

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, APRIL 13, 2009 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Eschliman; Council Members: Camp, Cook, Emery, Marvin, Spatz, Svoboda; Deputy City Clerk, Teresa Meier.

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

MARVIN Having been appointed to read the minutes of the City Council proceedings of April 6, 2009 reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Buetler presented the Mayor's Award of Excellence to James Bare of the Environmental Public Health Division for the Lincoln/Lancaster County Health Department in the category of Customer Relations. He stated Mr. Bare was nominated by his Supervisor Nancy Clark because he tries to relate to people on a personal level, is an emergency responder which amounts to a lot of overtime, and always does his job with a smile. He takes classes on his own time, encourages others and is a great ambassador for the Health Department.

Bruce Dart, Director of Health Department, came forward to congratulate Jim and stated he is an employee that goes above and beyond.

James Bare came forward to thank his Supervisor Nancy Clark and the office staff who make his work a lot easier.

This matter was taken under advisement.

PUBLIC HEARING

APPLICATION OF JTK, LLC DBA JTK CUISINE & COCKTAILS FOR A CLASS C LIQUOR LICENSE AT 201 N. 7TH STREET;

MANAGER APPLICATION OF JASON T. KUHR FOR JTK, LLC DBA JK CUISINE & COCKTAILS AT 201 N. 7TH STREET;

APPLICATION OF KUHR MOHR LLC DBA MAIN STREET CAFÉ FOR A CLASS I AND K CATERING LIQUOR LICENSE AT 1325 O STREET;

MANAGER APPLICATION OF JASON T. KUHR FOR KUHR LLC DBA MAIN STREET CAFÉ AT 1325 O STREET - Jason Kuhr, 129 N. 10th Street, #402, took the oath and came forward to answer questions. He stated this was an existing business. He stated JTK Cuisine & Cocktails is being changed from a Class I to a Class C liquor license.

This matter was taken under advisement.

APPLICATION OF METRO FOOD MART INC. DBA LEON'S FOOD MART FOR A CLASS C LIQUOR LICENSE AT 2200 WINTHROP ROAD;

MANAGER APPLICATION OF CHRISTOPHER I. VORHIES FOR METRO FOOD MART INC. DBA LEON'S FOOD MART AT 2200 WINTHROP ROAD - Christopher Vorhies, 3320 Smith Street, took the oath and came forward to answer questions.

This matter was taken under advisement.

AMENDING CHAPTER 14.29 OF THE LINCOLN MUNICIPAL CODE RELATING TO USE OF STREETS FOR PRIVATE CONSTRUCTION PURPOSES BY AMENDING SECTIONS 14.29.020 AND 14.29.030 TO INCREASE STREET USE AND METERHOOD PERMIT COSTS FOR PRIVATE CONSTRUCTION PURPOSES; AND REPEALING SECTIONS 14.29.020 AND 14.29.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Chuck Zimmerman, Building and Safety, came forward to state they have worked with Urban Development and Public Works Departments to change the rate for hooded meters to be \$10.00 per day. Currently, it is \$3.00 per day with a \$50.00 deposit for damage to the lock or meter hood. Building & Safety removes the hoods when the permit has expired. Currently, the construction companies will pay for more days than needed because it doesn't cost much per day, therefore, businesses in the area complain that their customers do not have any parking. The money collected for hooded meters goes to the Building and Safety Department to cover the cost of bags and picking them up when the permit expires.

This matter was taken under advisement.

MISC. 09003 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LAND SUBDIVISION ORDINANCE BY ADDING A NEW SECTION 26 .07.013 TO ADD A DEFINITION FOR ACCESS ROAD; AMENDING SECTION 26.11.060 TO MODIFY THE PROCEDURES TO APPEAL FROM FINAL ACTION OF THE PLANNING DIRECTOR; AMENDING SECTION 26.23.140 TO MODIFY THE REQUIREMENT THAT EVERY LOT SHALL FRONT UPON AND HAVE ACCESS TO A PUBLIC STREET FOR LOTS WHICH FRONT UPON A MAJOR STREET; AMENDING SECTION 26.31.010 TO MODIFY THE REQUIREMENTS FOR GRANTING A WAIVER OF LAND SUBDIVISION REQUIREMENTS; AND REPEALING SECTIONS 26.11.060, 26.23.140, AND 26.31.010 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Marvin Krout, Director of Planning, came forward stating there are four parts to the subdivision amendments all in the nature of streamlining being proposed. The most significant is frontage and access to lots. These changes will provide more flexibility in older, commercial or industrial areas particularly along a major street to try to consolidate access to have potential for multiple lots to share one access point without requiring a frontage road but, instead by a private road or access easement. The second amendment is also proposed to remove the word frontage road to access road meaning something that could be a public or private street. The third amendment gives the Planning Director the option to decide whether or not this case is important enough to carry on an appeal to the City Council. The fourth amendment would get rid of the 14 day waiting period and allow only the subdivider to appeal the Planning Directors decision if he is not happy with the conditions of approval or recommend denial of the final plat. The neighbors are not notified of final plats because the purpose of the final plat is to find that everything is consistent with the preliminary plat and all the other zoning standards and regulations of the City.

This matter was taken under advisement.

AMENDING CHAPTER 14.32 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL EVENTS BY AMENDING SECTION 14.32.020 TO REVISE THE DEFINITION OF SPECIAL EVENT TO PROVIDE THAT THE DEFINITION NOT BE LIMITED TO USES CURRENTLY SET FORTH IN THAT SECTION; AMENDING SECTION 14.32.070 TO EXPAND THE PUBLIC SPACE IN WHICH NO SPECIAL PERMIT SHALL BE ISSUED BEGINNING AT 12:30 A.M. THE DAY OF ANY UNIVERSITY OF NEBRASKA HOME FOOTBALL GAME AND CONTINUING THROUGH 6:30 A.M. THE FOLLOWING DAY; AND REPEALING SECTIONS 14.32.020 AND 14.32.070 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Rick Hoppe, Mayor Chief of Staff, came forward to explain the Special Event definition is to be revised to accommodate such events as the European Motorcycle night which would not be allowed under the current definition. This event would be a benefit to the Haymarket area. The Mayor will have the final say. The issue of Special Events during the Nebraska home football games will be discussed further by the Public Works Department and the Mayor's office.

Richard Esquivel, 733 Cumings St., questioned the amendment restricting Special Permits during the Nebraska football game.

Dan Marvin, Council Member, explained the portion of the amendment to Chapter 14.32 of the Lincoln Municipal Code will be removed from this legislation.

This matter was taken under advisement.

WAIVER NO. 09001 - REQUEST OF THE PLANNING DIRECTOR TO WAIVE THE REQUIREMENTS OF THE LAND SUBDIVISION ORDINANCE FOR PAVING OF Q STREET, INSTALLATION OF SIDEWALKS ON Q STREET AND NORTH 36TH STREET, AND THE INSTALLATION OF A STREET TREE WITHIN SPAHN ADDITION, GENERALLY LOCATED AT NORTH 36TH STREET AND Q STREET - Marvin Krout, Director of Planning, came forward to explain that Mr. Spahn's lot is split and wants to relocate the internal lot line to be able to have a lot that is considered a buildable lot. The way the lots are today he cannot sell off two portions of two lots. He has to subdivide which creates a lot that is buildable for a second unit on his property. He previously had been denied waivers of the street tree, sidewalks, and the paving. Plats go away after one year if there has been no action and are sitting there as inactive. The final plat does not meet the requirements of the Subdivision Ordinance and does not meet the Subdivision Agreement so Mr. Spahn was to file a request to waive the street paving requirement. He wouldn't be charged a fee for the application and he would be supported by the Planning Department for the waiver of the street paving. His bond is still on file so it is recommended the bond continue to be held until he can sell the lot and then someone else will take on the financial obligation of building the sidewalk and planting one tree in connection with building their house, but he wouldn't sign the application prepared by Planning Department. The Planning Director initiated the application to get it before the Planning Commission who approved the street paving waiver, but denied waiver for sidewalk and one street tree. If the waiver to the sidewalk and street tree is granted the bond would be returned to Mr. Spahn.

Gerald Spahn, 3528 Q Street, came forward to request the waiver of paving, sidewalks, and installation of a street tree within Spahn Addition because it would be a financial burden at this time due to the uncertain economy. The sidewalks will be put in at some point. If the sidewalks were put in before the property was developed they could be damaged when development begins and is difficult to know where to place the tree until it is developed. If he would sell this property the owners would then be responsible for these requirements.

Rick Peo, Assistant City Attorney, stated there are two choices to grant the waiver of the sidewalk; it could be an absolute waiver not to do it at all or waive the time line to have it installed by modifying the four year period of time until the lot is developed. Developed would be interpreted as at the time of the building permit request.

This matter was taken under advisement.

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND STATE DEPARTMENT OF ROADS SO THAT THE IDENTIFIED PROJECTS WILL BE ELIGIBLE FOR FEDERAL HIGHWAY STIMULUS FUNDS PROVIDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR A SIX-LANE DIVIDED CONCRETE PAVEMENT, PROJECT NO. LCLC-55(168), ANTELOPE VALLEY NORTH/SOUTH ROADWAY, P STREET TO VINE STREET - Rick Peo, Assistant City Attorney, came forward to state Public Works Department has requested a delay for one week to be able to add additional requirements to the agreement. It was suggested that Engineering Services be asked to go back to making the curbs straight so they won't get dinged by the snow plows.

This matter was taken under advisement.

APPROVING THE CREEKSIDE VILLAGE REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND CREEKSIDE VILLAGE, LTD., RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF 10TH AND MILITARY ROAD - David Landis, Director of Urban Development, came forward relating the building on this property is dangerous and a nuisance so would remove the asbestos and demolish the building. This redevelopment would be 60 rental units, one or two bedrooms, for individuals who are at 60% median income or less. There will be an additional ten units that will be rent to own townhomes. The rent money is put aside for an eventual down payment when the NIFA program allows the tenant to do so. The large majority of the financing to make this happen are from NIFA loans which are binding on the developer and goes with the land if the developer should sell. They will be rent to own with the money paid to be used for a down payment for a NIFA loan which is binding on the developer. There would be an investment of \$8.5 million with the use of TIF in the amount of about \$720,000. This will include parting with five acres of land which is valued at \$380,000. In exchange for the land the asbestos will be removed at a cost of \$135,000, demo the property at \$115,000, grade and make available for construction at a cost of \$80,000 and will renovate the park at about \$50,000 all for the total of \$380,000. No net rise in the flood plain has been met. Court Street is a public road at urban standards.

Fred Hoppe, Hoppe Brothers, 6100 S. 58th Street, Ste. C, came forward as the developer stating of the 60 rental units 20 will be targeted for persons with mental illness in conjunctions with CenterPointe who will have a staff person on site to work with and provide supportive services for those persons. The 10 townhomes will be rented to families for the 15 compliance period of the low income tax credit program. At the end of that period the occupants of the townhome will be offered the opportunity to buy those units. There will be covenants that will monitor this as well as annual income monitoring and regular compliance checks with the low income tax program. The State Games and Parks Department have designed a shooting range for small arms and an archery range around 40th Street and Superior.

This matter was taken under advisement.

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

TOOK BREAK 3:23 P.M.

RECONVENED 3:30 P.M.

(Jonathan Cook arrived from break after the fourth item was voted upon.)

COUNCIL ACTION

REPORTS OF CITY OFFICERS

RESOLUTION ASSESSING THE COSTS OF THE NORTH 27TH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT AGAINST THE BENEFITTED PROPERTIES - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85276 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

1. The cost of providing for the maintenance of certain public facilities in the North 27th Street Maintenance Business Improvement District including:
 - a. Litter and refuse removal from sidewalks, planting areas, and beautification areas within the public right-of-way;
 - b. Care and maintenance, including replacement, of all landscaping, including watering, fertilizing, weeding, pruning, spraying, and removal and replacement of dead plantings;
 - c. Maintenance (excluding repair) of sidewalks;
 - d. General maintenance of median signs including repair and repainting;including the employment of or contracting for personnel, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the North 27th Street Maintenance Improvement District" and made a part hereof;
2. The cost of said activities is the sum of \$14,198.12.
3. The property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement.
4. Each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements.
5. The cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the North 27th Street Maintenance Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

BE IT FURTHER RESOLVED that the City Council sit as a Board of Equalization for the purpose of equalizing said assessments on the 27th day of April, 2009, at 5:30 p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by John Spatz

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

RESOLUTION ASSESSING THE COSTS OF THE UNIVERSITY PLACE MAINTENANCE BUSINESS IMPROVEMENT DISTRICT AGAINST THE BENEFITTED PROPERTIES - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85277 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

1. The cost of providing for the maintenance of certain public facilities in the University Place Maintenance Business Improvement District including:
 - a. Litter and refuse removal from sidewalks, planting areas, and beautification areas within the public right-of-way;
 - b. Care and maintenance, including replacement, of all landscaping, including watering, fertilizing, weeding, pruning, spraying, and removal and replacement of dead plantings;
 - c. Maintenance (excluding repair) of sidewalks;
 - d. General maintenance of median signs including repair and repainting;including the employment of or contracting for personnel, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the University Place Maintenance Improvement District" and made a part hereof;
2. The cost of said activities is the sum of \$12,315.03.
3. The property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement.
4. Each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements.

5. The cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the University Place Maintenance Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

BE IT FURTHER RESOLVED that the City Council sit as a Board of Equalization for the purpose of equalizing said assessments on the 27th day of April, 2009, at 5:30 p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by John Spatz

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON MARCH 30, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk.

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

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED FEBRUARY 28, 2009 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85278 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended February 28, 2009, \$472,318.16 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by John Spatz

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

REPORT OF FRANCHISE TAX OF BLACK HILLS/NEBRASKA GAS UTILITY CO., LLC FOR THE MONTH OF FEBRUARY 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT OF EMERGENCY 911 OCCUPATION TAX FOR JANUARY 2009: VONAGE AMERICA, VONAGE AMERICA; FEBRUARY 2009: NETWORKS GROUP, VONAGE AMERICA, VONAGE AMERICA - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT OF TELECOMMUNICATION OCCUPATION TAX FOR THE MONTHS OF OCT. - DEC. 2008: NETWORK US; JANUARY 2009: WINDSTREAM NEBRASKA, WINDSTREAM SYSTEMS OF THE MIDWEST, NEXTEL, SPRINT, SPRINT SPECTRUM, NEBRASKA TECHNOLOGY & TELECOMM., NEW CINGULAR WIRELESS, USCOC OF GREATER IOWA, AT&T COMM. OF MIDWEST, TWC DIGITAL PHONE, VERIZON WIRELESS, CIMCO, IBM GLOBAL, NETWORK BILLING, QUANTUM SHIFT, TON SERVICES, KDDI AMERICA, NOS, NOSVA, NORSTAN NETWORK, BUSINESS, MCLEODUSA, WORKING ASSETS FUNDING, ONSTAR, VIRGIN MOBILE USA, ACN, UCN, CELLCO PARTNERSHIP, QWEST, GLOBAL CROSSING, GRANITE, TELECORP, BROADWING, SPECTROTEL, PRIMUS, VERIZON SELECT, TRANS NATIONAL, SIOUX CITY MSA, OMAHA CELLULAR, GLOBALSTAR USA, BROADBAND DYNAMICS, VERIZON LONG DISTANCE, USCOC OF NE/KS, XO COMM., EARTHLINK, NEW EDGE, VOICECOM, TCG OMAHA, TRACFONE WIRELESS, INTELCELL OPERATOR, CINCINNATI BELL ANY DISTANCE, ATI; FEBRUARY 2009: TWC DIGITAL PHONE, AT&T OF MIDWEST, 8X8, QWEST, BUDGET PREPAY, AT&T OF MIDWEST, COMTEL TELCOM ASSETS, LEVEL 3, LEVEL 3, ACN, GRANITE, ALLTEL, ALLTEL OF NE, D&D, NEXTEL, SPRINT SPECTRUM, CRICKET, SPRINT, MCI, SBC LONG DISTANCE, COVISTA, YESTEL USA, WHOLESALE CARRIER, NOS, GLOBALCOM, FIRST COMM., 360NETWORKS (USA), BUS INESS, NEXTEL WEST, BT AMERICAS, UNITE PRIVATE NETWORKS, ATS MOBILE, LIGHTYEAR NETWORK SOLUTIONS, TRI-M, ZONE, ENHANCED, GTC - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Special Permit 08017A - App. of Gana Trucking & Excavating, Inc. for an amendment to continue the excavation of sand, gravel and soil on property at Bluff Road and Highway 77.

Special Permit 09007 - App. of EcoTech Energy Solutions for a wind turbine with request to waive the maximum elevation from 40' to 50' on property at 600 N. Cotner Boulevard.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF JTK, LLC DBA JTK CUISINE & COCKTAILS FOR A CLASS C LIQUOR LICENSE AT 201 N. 7TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85279 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 JTK, LLC dba JTK Cuisine & Cocktails for a Class "C" liquor license at 201 N. 7th 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 Svoboda & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.

MANAGER APPLICATION OF JASON T. KUHR FOR JTK, LLC DBA JK CUISINE & COCKTAILS AT 201 N. 7TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85280 WHEREAS, JTK, LLC dba JTK Cuisine & Cocktails located at 201 N. 7th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Jason T. Kuhr be named manager;

WHEREAS, Jason T. Kuhr 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 Jason T. Kuhr be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF KUHR MOHR LLC DBA MAIN STREET CAFÉ FOR A CLASS I AND K CATERING LIQUOR LICENSE AT 1325 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85281 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 Kuhr Mohr, LLC dba Main Street Cafe for a Class "I" liquor license and "K" catering license at 1325 O Street, Lincoln, Nebraska, for the license period ending April 30, 2010, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF JASON T. KUHR FOR KUHR LLC DBA MAIN STREET CAFÉ AT 1325 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85282 WHEREAS, Kuhr Mohr, LLC dba Main Street Cafe located at 1325 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license and "K" catering license, and now requests that Jason T. Kuhr be named manager;

WHEREAS, Jason T. Kuhr 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 Jason T, Kuhr be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF METRO FOOD MART INC. DBA LEON'S FOOD MART FOR A CLASS C LIQUOR LICENSE AT 2200 WINTHROP ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85283 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Metro Food Mart, Inc. dba Leon's Food Mart for a Class "C" liquor license at 2200 Winthrop Road, 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

MANAGER APPLICATION OF CHRISTOPHER I. VORHIES FOR METRO FOOD MART INC. DBA LEON'S FOOD MART AT 2200 WINTHROP ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85284 WHEREAS, Metro Food Mart, Inc. dba Leon's Food Mart located at 2200 Winthrop Road, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Christopher I. Vorhies be named manager;

WHEREAS, Christopher I. Vorhies 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 Christopher I. Vorhies be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

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

AMENDING CHAPTER 14.29 OF THE LINCOLN MUNICIPAL CODE RELATING TO USE OF STREETS FOR PRIVATE CONSTRUCTION PURPOSES BY AMENDING SECTIONS 14.29.020 AND 14.29.030 TO INCREASE STREET USE AND METERHOOD PERMIT COSTS FOR PRIVATE CONSTRUCTION PURPOSES; AND REPEALING SECTIONS 14.29.020 AND 14.29.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Dan Marvin, amending Chapter 14.29 of the Lincoln Municipal Code relating to Use of Streets for Private Construction Purposes by amending Sections 14.29.020 and 14.29.030 to increase street use and meterhood permit costs for private construction purposes; and repealing Sections 14.29.020 and 14.29.030 of the Lincoln Municipal Code as hitherto existing, the second time.

MISC. 09003 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LAND SUBDIVISION ORDINANCE BY ADDING A NEW SECTION 26.07.013 TO ADD A DEFINITION FOR ACCESS ROAD; AMENDING SECTION 26.11.060 TO MODIFY THE PROCEDURES TO APPEAL FROM FINAL ACTION OF THE PLANNING DIRECTOR; AMENDING SECTION 26.23.140 TO MODIFY THE REQUIREMENT THAT EVERY LOT SHALL FRONT UPON AND HAVE ACCESS TO A PUBLIC STREET FOR LOTS WHICH FRONT UPON A MAJOR STREET; AMENDING SECTION 26.31.010 TO MODIFY THE REQUIREMENTS FOR GRANTING A WAIVER OF LAND SUBDIVISION REQUIREMENTS; AND REPEALING SECTIONS 26.11.060, 26.23.140, AND 26.31.010 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Dan Marvin, amending Title 26 of the Lincoln Municipal Code relating to the Land Subdivision Ordinance by adding a new Section 26.07.013 to add a definition for access road; amending Section 26.11.060 to modify the procedures to appeal from final action of the Planning Director; amending Section 26.23.140 to modify the requirement that every lot shall front upon and have access to a public street for

lots which front upon a major street; amending Section 26.31.010 to modify the requirements for granting a waiver of land subdivision requirements; and repealing Sections 26.11.060, 26.23.140, and 26.31.010 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 14.32 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL EVENTS BY AMENDING SECTION 14.32.020 TO REVISE THE DEFINITION OF SPECIAL EVENT TO PROVIDE THAT THE DEFINITION NOT BE LIMITED TO USES CURRENTLY SET FORTH IN THAT SECTION; AMENDING SECTION 14.32.070 TO EXPAND THE PUBLIC SPACE IN WHICH NO SPECIAL PERMIT SHALL BE ISSUED BEGINNING AT 12:30 A.M. THE DAY OF ANY UNIVERSITY OF NEBRASKA HOME FOOTBALL GAME AND CONTINUING THROUGH 6:30 A.M. THE FOLLOWING DAY; AND REPEALING SECTIONS 14.32.020 AND 14.32.070 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Dan Marvin, amending Chapter 14.32 of the Lincoln Municipal Code relating to Special Events by amending Section 14.32.020 to revise the definition of special event to provide that the definition not be limited to uses currently set forth in that section; amending Section 14.32.070 to expand the public space in which no special permit shall be issued beginning at 12:30 a.m. the day of any University of Nebraska home football game and continuing through 6:30 a.m. the following day; and repealing Sections 14.32.020 and 14.32.070 of the Lincoln Municipal Code as hitherto existing, 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 16 - 31, 2009 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85285 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 April 1, 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>
Linda Gerlach	NAS*	Catherine A. Munoz &
Rodney L. Geis	NAS*	State Farm Insurance Co. \$18,500.00
Ritchie Bros.	NAS*	Christine Shield 500.00
Daphne Sponey-Leybold	\$ 864.15	Cornhusker Dental Clinic 945.00
Servant Cab Co.	3,148.28	Kevin Guse 2,246.92
Jerry C. Martin	NAS*	Troy J. Anderson 1,451.92
Sentry Insurance		Daniel Lewis Sr. 1,149.54
(Claim No. 50A126372-851)	10,060.95	Joan Kinsey 3,050.43
Brandon Mifsud	100.00	

* No Amount Specified

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 Dan Marvin

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

WAIVER NO. 09001 - REQUEST OF THE PLANNING DIRECTOR TO WAIVE THE REQUIREMENTS OF THE LAND SUBDIVISION ORDINANCE FOR PAVING OF Q STREET, INSTALLATION OF SIDEWALKS ON Q STREET AND NORTH 36TH STREET, AND THE INSTALLATION OF A STREET TREE WITHIN SPAHN ADDITION, GENERALLY LOCATED AT NORTH 36TH STREET AND Q STREET - PRIOR to reading:

SVOBODA Moved to amend Bill No. 09R-53 on page 1, line 19 by striking "38th" and inserting 36th and to strike "denied" and inserting approved until such time as the building permit is requested.

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

CLERK Read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85286 WHEREAS, Final Plat # 08040 for Spahn Addition generally located at N. 36th Street and Q Street was previously approved by the City of Lincoln; and

WHEREAS, the conditions of approval of said Final Plat require the paving of Q Street, the installation of sidewalks along Q Street and N. 36th Street and the planting of a street tree along N. 36th Street abutting said Final Plat; and

WHEREAS, applicant has requested a modification to waive said requirements pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has recommended approval of the street paving waiver and denial of the sidewalk and street tree waivers; and

WHEREAS, the City Council finds that the strict application of all requirements would not result in actual difficulties or substantial hardship or injustice to the property owner.

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

1. That the requested waiver of the requirements of Final Plat # 08040 at N. 36th Street and Q Street relating to the paving of Q Street is hereby approved.

2. That the requested waiver of the requirements of Final Plat #08040 at N. 36th Street and Q Street relating to the installation of sidewalks along Q Street and N. 36th Street, and the installation of a street tree along N. ~~38th~~ 36th Street are hereby ~~denied~~ approved until such time vacant lot building permit is requested.

3. That all other conditions for approval of Final Plat # 08040, Spahn Addition, at N. 36th Street and Q Street are hereby ratified and shall remain in full force and effect.

Introduced by Dan Marvin

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

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND STATE DEPARTMENT OF ROADS SO THAT THE IDENTIFIED PROJECTS WILL BE ELIGIBLE FOR FEDERAL HIGHWAY STIMULUS FUNDS PROVIDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR A SIX-LANE DIVIDED CONCRETE PAVEMENT, PROJECT NO. LCLC-55(168), ANTELOPE VALLEY NORTH/SOUTH ROADWAY, P STREET TO VINE STREET - PRIOR to reading:

MARVIN Moved to continue Public Hearing and Action for one week to 4/20/09.

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

APPROVING THE CREEKSIDE VILLAGE REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND CREEKSIDE VILLAGE, LTD., RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF 10TH AND MILITARY ROAD - PRIOR to reading:

MARVIN Moved to amend Bill No. 09R-51 by accepting the substitute Agreement attached hereto.

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

CLERK Read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85287 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement entitled City of Lincoln Redevelopment Agreement (10th & Military Project) which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Creekside Village, Ltd., outlining certain conditions and understandings relating to the redevelopment of property generally located on the west side of 10th and Military Road for development of multi-family rental units, townhomes, associated parking, park and street improvements, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the parties.

BE IT FURTHER RESOLVED that the City Attorney is directed to record the Redevelopment Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the City.

Introduced by Dan Marvin

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

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

VACATION 08009 - APPLICATION OF NEBRASKA ACQUISITION CORP. TO VACATE THE WEST 362 FEET OF THE EAST-WEST ALLEY BETWEEN SOUTH 18TH STREET AND SOUTH 20TH STREET AND BETWEEN J STREET AND K STREET - CLERK read an ordinance, introduced by John Spatz, vacating the west 362 feet of the east-west alley between South 18th Street and South 20th Street and between J Street and K Street, and retaining title thereto, in the City of Lincoln, Lancaster County, Nebraska, the first time.

ANNEXATION 08025 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 10 ACRES OF PROPERTY GENERALLY LOCATED SOUTH AND WEST OF THE SOUTHWEST CORNER OF S.W. 48TH STREET AND WEST O STREET. (RELATED ITEMS: 09-47, 09-48, 09R-57) - CLERK read an ordinance, introduced by John Spatz, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 08061 - APPLICATION OF SHOEMAKER'S TRUCK STATION, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH AND WEST OF THE SOUTHWEST CORNER OF S.W. 48TH STREET AND WEST O STREET. (RELATED ITEMS: 09-47, 09-48, 09R-57) - CLERK read an ordinance, introduced by John Spatz, 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.

COMP. PLAN CONFORMITY 09002 - APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE WEST O STREET REDEVELOPMENT PLAN TO ADD THE "SHOEMAKERS REDEVELOPMENT PROJECT" FOR CONSTRUCTION OF TWO BUILDINGS ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF S.W. 48TH STREET AND WEST O STREET. (RELATED ITEMS: 09-47, 09-48, 09R-57) (ACTION DATE: 4/27/09)

AUTHORIZING THE CITY OF LINCOLN, NEBRASKA TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY, LINCOLN, NEBRASKA, FOR THE ACQUISITION OF STREET LIGHTING EQUIPMENT - CLERK read an ordinance, introduced by John Spatz, authorizing and approving a lease-purchase transaction with Union Bank and Trust Company, the proceeds of which will be used to pay the costs of acquiring and installing street lights and related improvements; approving the issuance, sale and delivery of not to exceed \$2,500,000 principal amount of certificates of participation in such lease; fixing in part and providing for the fixing in part of certain provisions of the lease; and related matters, the first time.

ORDINANCES - 3RD 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 third time.

EMERY Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered #19227, is recorded in Ordinance Book #26, Page

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)- CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85288 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement entitled Phase I Antelope Valley Parkway Plaza Triangle Redevelopment Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Assurity Life Insurance Company, outlining certain conditions and understandings relating to the redevelopment of property generally bounded by 19th Street (a/k/a Antelope Valley Parkway) on the west, Union Plaza on the east, Q Street on the south and R Street on the north in East Downtown Lincoln for a mixed use office building, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the parties.

Introduced by Doug Emery

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

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 third time.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19228**, is recorded in Ordinance Book #26, Page

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) - PRIOR to reading:

SVOBODA Moved to amend Bill No. 09-38 in the following manner:

(a) On page 1, under Article I, Section 1.1, paragraph (b), delete "(the **"Project"**)".

(b) On page 2, under Article I, Section 1.1, in the second to last line of Paragraph (d), in the parenthetical after the work **"Project"** insert the words or the "2009 Project".

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

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 third time.

EMERY Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#19229**, is recorded in Ordinance Book #26, Page

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 third time.

EMERY Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Svoboda; NAYS: None; ABSTAINED: Spatz.
The ordinance, being numbered **#19230**, is recorded in Ordinance Book #26, Page

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)- CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85289 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the agreement entitled Antelope Village Project Redevelopment Agreement (Antelope Village Redevelopment Project) which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Neighborhoods, Inc. dba NeighborWorks Lincoln, outlining certain conditions and understandings relating to the redevelopment of property generally located between P and Q, 23rd and 24th Streets for development of townhomes, a mixed use building consisting of office, retail space and residential condominium units, and a parking lot, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the parties.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Redevelopment Agreement or a summary memorandum thereof against Lots 1 through 12, Block 17, Kinney's O Street Addition, Lincoln, Lancaster County, Nebraska with the Register of Deeds, filing fees to be paid by the City.

Introduced by Doug Emery

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

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)- PRIOR to reading:

MARVIN Moved to amend Bill No. 09R-49 by accepting the attached Exhibits B (Promissory Note) and C (Deed of Trust) to Exhibit "4" (Real Estate Sales Agreement) which is attached to Attachment "A", the Matt Talbot Kitchen & Outreach Project Redevelopment Agreement.

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

CLERK Read the following resolution, introduced by Doug Emery, who moved its adoption as amended:

A-85290 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the agreement entitled Matt Talbot Kitchen and Outreach Project Redevelopment Agreement (Matt Talbot Redevelopment Project) which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Matt Talbot Kitchen and Outreach, Inc., outlining certain conditions and understandings relating to the redevelopment of property generally located at 2121 N. 27th Street for development of the existing Carnegie Library and construction of a new 9,000 square foot building and related parking, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the parties.

BE IT FURTHER RESOLVED that the City Attorney is directed to record the Redevelopment Agreement or a summary memorandum thereof with the Register of Deeds after the redevelopment project site is replatted as Lot 1, B.A. Schmeichel Addition, filing fees to be paid by the City.

Introduced by Doug Emery

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

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 - PRIOR to reading:

SPATZ Moved to delay action for two weeks with continued Public Hearing to 4/27/09.

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

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 third 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 third time.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19231**, is recorded in Ordinance Book #26, Page

OPEN MICROPHONE SESSION

Richard Esquivel, 733 Cumings St., came forward about his concerns of the City's 4th of July celebration being moved to July 3rd. He was also unhappy with preference going to Football Season ticket holders to purchase tickets to Larry the Cable Guy and wondered why the City would support this. He thanked the State of Nebraska for coming forward to do an audit of the Antelope Valley project.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CHANGE OF ZONE 08019 - APPLICATION OF ROBERT AND VICTORIA ROKEY FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 35TH STREET AND SUPERIOR STREET.

CAMP Moved to Withdraw Bill No. 08-64.

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

The ordinance, having been **WITHDRAWN**, was assigned the File **#38-4591** & was placed on file in the Office of the City Clerk.

CAMP Moved to extend the Pending List to April 20, 2009.

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

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on April 20, 2009.

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

REGULAR MEETING
APRIL 13, 2009
Page 640

ADJOURNMENT 4:14 P.M.

CAMP Moved to adjourn the City Council meeting of April 13, 2009.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
So ordered.

Teresa Meier, Deputy City Clerk

Judy Roscoe, Senior Office Assistant