

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, APRIL 28, 2008 AT 5:30 P.M.**

The Meeting was called to order at 5:39 p.m. Present: Council Chair Marvin; Council Members: Camp, Cook, Emery, Eschliman, Spatz, Svoboda; City Clerk, Joan E. Ross.

Council Chair Marvin 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 April 21, 2008 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

MANAGER APPLICATION OF MONTE FROEHLICH FOR OLD FEDERAL PLACE LIMITED LIABILITY COMPANY DBA THE GRAND MANSE AT 129 NORTH 10TH STREET. (4/21/08 - CON'T P.H. W/ACTION ON 4/28/08)- Monte Froehlich, 6011 S. 72th Street, took oath and responded to Council's question that he will remain the manager, but hire an assistant manager.

This matter was taken under advisement.

APPLICATION OF RETT A. BELLAMY DBA SIDEWINDERS FOR A CLASS C LIQUOR LICENSE AT 1644 O STREET - Russ Fosler, Police Dept., took oath and came forward to recommend denial and stated this is a brand new location.

This matter was taken under advisement.

CREATING AND ORDERING CONSTRUCTED SEWER DISTRICT NO. 1183 FOR AN 8-INCH DIAMETER SANITARY SEWER ALONG THE SOUTH SIDE OF L STREET FROM CHRISTENSEN COURT TO THE EAST APPROXIMATELY 170 FEET AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - Elmer Cole, Public Works & Utilities Dept., stated a resident at 430 S. 37th St. has a non-abutting service currently and is concerned he will have a sewer blockage as his neighbor did at 400 S. 37th Street. He is requesting a 9-inch sanitary sewer along the south side of L Street. The maximum assessment rate would be \$34.00 per front foot with a subsidy amount on the balance. The total estimated cost would be \$26,700 with an assessed amount of \$11,740 to be paid by the three residents benefitting; Charles LeCorgne - \$3,716; David Bridger - \$4,182; Elryn Smith - \$3,842. The current line was constructed in 1935 and with the trees in the area it could be cause for potential problems. He stated Wastewater is supporting this at this time and the other two property owners have been contacted. Majority support is not required on utilities such as this.

Dave Bridger, 430 S. 37th Street, came forward as the petitioner. He stated the line from his property to the main is about 383 feet.

This matter was taken under advisement.

REPEALING ORDINANCE NO. 18907 CREATING ALLEY RE-PAVING DISTRICT NO. 48, IN THE EAST/WEST ALLEY, BETWEEN 17TH TO 18TH STREETS, O TO P STREETS DUE TO THE LACK OF MAJORITY PETITION - Elmer Cole, Public Works & Utilities, stated the petitioner did not succeed in obtaining the necessary majority to re-pave this alley so it is now a district for repeal. In response to Council question as why this has to be repealed when a district is ordered to be created but not constructed it is filed in the Deed's office that there is an incumbrance on the property. In order for that incumbrance to be released from the property the original ordinance would need to be repealed to show the Deed's office this property is free. There is a one year deadline for these repeals.

This matter was taken under advisement.

MISCELLANEOUS 05004 - APPLICATION OF CHRIST LUTHERAN CHURCH TO VACATE PORTIONS OF WOODS BROTHERS BRYAN SUMNER ACRES AND ADJACENT PUBLIC RIGHT-OF-WAY, GENERALLY LOCATED AT 43RD AND SUMNER STREETS - Bruce McKeag, 2500 S. 79th Street, came forward to ask for support re-platting and vacating some right of way to allow expansion of the church and school. In response to Council question why this went on consent agenda in 2005 and now it is coming before the council they anticipated having a \$10 million project then had to scale it back to \$5 million so took time to finalize everything.

Clint Thomas, Urban Development & Real Estate Dept., in answer to Council question the City was retaining easement over the entire area of 3/4 acres of land which would make the area of the street right-of-way unbuildable. It was determined this property would only be used for

assemblage, parking, or open space, therefore believes only an abutting landowner would buy such property. A value was placed on it with an easement of 75 cents per square foot which is 30 to 40% of the value of the property. In answer to the \$10,000 difference between the value of the property and what will be charged to the abutting property owner it was determined that when people know additional costs will need to be put into the property they usually look at what they would pay and back those costs out.

This matter was taken under advisement.

CHANGE OF ZONE 08012HP - APPLICATION OF NEBRASKA STATE HISTORICAL SOCIETY FOUNDATION TO DESIGNATE THE LEWIS-SYFORD HOUSE AT 700 NORTH 16TH STREET AS A HISTORIC LANDMARK;

CHANGE OF ZONE 08013HP - APPLICATION OF SIGMA CHI BUILDING ASSOCIATION TO DESIGNATE THE SIGMA CHI FRATERNITY HOUSE AT 1510 VINE STREET AS A HISTORIC LANDMARK;

CHANGE OF ZONE 08014HP - APPLICATION OF NEBRASKA ALPHA ALUMNI ASSOCIATION TO DESIGNATE THE PHI KAPPA PSI FRATERNITY HOUSE AT 1548 S STREET AS A HISTORIC LANDMARK - Ed Zimmer, Planning Dept., came forward to present a brief overview of the historic designations. 700 N. 16th Street owned by the Nebraska Historical Society Foundation who has decided to transfer ownership of this property with a gift of a preservation easement to the City. A potting shed and a carriage house are also part of the landmark designation. 1510 Vine St. belongs to Sigma Chi in the Greek Row Historic Dist. 1548 S Street belongs to Phi Kappa Psi House also in the Greek Row Historic Dist.

This matter was taken under advisement.

CHANGE OF ZONE 2751B - APPLICATION OF SFI PARTNERSHIP TO AMEND THE SIGN REGULATIONS FOR THE COMMERCIAL PORTION OF VAN DORN ACRES PLANNED UNIT DEVELOPMENT TO ALLOW AN ADDITIONAL GROUND SIGN AND A FREE-STANDING MENU BOARD ON PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND VAN DORN STREET - J. D. Burt, Slosburg Company, 10040 Regency Circle, Ste. 200 Omaha, NE, came forward to correct an oversight in 2003 to the Van Dorn P.U.D. The signage was overlooked for the commercial area so it is requested the P.U.D. be amended to allow B-2 sign requirements in the Van Dorn Acres P.U.D.

This matter was taken under advisement.

CHANGE OF ZONE 08010 - APPLICATION OF HUB HALL REAL ESTATE FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT PUD TO DEVELOP UP TO 70,000 SQUARE FEET OF COMMERCIAL FLOOR AREA ON PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND W. HOLDREGE STREET - Hub Hall, 1731 N. 67th St., came forward to request a change of zone from R-3 to B-2 and N.W. 48th Street and N.W. Holdrege.

Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing Hub Hall. He stated this project would allow for 70,000 sq. ft. of commercial space with an average daily trip count cap of 4,400. The proposed use along the north side of the east west private roadway would be limited to 12,000 sq. ft each and to office or retail uses. The proposed access is 600 ft. north of the intersection of NW 48th St. and W. Holdrege was denied by Public Works Dept., therefore some examples of right in and right out access points that have been approved were cited. It is hoped that businesses such as retail, restaurants, bank, medical office, dentist office or veterinary clinic could be brought in.

Jeanette Fangmeyer, 5401 Wilkins Cr., came forward in favor of this project asking that the right-in and right-out into the retail rezoning be approved. She commented about the sidewalks paid for by the Chamber of Commerce in the 1980's that have never been installed in Ashley Heights. She cannot understand why NW 48th Street has not been widened as planned and before it is a tower will need to be removed or the street constructed around it. She answered Council that she feels there is a lack of services in the Air Park area.

Mike Hoelscher, 1630 NW 46th Street, he came forward to state he is in favor of increased commercial business in the Air Park area such as smaller restaurants, serviceable drive-up bank, office spaces, doctor offices, insurance office, and other small commercial space. When asked if there was anything not needed he answered, "a truck stop".

Marvin Krout, Director of Planning Dept., came forward to answer Council questions in reference to the right-in and right-out entrance stating there is a 1/4 mile policy for full service intersections with full turning movement and no access in between. The site at NW 48th & Holdrege does not have full access so shouldn't cram a lot of traffic generated uses on it. Commenting on Council question he stated that the area between 3/4 of a mile between Holdrege and I-80 is proposed for 1.6 million sq. ft. with mostly the frontage of NW 48th Street with up to 25,000 sq. ft. of a variety of commercial with the possibility of a truck stop, hotels, other kinds of uses highway oriented. but also sites for hardware stores, drug stores along with drive-thru's, convenience

stores and for larger retail uses such as home improvement stores and industry use. This area is zoned H-4. There is no need for a P.U.D. because they are not asking for special accommodations on the site of NW 48th Street and W. Holdrege Street. Housing has slowed down in this area so there is not a lot of additional retail demand until there are more rooftops. With the mixed use high density residential would be encouraged and this area is mostly single family and could use a variety of housing. An understandable coherent form for Air Park is needed for long term planning to have the most intensive uses near the freeway and the heavier retail and drive-thru uses south of Holdrege. Transitional offices and personal service uses should be near the residential and needs more residential before the next commercial use is reached.

Chad Blahak, Public Works & Utilities, came forward stating that it is not recommended to have an access off of an urban principle arterial which NW 48th Street is to maintain full safety and capacity. With the right-in & right-out access they would still have to come down to Holdrege and in doing so the only movement this facilitates is the right-out or the northbound in which most likely they would come in from Holdrege and would be just as convenient a movement as off of NW 48th St. There is no proposed deceleration lane from NW 48th Street. There would be one direct connection to west Holdrege Street which is designated as an urban collector to facilitate a higher amount of traffic than a local street. There would also be a connection off of 46th St. into the area. Holdrege Street would be paved prior to any development with enough room for a right turn lane if traffic warranted and is designated as an urban collector so there would be no plans for medians on this street. Sewer is available on the eastside immediately. It is the developer's responsibility to install the sewer. There is a stub across the Interstate, but it does not come anywhere close to the eastside. If the sewer line is 10 inch or above that is considered an impact facility so would have city participation.

Mr. Hunzeker came forward for rebuttal stating that much larger commercial areas in the City have right-in and right-out turn access points. In response to lighting requirements in the arterial he stated it was not required. It was agreed to discuss putting in a deceleration lane and an acceleration lane. If this was agreeable to the developer then an amendment would be prepared. The B-2 P.U.D. was used to give flexibility of the development which is planned to be a traditional kind of neighborhood shopping center type of use. Berming and landscaping will be placed between the commercial area and the residential area.

Marc Palmer, Olsson and Associates, was available for questions.
This matter was taken under advisement.

APPROVING AND RATIFYING THE SUB-GRANT AWARD AGREEMENT BETWEEN THE STATE OF NEBRASKA EMERGENCY MANAGEMENT AGENCY AND THE CITY OF LINCOLN FOR THE FISCAL YEAR 2005 HOMELAND SECURITY GRANT PROGRAM FOR THE PERIOD OF 10/1/04 TO 3/31/07; APPROVING AN EXTENSION OF THE SUB-GRANT AWARD AGREEMENT TO 3/31/08; AND APPROVING A SECOND EXTENSION OF THE SUB-GRANT AWARD AGREEMENT TO 1/31/09 - Ben Higgins, Public Works & Utilities, came forward to state the easement will protect flood storage, flood conveyance, tree masses, open space and other natural functions of the flood plain such as water quality. The City's portion of this purchase comes from the Stormwater Bond issue which is identified for this purpose and is included in the C.I.P. There are no plans at this time to impact or reduce flooding of Beal Slough using this conservation easement.

This matter was taken under advisement.

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

TOOK BREAK 7:44 P.M.

RECONVENED 7:51 P.M.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

SETTING THE HEARING DATE OF MONDAY, MAY 12, 2008, AT 5:30 P.M. ON THE REPORT OF PUBLIC WORKS/SIDEWALK SERVICES FOR SNOW AND ICE REMOVAL ASSESSMENTS FOR THE 2007-2008 WINTER SEASON AGAINST THE VARIOUS PROPERTIES IN SAID REPORT - CLERK requested approval of hearing date of Monday, May 12, 2008 at 5:30 p.m. for snow and ice removal assessments.

EMERY So moved.

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON APRIL 14, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone 08016 - requested by Mark Hunzeker, for an amendment to Chapter 27.63.170 of the Lincoln Municipal Code, allowing the Planning Commission to adjust yard requirements for parking lots required by Special Permit.

Special Permit 08018 - requested by Mark Hunzeker, for a parking lot in a residential zoning district, to allow for parking in required yards and to waive the requirement of a 15 foot site penetration on property legally described as Lots 1 and 2, Block 6, Houtz Addition, located in the SW 1/4 of Section 25-10-6, Lancaster County, Nebraska, generally located at S. 21st Street and F Street.

Special Permit 08020 -, requested by Dan Lehr, to allow a salvage operation, on property legally described as Lots 46 and 55 I.T., located in the NE 1/4 of Section 3-10-7, Lancaster County, Nebraska, generally located at Fletcher Avenue and Highway 6.

SETTING THE HEARING DATE OF MONDAY, MAY 12, 2008 AT 5:30 P.M. FOR THE APPLICATION OF HY-VEE INC. DBA HY-VEE #2 GAS #1386 FOR A CLASS D LIQUOR LICENSE LOCATED AT 1515 N. 84TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84830A BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., 2008 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 Hy-Vee, Inc. dba Hy-Vee #2 Gas #1386 for a Class D liquor license located at 1515 N. 84th 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: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, MAY 12, 2008 AT 5:30 P.M. FOR THE APPLICATION OF SWIG LLC DBA 9 SOUTH CHARGRILL FOR A CLASS IK LIQUOR LICENSE LOCATED AT 844 SOUTH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84831 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., 2008 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 Swig LLC dba 9 South Chargrill for a Class IK liquor license at 844 South 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: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF MONTE FROEHLICH FOR OLD FEDERAL PLACE LIMITED LIABILITY COMPANY DBA THE GRAND MANSE AT 129 NORTH 10TH STREET. (4/21/08 - CON'T P.H. W/ACTION ON 4/28/08) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84832 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 Old Federal Place Limited Liability Company dba The Grand Manse for a Class "I" liquor license at 129 North 10th Street, Lincoln, Nebraska, for the license period ending April 30, 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.

APPLICATION OF RETT A. BELLAMY DBA SIDEWINDERS FOR A CLASS C LIQUOR LICENSE AT 1644 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-84833 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 Rett A. Bellamy dba Sidewinders for a Class "C" liquor license, at 1644 O Street, 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.

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

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

CREATING AND ORDERING CONSTRUCTED SEWER DISTRICT NO. 1183 FOR AN 8-INCH DIAMETER SANITARY SEWER ALONG THE SOUTH SIDE OF L STREET FROM CHRISTENSEN COURT TO THE EAST APPROXIMATELY 170 FEET AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Jonathan Cook, creating Sewer District No. 1183, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

REPEALING ORDINANCE NO. 18907 CREATING ALLEY RE-PAVING DISTRICT NO. 48, IN THE EAST/WEST ALLEY, BETWEEN 17TH TO 18TH STREETS, O TO P STREETS DUE TO THE LACK OF MAJORITY PETITION - CLERK read an ordinance, introduced by Jonathan Cook, re-pealing Ordinance No. 18907 which created Alley Re-paving District No. 48, which Alley Re-paving District included all that portion of Kinney's "O" Street Addition, Block 30, Lot 01 South 71 feet, Lots 2 through 18 all in the Southwest Quarter of the South one half of Section 24, Township 10, Range 6 East of the Sixth Principle Meridian, in the City of Lincoln, Lancaster, County, Nebraska describing the benefitted property and providing for the payment of the cost thereof, the second time.

MISCELLANEOUS 05004 - APPLICATION OF CHRIST LUTHERAN CHURCH TO VACATE PORTIONS OF WOODS BROTHERS BRYAN SUMNER ACRES AND ADJACENT PUBLIC RIGHT-OF-WAY, GENERALLY LOCATED AT 43RD AND SUMNER STREETS - CLERK read an ordinance, introduced by Jonathan Cook, vacating portions of Woods Brothers Bryan Sumner Acres Addition and vacating the remaining portion of S. 43rd Street generally located at S. 43rd and Sumner Streets, Lincoln, Lancaster County, Nebraska, and retaining title thereto in the City of Lincoln, Nebraska, the second time.

CHANGE OF ZONE 08012HP - APPLICATION OF NEBRASKA STATE HISTORICAL SOCIETY FOUNDATION TO DESIGNATE THE LEWIS-SYFORD HOUSE AT 700 NORTH 16TH STREET AS A HISTORIC 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.

CHANGE OF ZONE 08013HP - APPLICATION OF SIGMA CHI BUILDING ASSOCIATION TO DESIGNATE THE SIGMA CHI FRATERNITY HOUSE AT 1510 VINE STREET AS A HISTORIC 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.

CHANGE OF ZONE 08014HP - APPLICATION OF NEBRASKA ALPHA ALUMNI ASSOCIATION TO DESIGNATE THE PHI KAPPA PSI FRATERNITY HOUSE AT 1548 S STREET AS A HISTORIC 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.

CHANGE OF ZONE 2751B - APPLICATION OF SFI PARTNERSHIP TO AMEND THE SIGN REGULATIONS FOR THE COMMERCIAL PORTION OF VAN DORN ACRES PLANNED UNIT DEVELOPMENT TO ALLOW AN ADDITIONAL GROUND SIGN AND A FREE-STANDING MENU BOARD ON PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND VAN DORN STREET - CLERK read an ordinance, introduced by Jonathan Cook, amending the development plan for the Van Dorn Acres Planned Unit Development to amend the sign regulations for the commercial portion of the R-3 PUD to allow an additional ground sign, to reduce the minimum frontage requirement for a ground sign from 300 feet to 245 feet, and to allow menu boards in the R-3 Residential District, on property generally located at S. 84th Street and Van Dorn Street, the second time.

CHANGE OF ZONE 08010 - APPLICATION OF HUB HALL REAL ESTATE FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT PUD TO DEVELOP UP TO 70,000 SQUARE FEET OF COMMERCIAL FLOOR AREA ON PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND W. HOLDREGE STREET - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

PUBLIC HEARING RESOLUTIONS

SPECIAL PERMIT 08015 - APPLICATION OF ROGER SCHWISOW FOR AUTHORITY TO ALLOW MINING/EXTRACTION OF SOIL OF AGRICULTURAL ZONED PROPERTY LOCATED NORTHWEST OF THE INTERSECTION OF N.W. 56TH STREET AND WEST O STREET. (3/31/08 - CON'T P.H. W/ACTION ON 4/14/08) (4/14/08 - CON'T P.H. W/ACTION TO 4/28/08)- PRIOR to reading:

CAMP Moved to continue public hearing w/action to 5/19/08.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF APRIL 1 - 15, 2008 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84834 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 16, 2008, 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>
Thomas & Kimberly Bowen	NAS*	Rod Roth/Cornhusker Motors \$1,153.63
		Joshua Ferguson 938.05

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

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN THE CITY, THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT AND JOHN J. HOLLINGSWORTH, TRUSTEE, FOR THE ACQUISITION OF APPROXIMATELY SEVEN ACRES IN THE BEAL SLOUGH FLOODPLAIN SOUTH OF LONDON ROAD AND EAST OF 56TH STREET, TO PRESERVE FLOOD STORAGE CAPACITY OF THE EASEMENT AREA - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84835 WHEREAS, John J. Hollingsworth, Trustee of the Robert G. Hollingsworth Family Trust and Trustee of the Cora B. Hollingsworth Family Trust has offered to grant a conservation easement to preserve the flood storage capacity and to restrict the development of the property over a portion of the Beal Slough floodplain south of London Road and east of S. 56th Street, and legally described as Lots 15, 93 and Lot 111 Southwest excluding 14.93 +/- in the East part of Section 16, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, as described in the Conservation Easement Agreement attached hereto containing 7 acres more or less; and

WHEREAS, acquisition of this conservation easement by the City and the Lower Platte South Natural Resources District 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, on behalf of the City of Lincoln, Nebraska, the offer of a conservation easement by John J. Hollingsworth, Trustee of the Robert G. Hollingsworth Family Trust and Trustee of the Cora B. Hollingsworth Family Trust over the tracts of land 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.

Introduced by Jonathan Cook

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

APPROVING AND RATIFYING THE SUB-GRANT AWARD AGREEMENT BETWEEN THE STATE OF NEBRASKA EMERGENCY MANAGEMENT AGENCY AND THE CITY OF LINCOLN FOR THE FISCAL YEAR 2005 HOMELAND SECURITY GRANT PROGRAM FOR THE PERIOD OF 10/1/04 TO 3/31/07; APPROVING AN EXTENSION OF THE SUB-GRANT AWARD AGREEMENT TO 3/31/08; AND APPROVING A SECOND EXTENSION OF THE SUB-GRANT AWARD AGREEMENT TO 1/31/09 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84836 WHEREAS, the sub-grant award agreement between the State of Nebraska Emergency Management Agency and the City of Lincoln for the Fiscal Year 2005 Homeland Security Grant Program for the period of October 1, 2004 to March 31, 2007, attached hereto as Attachment "A", was executed by Mayor Coleen Seng without City Council authorization; and

WHEREAS, by letter agreement, dated April 8, 2008, attached hereto as Attachment "B", the sub-grant award agreement was extended to March 31, 2008; and

WHEREAS, the 2005 Grant Adjustment Notice, attached hereto as Attachment "C", extends the sub-grant award agreement for a second extension to January 31, 2009.

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

1. That the sub-grant award agreement between the State of Nebraska Emergency Management Agency and the City of Lincoln for the Fiscal Year 2005 Homeland Security Grant Program for the period of October 1, 2004 to March 31, 2007, (Attachment "A") be and it is hereby accepted, approved, and ratified;

2. That the letter agreement, dated April 8, 2008, (Attachment "B") extending the sub-grant award agreement to March 31, 2008, be and it is hereby accepted, approved, and ratified;

3. That the 2005 Grant Adjustment Notice (Attachment "C") extending the sub-grant award agreement for a second extension to January 31, 2009, be and it is hereby accepted and approved;

4. That the Mayor is authorized to sign on behalf of the City of Lincoln the attached second extension of the sub-grant award agreement and any future one-year extensions, and any other necessary amendments in accordance with the terms, conditions and assurances contained in the sub-grant award agreement.

The City Clerk is directed to return one executed copy of the second extension of the sub-grant award agreement to Al Berndt, Assistant Director, State of Nebraska Emergency Management Agency, 1300 Military Road, Lincoln, NE 68508-1090.

Introduced by Jonathan Cook

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

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND SCOTT & CINDY JENSEN FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 320 N. STATE STREET, OSCEOLA, NEBRASKA - CLERK read an ordinance, introduced by Doug Emery, accepting and approving a Lease Agreement between the City of Lincoln and Scott & Cindy Jensen for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program located at 320 N. State Street, Osceola, NE 68651, for a 12-month term from June 1, 2008 through May 31, 2009, the first time.

CHANGE OF ZONE 08011 - APPLICATION OF THE CEDARS HOME FOR CHILDREN FOR A CHANGE OF ZONE FROM R-1 RESIDENTIAL DISTRICT TO R-1 RESIDENTIAL PUD ON PROPERTY GENERALLY LOCATED AT S. 66TH STREET AND PIONEERS BLVD. TO PERMIT A NONPROFIT RELIGIOUS, EDUCATIONAL AND PHILANTHROPIC INSTITUTION WITH DOMESTIC SHELTER, CHILDREN'S HOME AND ADMINISTRATIVE OFFICE IN THE R-1 ZONING DISTRICT - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE 3 AMIGOS PROPERTIES FOR A LEASE OF SPACE FOR A THREE-YEAR TERM FOR USE BY THE LINCOLN POLICE DEPARTMENT - CLERK read an ordinance, introduced by Doug Emery, accepting and approving the 1ST Lease Addendum to the previously approved Lease Agreement between The 3 Amigos Properties, LLC and the City of Lincoln for a lease of space for an additional term of November 1, 2008 through October 31, 2011, for use by the Lincoln Police Department, the first time.

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

AMENDING CHAPTER 2.54 OF THE LINCOLN MUNICIPAL CODE RELATING TO CONFLICTS OF INTEREST OF OFFICERS AND EMPLOYEES TO DECLARE THE POLICY OF THE CHAPTER; TO REVISE THE DEFINITION OF IMMEDIATE FAMILY; TO ADOPT STANDARDS FOR ETHICAL CONDUCT OF OFFICERS AND EMPLOYEES, INCLUDING GENERAL PRINCIPALS RELATING TO FINANCIAL INTERESTS, USE OF INFORMATION, STATUS, OR PROPERTY FOR PRIVATE GAIN, AND CONTRACTING WITH THE CITY; TO REQUIRE CANDIDATES FOR OFFICE TO DISCLOSE EXISTING OR PENDING CONTRACTUAL RELATIONSHIPS WITH THE CITY; TO DECLARE INTERESTS IN CONTRACTS BY REVISING LANGUAGE, POSTING OF INFORMATION ON WEBSITES, TO REQUIRE ADDITIONAL INFORMATION ON DISCLOSURES, TO EXTEND BID DEADLINES, AND TO REQUIRE COUNCIL APPROVAL OF SUCH CONTRACTS. (3/31/08 - CON'T ON 1ST READING; TO HAVE P.H. 4/14/08) (4/7/08 - CON'T. 1ST READING TO 4/14/08) - PRIOR TO READING:

SPATZ Moved amendment #1 of Bill No. 08-37 in the following manner:

- (1) On page 2, line 23 after the word "mean" insert "(1)".
- (2) On page 3, line 2 after the word "member" insert " , or (2) any disclosure statement required by the Nebraska Political Accountability and Disclosure Act".
- (3) On page 3, line 15 after the word "Lincoln" insert " , as defined in Section 2.76.065,"
- (4) On page 4, line 11 strike the semicolon and the words ";General Principles".
- (5) On page 4, line 12 strike the words "general principles".
- (6) On page 4, lines 15 and 16, after the word "herself" on line 15, strike the words "a member of his or her immediate family, or a business with which the individual is associated" and insert in lieu thereof "or any other person or business".
- (7) On page 7, line 10 strike the words "dais during" and insert in lieu thereof "room during the deliberation and".
- (8) On page 9, line 14 strike the words "any provision of this chapter" and insert in lieu thereof "Section 2.54.040(a)".

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

SPATZ Moved amendment #3 of Bill No. 08-37 in the following manner:

- (1) On page 4, line 23, after the word "their" insert the word "legal".
- (2) On page 5, line 6, after the second word in the line ("or") insert the words "who is".

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

COOK Moved amendment #5 of Bill No. 08-37 in the following manner:

1. On page 5, line 20, between the words "and has" insert the word "who".
2. On page 5, lines 20 and 21, after the words "and has" on line 20, strike the language "a significant financial interest as described in subsection (a) above," and insert in lieu thereof the following:

" , or a member of whose immediate family has, a significant financial interest in any contract or will receive a direct pecuniary fee or commission as a result of a contract for the provision of goods or services (including rentals of property and equipment) to the City or to any entity or political subdivision of which the City is a member:

3. On page 6, line 11, after the word "contract", insert the following language: "or receive a direct pecuniary fee or commission as the result of a contract".
4. On page 7, line 24 strike the word "ownership" and insert in lieu thereof: "significant financial"; after the word "interest" insert the words "in the business or contract"; and after the word "fee" strike the comma and insert the words "or commission".
5. On page 7, line 24 and page 8, line 1, strike the following: "prescribed in subdivisions subsections (a)(1) and (a)(2) of this section, " and insert in lieu thereof: "a result of the contract."
6. On page 8, line 1, strike the word "an" and insert in lieu thereof the words "a significant financial".
7. On page 8, line 6, strike the word "an" and insert in lieu thereof the words "a significant financial".
8. On page 8, lines 6 and 7 strike the following: "Notwithstanding the provision of Subdivision (b) (23) of this section,"
9. On page 8, line 7, begin a new paragraph and insert subsection reference "(e)"; and capitalize the letter "i" in the word "If" and renumber the remaining subsections.
10. On page 8, line 8, strike the word "vote" and insert in lieu thereof the word "participate"; between the words "the contract" insert the word "employment"; after the word "contract" insert the following: "involving the officer's parent, spouse, or child".

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

COOK

Moved amendment # 4 of Bill No. 08-37 in the following manner:

1. On page 6, line 9, after "(a)" strike the following language: "Except as provided in this section, No" and insert in lieu thereof the word "No."
2. On page 6, line 22, after the word "apply" insert: "to officers or employees, except for directors or heads of all departments established pursuant to city Charter and administrative assistants to the mayor".

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

CLERK

Read an ordinance, introduced by John Spatz, amending Chapter 2.54 of the Lincoln Municipal Code relating to conflicts of interest of officers and employees to declare the policy of the Chapter; to revise the definition of immediate family; to adopt standards for ethical conduct of officers and employees, including general principals relating to financial interests, use of information, status, or property for private gain, and contracting with the City; to require candidates for office to disclose existing or pending contractual relationships with the City; to declare interests in contracts by revising language, posting of information on websites, to require additional information on disclosures, to extend bid deadlines, and to require Council approval of such contracts, the third time.

SPATZ

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 #19075, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Lucas Peterson, no address given, came forward to ask the Council to create a city ordinance establishing non-discriminating acts in terms of employment or housing towards the gay, lesbian, bisexual, transgender community.

This matter was taken under advisement.

Mike Morosin, no address given, presented a contract for moving his property in the Antelope Valley. He pointed out that the City was charged for moving two sheds when only one was moved; towing five autos and only 4 were towed; and the rental of a fork lift that was not used. He has contacted the State Auditor requesting an investigation.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

AMENDING CHAPTER 2.54 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW SECTION ENTITLED "STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES & ELECTED OFFICIALS" TO SUPPLEMENT THE EXISTING CONFLICTS OF INTEREST REGULATIONS - CLERK requested a motion to Withdraw Bill No. 02-114.

EMERY So moved.

Seconded by Svoboda & carried by the following vote: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, having been **WITHDRAWN**, was assigned the File #38-4570 & was placed on file in the Office of the City Clerk.

COMP. PLAN AMENDMENT NO. 05011 - AMENDING THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN BY CHANGING APPROXIMATELY 14 ACRES OF PUBLIC/SEMI-PUBLIC AND GREEN SPACE TO COMMERCIAL USE, ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF N. 84TH ST. AND HAVELOCK AVE. (RELATED ITEMS: 05R-301, 05R-302) (12/19/05 - PLACED ON PENDING INDEFINITELY);

APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE LANCASTER COUNTY AGRICULTURAL SOCIETY ASSOCIATED WITH THE SOCIETY'S REQUEST FOR A COMPREHENSIVE PLAN AMENDMENT DESIGNATING APPROXIMATELY 14.4 ACRES GENERALLY LOCATED ON THE SOUTHEAST CORNER OF 84TH ST. AND HAVELOCK AVE. AS COMMERCIAL. (RELATED ITEMS: 05R-301, 05R-302):

SVOBODA Moved to remove and send Bill No. 05R-301 & 05R-302 back to the Planning Commission.

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

CAMP Moved to extend the Pending List to May 5, 2008.

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 May 5, 2008.

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

ADJOURNMENT 8:57 P.M.

CAMP Moved to adjourn the City Council meeting of April 28, 2008.

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

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant