

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

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

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 March 23, 2009 reported having done so, found same correct.

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

PUBLIC HEARING

CHANGE OF ZONE 09005HP - APPLICATION OF NEBRASKA STATE HISTORICAL SOCIETY FOUNDATION AND MILLER LANDSCAPES AND CONSTRUCTION, INC. TO DESIGNATE THE WEESE FARMSTEAD, GENERALLY LOCATED AT 10901 ADAMS STREET, AS A LANDMARK - Ed Zimmer, Planning Department, came forward to state the six acres surrounding the farmstead on Adams Street is recommended unanimously for approval as a Historic Landmark by the Planning Commission. The landscape/construction business will be operated at this farmstead. The buildings will be used and need to be maintained by the business to have the historic designation. The business will do restoration work of the porch and demolition of the garage.

This matter was taken under advisement.

WAIVING THE CITY'S RIGHT TO OBJECT TO THE VALIDITY TO THE SUBDIVISION OF TWO PARCELS OF LAND WITHIN LOT 296 I.T., NOW KNOWN AS LOT 306 I.T. AND LOT 307 I.T., IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 10 NORTH, RANGE 6 EAST, PURSUANT TO THE DECREE ENTERED BY DISTRICT JUDGE PAUL D. MERRITT IN THE MATTER OF TRINA L. THOMAS V. CAPITOL BEACH COMMUNITY ASSOCIATION - John Hendry, City Attorney, stated that because of the nature of the Quiet Title action that occurred and the small pieces that were involved, instead of waiting for the five years which would be permitted under 76-2,110, we're agreeing to go ahead and waive that. The Planning Commission has recommended that. These little pieces will be combined with existing real estate which the owner owns and will be replatted so the actual subdivision will be coming back to the Council.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT PROVIDING FOR RTSD FUNDING FOR THE SOUTH SALT CREEK QUIET ZONE, THE CITY'S ACCEPTANCE OF OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS CONSTRUCTED AT 1ST & J AND 3RD & D AND THE CITY'S CLOSURE OF CROSSINGS AT 2ND & J AND 3RD & J - Roger Figard, Public Works & Utilities Dept., also representing the Railroad Transportation Safety District came forward to share the Board has finished their study of creating a Quiet Zone in the South Salt Creek Neighborhood. It is proposed to create a Quiet Zone at 1st and J Street with raised medians and at 3rd and D Street with raised medians and are proposing the closed crossings at 2nd and J Street and 3rd and J Street. The City of Lincoln would be agreeing to own, maintain, and operate those improvements after constructed.

P.C. Meza, 536 C Street, president of the South Salt Creek Community Organization came forward in favor of the Quiet Zone.

Danny Walker, 427 E Street, came forward questioning the closing of 1st & 3rd Streets in relation to Emergency Services use. In his

opinion 5th Street is noisier than 3rd Street and questioned the use of wayside horns.

Roger Figard came forward for rebuttal and stated there were no proposed wayside horns. 3rd & D Streets and 1st and J Streets will have raised medians instead.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT PROVIDING FOR RTSD FUNDING FOR THE SOUTH LINCOLN QUIET ZONE AND THE CITY'S ACCEPTANCE OF OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS CONSTRUCTED AT PARK BOULEVARD, SOUTH STREET, PIONEERS BOULEVARD, OLD CHENEY ROAD, SOUTH 14TH STREET AND SALTILLO ROAD - Roger Figard, Public Works & Utilities Dept.,

representing Railroad Transportation Safety District stated this was a continuation of 3rd Street on the South corridor from South of 1st Street and South Salt Creek and would catch South Street, Pioneer Blvd., Old Cheney, South 14th Street then Saltillo Road and would complete the corridor to the south part of town. All of those crossings can be implemented using raised medians and some street improvements. An approximate 2' to 4' wide median will be constructed down the center of the street so when you pull up and the gate arms are down and lights are going if you are going to violate that gate you will have to drive over the curb to go around the gate. Wayside horns would not be proposed at any of those crossings. The Cornhusker Highway north Quiet Zone has been bid for construction so the entire corridor from northeast to southwest should be a Quiet Zone all the way through the city and quiet those numerous coal trains.

Harlan Layton, 740 Skyway Road, came forward with suggestions to close Park Street and have people go to Warlick Blvd. on to Old Cheney. Quiet zones do not use Railroad money, but if you close the street the railroad would have to pay. Taxpayers would be responsible for keeping these Quiet Zone crossings up .

This matter was taken under advisement.

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

COUNCIL ACTION

REPORTS OF CITY OFFICERS

SETTING THE HEARING DATE OF MONDAY, APRIL 27, 2009, AT 5:30 P.M. FOR BOARD OF EQUALIZATION ON THE NORTH 27TH STREET MAINTENANCE IMPROVEMENT DISTRICT AND THE UNIVERSITY PLACE MAINTENANCE BUSINESS IMPROVEMENT DISTRICT - CITY CLERK requested a motion to approve setting the hearing date of Monday, April 27, 2009 at 5:30 p.m.

EMERY

So moved.

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MARCH 16, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT OF CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS FEBRUARY 28, 2009 - 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 APRIL 13, 2009 FOR APPLICATION OF KUHR MOHR LLC DBA MAIN STREET CAFÉ FOR A CLASS IK LIQUOR LICENSE LOCATED AT 1325 O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85266 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 13, 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 Application of Kuhr Mohr LLC dba Main Street Café for a Class IK liquor license located at 1325 O Street.

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: Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF APRIL 13, 2009 FOR APPLICATION OF JTK LLC DBA JTK CUISINE & COCKTAILS FOR A CLASS C LIQUOR LICENSE LOCATED AT 201 N. 7TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85267 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 13, 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 Application of JTK LLC dba JTK Cuisine & Cocktails for a Class C liquor license located at 201 N. 7th Street.

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: Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS - NONE

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

CHANGE OF ZONE 09005HP - APPLICATION OF NEBRASKA STATE HISTORICAL SOCIETY FOUNDATION AND MILLER LANDSCAPES AND CONSTRUCTION, INC. TO DESIGNATE THE WEESE FARMSTEAD, GENERALLY LOCATED AT 10901 ADAMS STREET, AS A LANDMARK - CLERK read an ordinance, introduced by Jonathan Cook, amending the City of Lincoln District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, 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 MARCH 1 - 15, 2009 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85268 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 March 16, 2009, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED/SETTLED</u>	
Doris Schneckloth	\$878.87	Loretta McGeisey	\$ 4,887.29
		Claritus, Inc.	213.54
		Michael Taylor	50,000.00
		Hadley Low	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 Svoboda & carried by the following vote: AYES: Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.

WAIVING THE CITY'S RIGHT TO OBJECT TO THE VALIDITY TO THE SUBDIVISION OF TWO PARCELS OF LAND WITHIN LOT 296 I.T., NOW KNOWN AS LOT 306 I.T. AND LOT 307 I.T., IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 10 NORTH, RANGE 6 EAST, PURSUANT TO THE DECREE ENTERED BY DISTRICT JUDGE PAUL D. MERRITT IN THE MATTER OF TRINA L. THOMAS V. CAPITOL BEACH COMMUNITY ASSOCIATION - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85269 WHEREAS, on October 18, 2006 judgment was entered in the District Court of Lancaster County, Nebraska, by Judge Paul D. Merritt in the matter of Trina L. Thomas, a single person, Plaintiff, v. Capitol Beach Community Association Inc., a Nebraska corporation, Defendant, under Docket CI-06 Page 4075, decreeing that title to two parcels of land within Lot 296 I.T. as described in the Plaintiff's petition, located in the Northeast Quarter of Section 22, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, be quieted and confirmed in the Plaintiff, Trina L. Thomas, by virtue of adverse possession against the record owner of the property, Capitol Beach Community Association, Inc.; and

WHEREAS, the separation of the two parcels of land from said Lot 296 I.T. in the quiet title action constitutes a subdivision of land under Title 26 of the Lincoln Municipal Code which failed to comply with City of Lincoln's requirements relating to a subdivision approval; and

WHEREAS, the said two parcels of land within Lot 296 I.T. and the remaining portion of Lot 296 I.T. have been renumbered by the County Surveyor and designated as Lot 306 I.T., Lot 307 I.T. and Lot 308 I.T., respectively, all located in the Northeast Quarter of Section 22, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; and

WHEREAS, Engineering Design Consultants LLC, on behalf of Trina L. Thomas, has requested the City to consent to the validity of said subdivision in order to allow Lots 306 I.T. and 307 I.T. to be included within the final plat to be known as Capital Beach East 7th Addition, without also including the remaining portion of Lot 296 I.T. (i.e. Lot 308 I.T.) therein; and

WHEREAS, the Planning Department has recommended that the City of Lincoln, in accordance with the provisions of *Neb. Rev. Stat. § 76-2110*, waive its right to object to the validity of said conveyance; and

WHEREAS, in accordance with the provisions of *Neb. Rev. Stat. § 76-2100*, the City of Lincoln desires to waive its right to object to the validity of said subdivision.

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

1. That the City of Lincoln hereby waives its right to object to the validity to the subdivision of two parcels of land within Lot 296 I.T., now known as Lot 306 I.T. and Lot 307 I.T., all in the Northeast Quarter of Section 22, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, pursuant to the Decree entered by District Judge Paul D. Merritt on October 18, 2006 in the matter of Trina L. Thomas, a single person, Plaintiff, v. Capitol Beach Community Association Inc., a Nebraska corporation, Defendant, under Docket CI-06 Page 4075.

2. That the City Clerk is directed to record the original of this Resolution with the Register of Deeds of Lancaster County, Nebraska, against Lot 306 I.T., Lot 307 I.T. and Lot 308 I.T., all in the Northeast Quarter of Section 22, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska.

Introduced by Jonathan Cook

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT PROVIDING FOR RTSD FUNDING FOR THE SOUTH SALT CREEK QUIET ZONE, THE CITY'S ACCEPTANCE OF OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS CONSTRUCTED AT 1ST & J AND 3RD & D AND THE CITY'S CLOSURE OF CROSSINGS AT 2ND & J AND 3RD & J - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85270 WHEREAS, the Interlocal Cooperation Act, *Neb. Rev. Stat. § 13-801, et seq.*, permits local government units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln/Lancaster County Railroad Transportation Safety District (District) desire to cooperate in the design and construction activities for the railroad-roadway crossing safety improvements and/or installation of directional horns where required at existing railroad crossings at 1st & J and 3rd & D Streets, and the closure of crossings at 2nd & J and 3rd & J Streets for the purpose of establishing a Quiet Zone at those locations in the City (herein the "South Salt Creek Quiet Zone Project").

WHEREAS, the District agrees to fund the required improvements and installation for the South Salt Creek Quiet Zone Project and has budgeted and authorized the expenditure of funds for such project.

WHEREAS, the District will pay the City \$250,000 to be applied to said project; and the City will bill the District \$250,000 as expenditures are incurred by the City for such work.

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

That the Interlocal Agreement between the City and the District attached hereto as Attachment "A" in connection with the South Salt Creek Quiet Zone Project in Lincoln, Lancaster County, Nebraska, is hereby approved and the Mayor is authorized to execute said agreement on behalf of the City.

Introduced by Jonathan Cook

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT PROVIDING FOR RTSD FUNDING FOR THE SOUTH LINCOLN QUIET ZONE AND THE CITY'S ACCEPTANCE OF OWNERSHIP AND MAINTENANCE OF THE SAFETY IMPROVEMENTS CONSTRUCTED AT PARK BOULEVARD, SOUTH STREET, PIONEERS BOULEVARD, OLD CHENEY ROAD, SOUTH 14TH STREET AND SALTILLO ROAD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85271 WHEREAS, the Interlocal Cooperation Act, *Neb. Rev. Stat. § 13-801, et seq.*, permits local government units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln/Lancaster County Railroad Transportation Safety District (District) desire to cooperate in the design and construction activities for the railroad-roadway crossing safety improvements and/or installation of directional horns where required at existing railroad crossings at Park Boulevard, South Street, Pioneers Boulevard, Old Cheney Road, South 14th Street and Saltillo Road for the purpose of establishing a Quiet Zone at those locations in the City (herein the "South Lincoln Quiet Zone Project").

WHEREAS, the District agrees to fund the required improvements and installation for the South Lincoln Quiet Zone Project and has budgeted and authorized the expenditure of funds for such project.

WHEREAS, the District will pay the City \$350,000 to be applied to said project; and the City will bill the District \$350,000 as expenditures are incurred by the City for such work.

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

That the Interlocal Agreement between the City and the District attached hereto as Attachment "A" in connection with the South Lincoln Quiet Zone Project in Lincoln, Lancaster County, Nebraska, is hereby approved and the Mayor is authorized to execute said agreement on behalf of the City.

Introduced by Jonathan Cook

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

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

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS AND P STREET FROM 7TH TO 8TH STREETS FROM MAY 2, 2009 THROUGH OCTOBER 10, 2009 AND ON 8TH STREET FROM P TO Q STREET FROM JUNE 13, 2009 THROUGH AUGUST 8, 2009 - CLERK read an ordinance, introduced by Doug Emery, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public market in the Haymarket area, 7th Street from P to Q Streets and P Street from 7th to 8th Streets, from May 2, 2009 through October 10, 2009, and on 8th Street from P to Q Street from June 13, 2009 through August 8, 2009 and authorizing the Mayor to sign such Contract on behalf of the City, the first time.

APPROVING THE PHASE I ANTELOPE VALLEY PARKWAY PLAZA TRIANGLE REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND ASSURITY LIFE INSURANCE COMPANY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN THE FUTURE ANTELOPE VALLEY PARKWAY AND FUTURE UNION PLAZA, AND Q AND R STREETS IN EAST DOWNTOWN LINCOLN. (RELATED ITEMS: 09R-47, 09-37, 09-38, 09-41, 09R-48, 09R-49) (ACTION DATE: 4/13/09)

VACATION 09001 - APPLICATION OF THE JOINT ANTELOPE VALLEY AUTHORITY AND ASSURITY LIFE INSURANCE CO. TO VACATE 20TH STREET BETWEEN S AND Q STREET; 21ST STREET BETWEEN R AND Q STREETS; R STREET BETWEEN PROPOSED ANTELOPE VALLEY PARKWAY AND 21ST STREET; S STREET BETWEEN PROPOSED ANTELOPE VALLEY PARKWAY AND 20TH STREET; A PORTION OF THE EAST-WEST ALLEY, BLOCK 4, LINCOLN DRIVING PARK COMPANY'S 2ND SUBDIVISION; AND THE EAST-WEST ALLEY IN BLOCK 7 AND 8, KINNEY'S O STREET ADDITION, AND RETAINING TITLE IN THE CITY OF LINCOLN. (RELATED ITEMS: 09R-47, 09-37, 09-38, 09-41, 09R-48, 09R-49) - CLERK read an ordinance, introduced by Doug Emery, vacating 20th Street between S and Q Street; 21st Street

between R and Q Streets; R Street between proposed Antelope Valley Parkway and 21st Street; S Street between proposed Antelope Valley and 20th Street; a portion of the east-west alley, Block 4, Lincoln Driving Park Company's 2nd Subdivision; and the east-west alley in Block 7 and 8, Kinney's O Street Addition, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

AUTHORIZING THE ISSUANCE OF A TAX ALLOCATION BOND WITH A TOTAL NOT TO EXCEED \$7.2 MILLION FOR THE CITY OF LINCOLN, PHASE I ANTELOPE VALLEY PARKWAY PLAZA TRIANGLE REDEVELOPMENT PROJECT. (RELATED ITEMS: 09R-47, 09-37, 09-38, 09-41, 09R-48, 09R-49) - CLERK read an ordinance, introduced by Doug Emery, authorizing and providing for the issuance of not to exceed \$7,200,000 the City of Lincoln, Nebraska, Phase I Antelope Valley Parkway Plaza Triangle Redevelopment Project Taxable Tax Allocation Bonds, Series 2009, for the purpose of paying(1) all or part of the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing, and completing certain public improvements within the City's Phase I Antelope Valley Parkway Plaza Triangle Redevelopment Project inclusive of any acquisition of real estate and/or interests in real estate in connection therewith and (2) the costs of issuance thereof; prescribing the form and certain of the details of the bonds; pledging certain tax allocation and other tax revenues to payment of the principal of and interest on the bonds as the same become due and to carry out all other covenants of this ordinance; limiting payment of the bonds to said tax allocation and other tax revenues; creating and establishing funds and accounts; authorizing the sale and delivery of the bonds; delegating, authorizing and directing and finance director to exercise his own independent discretion and judgment in determining and finalizing the terms and provisions with respect to the bonds not specified herein; providing for application of the proceeds of the bonds; providing for payment of the principal or and interest on the bonds; taking other action and making other covenants and agreements in connection with the foregoing; and related matters, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND NEIGHBORHOODS, INC. DBA NEIGHBORWORKS LINCOLN FOR THE PROPERTY LOCATED IN BLOCK 1 AND 3, DEERFIELD SUBDIVISION, INCLUDING THE OLD CARNEGIE LIBRARY AND ASSOCIATED PARKING AT 2121 N. 27TH STREET FOR A 13 MONTH TERM. (RELATED ITEMS: 09R-47, 09-37, 09-38, 09-41, 09R-48, 09R-49) - CLERK read an ordinance, introduced by Doug Emery, accepting and approving the Lease between the City of Lincoln and Neighborhoods, Inc. dba NeighborWorks Lincoln for a lease of the Carnegie Library building and associated parking at 2121 N. 27th Street for a primary term from May 1, 2009 through March 31, 2010 with the options to extend for an additional six months, the first time.

APPROVING THE ANTELOPE VILLAGE PROJECT REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND NEIGHBORHOODS, INC. DBA NEIGHBORWORKS LINCOLN, RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN P AND Q, 23RD AND 24TH STREETS. (RELATED ITEMS: 09R-47, 09-37, 09-38, 09-41, 09R-48, 09R-49) (ACTION DATE: 4/13/09),

APPROVING THE MATT TALBOT KITCHEN AND OUTREACH PROJECT REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND MATT TALBOT KITCHEN AND OUTREACH, INC. RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 2121 N. 27TH STREET. (RELATED ITEMS: 09R-47, 09-37, 09-38, 09-41, 09R-48, 09R-49) (ACTION DATE: 4/13/09)

AMENDING SECTION 5.38.050 OF THE LINCOLN MUNICIPAL CODE TO INCREASE PERMIT FEES FOR MOTELS, HOTELS, ROOMING, LODGING, AND APARTMENT HOUSES, AND REPEALING SECTION 5.38.050 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Doug Emery, amending Section 5.38.050 of the Lincoln Municipal Code to increase permit fees for motels, hotels, rooming, lodging, and apartment houses; and repealing Section 5.38.050 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 24.12 OF THE LINCOLN MUNICIPAL CODE, THE PLUMBING CODE, BY AMENDING SECTION 24.12.020 RELATING TO REQUESTS FOR INSPECTIONS BY HOMEOWNERS; AMENDING SECTION 24.12.025 TO INCREASE PLUMBING PERMIT FEES; AMENDING SECTION 24.12.030 RELATING TO THE PLUMBING BOARD OF APPEALS TO PROVIDE FOR APPEAL HEARING PROCEDURES; AMENDING SECTION 24.12.450 TO INCREASE UNDERGROUND IRRIGATION SYSTEM PERMIT FEES; AND REPEALING SECTIONS 24.12.020, 24.12.025, 24.12.030 AND 24.12.450 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Doug Emery, amending Chapter 24.12 of the Lincoln Municipal Code, the Lincoln Plumbing Code by amending Section 24.12.020 relating to requests for inspections by homeowners; amending Section 24.12.025 to increase plumbing permit fees; amending Section 24.12.030 relating to the Plumbing Board of Appeals to provide for appeal hearing procedures; amending Section 24.12.450 to increase underground irrigation system permit fees; and repealing Sections 24.12.020, 24.12.025, 24.12.030, and 24.12.450 of the Lincoln Municipal Code as hitherto existing, the first time.

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

RESOLUTIONS - ACTION ONLY

APPROVING THE ACQUISITION BY CONDEMNATION OF APPROXIMATELY 1.58 ACRES OF PROPERTY GENERALLY LOCATED AT S.W. 98TH STREET AND WEST O STREET FOR A WATER WELL SITE FOR THE EMERALD SANITARY AND IMPROVEMENT DISTRICT. (3/23/09- DELAYED 1 WK TO 3/30 FOR ACTION ONLY)- PRIOR to reading:

SVOBODA Moved to amend Bill No. 09R-42 by accepting the attached Substitute Resolution for Bill No. 09R-42.

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

CLERK Read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85272 WHEREAS, Emerald Sanitary and Improvement District #6 desires to acquire by purchase, condemnation or otherwise, 1.58 acres of land legally described as a portion of Lot 61 I.T. in the Northeast Quarter of Section 28, Township 10 North, Range 5 East of the 6th P.M., Lancaster County, Nebraska, generally located at S.W. 98th Street and West O Street for a water well site together with necessary permanent and temporary easements; and

WHEREAS, the water well site and necessary permanent and temporary easements needed to be acquired are more particularly described, shown and diagramed in Exhibit A, attached hereto and hereby incorporated by this reference; and

WHEREAS, *Neb. Rev. Stat. § 31-736* (Reissue of 2008) provides that such acquisition by the district may be effected only after approval by the municipality and/or county having zoning jurisdiction over the property to be acquired; and

WHEREAS, a portion of the 1.58 acres is located within the zoning jurisdictions of the City of Lincoln and Lancaster County; and

WHEREAS, the Lincoln-Lancaster County Planning Department has recommended that the acquisition be approved by the City of Lincoln as the new well is intended to resolve current issues with the water supplied to the Village of Emerald by the Emerald Sanitary Improvement District #6 by replacing the existing water well with a safe and acceptable water source and for the reason that the City of Lincoln does not intend to annex the Village of Emerald in the next 25 years and will not extend City water service to the Village of Emerald; and

WHEREAS, the Board of Commissioners of Lancaster County, Nebraska have approved the requested acquisition.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that the request of Emerald Sanitary and Improvement District #6 to acquire, by purchase, condemnation, or otherwise, a portion of Lot 61 I.T., located in the Northeast Quarter of Section 28, Township 10 North, Range 5 East of the 6th P.M., Lancaster County, Nebraska for a water well site, together with necessary permanent and temporary easements as more particularly described, shown and diagramed in Exhibit A, is hereby approved.

The City Clerk is directed to send a copy of this Resolution to William F. Austin, Erickson & Sederstrom, 301 S. 13th Street, Suite 400, Lincoln, NE 68508 for transmittal to Emerald Sanitary and Improvement District #6.

Introduced by Ken Svoboda

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

OPEN MICROPHONE SESSION

Mike Morosin, 1500 N. 15th St., came forward to express his frustration about not being able to put a shop on his property after the City told him he could when he was uprooted from his previous address for the Antelope Valley Development.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

SVOBODA Moved to extend the Pending List to April 6, 2009.
Seconded by Emery & carried by the following vote: AYES: Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.

UPCOMING RESOLUTIONS

SVOBODA Moved to approve the resolutions to have Public Hearing on April 6, 2009.
Seconded by Emery & carried by the following vote: AYES: Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.

ADJOURNMENT 6:12 P.M.

SVOBODA Moved to adjourn the City Council meeting of March 30, 2009.
Seconded by Emery & carried by the following vote: AYES: Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.
So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

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