those properties listed herein, if any, for the purpose of negotiation of contracts or options for the acquisition of all interests in said real estate in accordance with the land acquisition procedures of the City of Lincoln; and to take all steps necessary for the acquisition of said property by purchase, if possible.

4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents for the authorization to provide necessary funds, including Community Improvement Financing in accordance with the provisions of the Community Development Law, to finance necessary and appropriate public acquisitions, improvements, and activities set forth in said Amendments to the North 27th Street Corridor and Environs Redevelopment Plan.

Introduced by Jon Camp

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

CHANGE OF ZONE 08067 - APPLICATION OF THE URBAN DEVELOPMENT DEPARTMENT FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT AND R-6 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY OWNED BY T. NGUYEN HUNG, GENERALLY LOCATED BETWEEN N. 26TH STREET AND N. 27TH ST., NORTH OF W STREET. (RELATED ITEMS: 09R-19, 09-13) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln

Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code by changing the boundaries of the districts established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered #19206, is recorded in Ordinance Book #26, Page

OPEN MICROPHONE SESSION

Danny Walker, 427 "E" Street, came forward representing the South Salt Creek Neighborhood Association to complain about uncleared pathways following snow and ice in Cooper Park and the F Street pedestrian underpass which has been barricaded for three months.

Council Member Camp responded to Mr. Walker by requesting his neighborhood association adopt the walkways as a community project in an effort to help cut budget costs in the Parks & Recreation Department.

Council Chair Eschliman suggested that he speak personally with City Departments so they may deal with his concerns directly.

This matter was taken under advisement.

Mike Morosin, 1500 N. 15th St., came forward to comment on a media report of bridge rehabilitation projects and questioned their location.

Roger Figard, Public Works & Utilities City Engineer, came forward to clarify one rehabilitation area as being a new resurfacing slab on the Superior Street bridge near 44th Street. He continued by reporting the Antelope Valley Project is using stimulus money to build the next piece of roadway on 19th Street from Vine Street down to P Street.

This matter was taken under advisement.

Peter Katt, 600 Wells Fargo Center, 1248 O St., came forward representing his partner Mark Hunzeker to make a formal request for a Special Assessment District to be created in the Employment Center on North 56th & I-80. He said this will be a key component to be able to create the increment of value that would allow the tax district to fund oversized sewers. He said it has been a 15-year project for annexation and development. In response to Council questions, he stated that the location has been identified as a site for significant economic development opportunities which will be able to occur when sewer and water are in place.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

AUTHORIZING THE CITY'S NEGOTIATION TEAM TO PRESENT THE LABOR CONTRACT TO IAFF LOCAL 644 FOR THE PERIOD OF AUGUST 21, 2008 THROUGH AUGUST 31, 2009 AS THE CITY'S LAST BEST OFFER ON THE TERMS AS OUTLINED IN THE PROPOSED CONTRACT AS OPTION 1. (12/8/08 - P.H. & ACTION CON'T TO 12/15/08) (12/15/08 - PLACED ON INDEFINITE PENDING)

SVOBODA Moved to Remove Bill No. 08R-311 from Pending for Withdrawal.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, having been **WITHDRAWN**, was assigned the File #38-4587 & was placed on file in the Office of the City Clerk.

AUTHORIZING THE CITY'S NEGOTIATION TEAM TO PRESENT THE LABOR CONTRACT TO IAFF LOCAL 644 FOR THE PERIOD OF AUGUST 21, 2008 THROUGH AUGUST 31, 2009 AS THE CITY'S LAST BEST OFFER ON THE TERMS AS OUTLINED IN THE PROPOSED CONTRACT AS OPTION 2. (12/8/08 - P.H. & ACTION CON'T TO 12/15/08) (12/15/08 - PLACED ON INDEFINITE PENDING)

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SVOBODA Moved to Remove Bill No. 08R-312 from Pending for Withdrawal.
Seconded by Marvin & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, having been **WITHDRAWN**, was assigned the File **#38-4588** & was
placed on file in the Office of the City Clerk.

CAMP Moved to extend the remainder of the Pending List to March 2, 2009.
Seconded by Spatz & 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
2, 2009.
Seconded by Spatz & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 9:32 P.M.

CAMP Moved to adjourn the City Council meeting of February 23, 2009.
Seconded by Spatz & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant