

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JULY 7, 2008 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 J. 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 June 23, 2008 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.

PUBLIC HEARING

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND WHITEHEAD OIL COMPANY FOR THE DEVELOPMENT OF THE PROPERTY GENERALLY LOCATED AT S. 33RD AND A STREETS SUBJECT TO RESTRICTIONS ON ACCESS TO A STREET, USES, LIGHTING, AND SIGNAGE TO BE COMPATIBLE WITH THE ADJACENT RESIDENTIAL NEIGHBORHOOD;

CHANGE OF ZONE 08023 - APPLICATION OF WHITEHEAD OIL CO. FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON APPROXIMATELY .13 ACRES GENERALLY LOCATED NORTHWEST OF S. 33RD AND A STREETS - Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing the applicant who is the owner/seller. He stated the property was sold to Family Drug with plans for commercial development in the near future. In answer to Council questions he stated he was not aware of any discussion by the developer to request City financing for a business estimated to be in the range of 12-14,000 square feet in size.

This matter was taken under advisement.

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 - Peter Katt, 600 Wells Fargo Center, 1248 O St., came forward representing the applicant to continue discussions which initiated in April 2008 and to present resolution amendments. Mr. Katt stated that it is a reasonable requirement to install two monitoring wells as recommended by the Lower Platte South NRD with annual testing to provide adequate information but is not in agreement for installing additional soil borings and monthly water testing.

Steve Huggenburger, Assistant City Attorney, came forward to answer Council questions stating it is the practice of his office to handle anonymous complaints. He clarified the City does not provide water outside city limits.

Marvin Krout, Director of Planning, came forward to state the Schwisow property falls within the three-mile perimeter of the City. He said the Departments of Planning and Building & Safety have jurisdiction beyond this ring due to an Interlocal Agreement.

Mike Merwick, Director of Building & Safety, came forward to clarify that his department provides the same services in the County, excluding villages, as provided in the City; furthermore, costs incurred by the County are reimbursed to the City. Mr. Merwick stated that his department responds to anonymous complaints, followed by enforcement with a chance for violators to correct deficiencies. He said that special treatment is not needed for a soil mining operation.

LeRoy Sievers, Knudsen, Berkheimer, Richardson & Endacott LLP, 3800 VerMaas Place, Suite 200, Attorney for Emerald SID #6, came forward to state that frequent well monitoring will assist in being an early

warning system allowing for a contamination problem to be solved. In answer to Council questions he stated that the most likely cause of contamination would come from either a fuel tank leak or some buried element.

Mr. Katt came forward in rebuttal stating his client's risk of contamination is extremely remote. He questioned why a language restriction stating "the source of water shall not be from the City of Lincoln" is placed on his client but not placed on other applicants? He suggested a two-week delay of vote to allow additional discussion and better crafting of the amendment language.

This matter was taken under advisement.

APPROVING THE FISCAL YEAR 2008 ACTION PLAN: ONE YEAR USE OF FUNDS FOR PLAN FOR HUD ENTITLEMENT PROGRAMS - Wynn Hjermsstad, Urban Development Community Development Manager, came forward to explain that although Urban Development administers the federal funds, an accounting is provided to HUD as to how three types of funds: CDBG, HOME, ADDI, will be used in a strategic five-year plan.

This matter was taken under advisement.

APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN FOR THE NORTH HAYMARKET MIXED-USE REDEVELOPMENT AREA, PHASE II OF THE NORTH HAYMARKET ARTS AND HUMANITIES CENTER BLOCK, FOR THE REDEVELOPMENT OF AN EXISTING PUBLICLY OWNED BUILDING, THE DEMOLITION OF AN EXISTING WAREHOUSE AND RECONSTRUCTION AS A MIXED-USE BUILDING WITH RETAIL AND HOTEL ON PROPERTY DESCRIBED AS LOTS 1 AND 2, THE ARTS & HUMANITIES BLOCK ADDITION - Dallas McGee, Urban Development Assistant Director, came forward to clarify that this is an amendment to the Lincoln Center Redevelopment Plan to create a TIF district to enable the development of a \$16 million mixed-use project in Haymarket. He said Phase II involves the development of a hotel which will anchor the southwest corner of 8th & R Streets. He stated an agreement will be put together and brought back to Council at a later date. In answer to Council questions, Mr. McGee said an estimated \$1.8 million of TIF would be used to help redevelop the dock on 8th Street, utility improvements: electrical lines, water & sewer lines running through the block, as well as "S" Street itself.

Hallie Salem, Urban Development Community Development Program Specialist, came forward to clarify that TIF funds for the Sawmill Project amounted to \$267,000 which was applied to LES utility improvements and streetscape use. In reference to Phase II, Ms. Salem said the hotel will generate 42-48 jobs with an additional 20 in retail.

Will Scott, Principal, WRK, LLC, 440 N. 8th St., came forward to speak on behalf of the development to state that the hotel will create a new market providing rooms that attract different people who may choose a long stay. He said the hospitality component is one way to maximize density in an urban setting for more than a specific event.

Josh Berger, Project Director, WRK, LLC, 440 N. 8th St., came forward to state that the Sawmill Project has brought about a number of jobs.

Mr. McGee came forward in rebuttal to answer questions about the project and stated that once the area is created they can sit down and negotiate details in accommodating the developer's needs for utilities and additional parking.

This matter was taken under advisement.

APPROVING A RESOLUTION SUPPORTIVE OF THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION IN EXPLORING MEANS OF FINANCING AND CONSTRUCTING A NEW JAIL FACILITY TO SERVE THE COMMUNITY OF LANCASTER COUNTY AND REQUESTING A PROPOSAL SETTING FORTH THE DETAILS OF SUCH PROJECT BE SUBMITTED FOR CITY COUNCIL CONSIDERATION AND APPROVAL - Council Member Ken Svoboda spoke on behalf of this resolution requesting the City's support in this process.

Bob Workman, 10075 Branched Oak Road, Waverly, Lancaster County Board of Commissioners Chair, came forward to request support of the proposal as the County has been out of compliance with state law for eight years because of an overcrowded jail.

Terry Wagner, Lancaster County Sheriff, came forward in favor of the jail proposal.

Mr. Svoboda spoke in rebuttal to explain that of the 14% County property tax bill, 92% comes from Lincoln property owners.

Scott Keene, Ameritas Investment Corp., came forward to answer a question in regard to the first ten years of repayment. He stated the difference between a County-stand-alone financing and a Joint Public Building Commission financing, is about a penny to the City and County property taxpayers. He clarified that the information reported about the two cents relates to the difference in the debt service payments.

Lauren Wismer, Gillmore & Bell, Bond Counsel, was on hand for questioning.

This matter was taken under advisement.

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

TOOK BREAK 3:23 P.M.

RECONVENED 3:35 P.M.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING AMRITA MAHAPATRA TO THE MULTICULTURAL ADVISORY COMMITTEE FOR A TERM EXPIRING SEPTEMBER 18, 2008 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84916 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Amrita Mahapatra to the Multicultural Advisory Committee for a term expiring September 18, 2008, is hereby approved.

Introduced by Dan Marvin

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

REAPPOINTING DR. JOHN S. BONTA TO THE EMERGENCY MEDICAL SERVICES INC. BOARD OF DIRECTORS FOR A TERM EXPIRING MARCH 28, 2011 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84917 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Dr. John S. Bonta to the Emergency Medical Services Inc. Board of Directors for a term expiring March 28, 2011, is hereby approved.

Introduced by Dan Marvin

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

REAPPOINTING DR. AMEETA MARTIN TO THE EMERGENCY MEDICAL SERVICES INC. BOARD OF DIRECTORS FOR A TERM EXPIRING MARCH 28, 2011 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84918 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Dr. Ameeta Martin to the Emergency Medical Services Inc. Board of Directors for a term expiring March 28, 2011, is hereby approved.

Introduced by Dan Marvin

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

REGULAR MEETING

July 7, 2008

Page 112

APPOINTING RODNEY H. HUTT TO THE EMERGENCY MEDICAL SERVICES INC. BOARD OF DIRECTORS FOR A TERM EXPIRING MARCH 28, 2011 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84919 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Rodney H. Hutt to the Emergency Medical Services Inc. Board of Directors for a term expiring March 28, 2011, is hereby approved.

Introduced by Dan Marvin

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 RESOLUTIONS AND ORDINANCES PASSED BY CITY COUNCIL ON JUNE 16, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY CITY COUNCIL ON JUNE 23, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JUNE 30, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

LINCOLN ELECTRIC SYSTEM ANNUAL REPORT FOR 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

LINCOLN WATER AND WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF JUNE 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JULY 21, 2008 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF JACOB LIND FOR CB HOLDINGS, INC. DBA CHASERS LOUNGE LOCATED AT 140 N. 12TH STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84920 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 21, 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 the manager application of Jacob Lind for CB Holdings Inc. dba Chasers Lounge located at 140 N. 12th Street.

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

Introduced by John Spatz

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

SETTING THE HEARING DATE OF MONDAY, JULY 21, 2008 AT 1:30 P.M. FOR THE APPLICATION OF DOWN THE HATCH, INC. DBA DOWN THE HATCH FOR AN ADDITION TO PREMISE OF THEIR EXISTING CLASS I LIQUOR LICENSE ADDING A BEER GARDEN AREA APPROX. 40 FT. X 12 FT. LOCATED AT 5601 NW 1ST STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84921 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 21, 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 the application of Down the Hatch, Inc. dba Down the Hatch for an addition to premise of their existing Class I liquor license adding a beer garden area approx. 40 ft. x 12 ft. located at 5601 NW 1st Street.

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

Introduced by John Spatz

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

THE FOLLOWING HAVE BEEN REFERRED ON JUNE 19, 2008 TO THE PLANNING DEPARTMENT:

Change of Zone No. 08028 - Req. by the Director of Planning to amend Sections 27.25.020 and 27.25.030 of the Lincoln Municipal Code to allow private schools as a permitted use in the O-1 Office District.

Change of Zone No. 08029 - App. of Nebraska Acquisition Corp. from R-6 Residential District and R-7 Residential District to O-1 Office District on property generally located at S. 18th Street and K Street.

Change of Zone No. 08030 - App. of Charles and Nancy Ogden amending Section 27.63.400 of the Lincoln Municipal Code relating to the preservation of a historic structure as a permitted special use to allow the City Council to grant adjustments to the height and area regulations of the district in which a historic structure is located; and repealing Section 27.63.400 of the Lincoln Municipal Code as hitherto existing.

Change of Zone No. 08031 - App. of Charles and Nancy Ogden to designate as a Historic Landmark property known as the Ogden House located at 1256 Fall Creek Road.

Change of Zone No. 08033 - App. of Chateau Development from R-3 Residential District to R-4 Residential District on property generally located at N. 56th Street and Holdrege Street.

Change of Zone No. 08034 - Req. by the Director of Planning amending Section 27.69.020 of the Lincoln Municipal Code relating to Sign Code Definitions by amending the definition of pole sign to delete the requirement that the bottom edge of the sign face is ten feet or more above grade and to delete the reference that a pylon sign is a pole sign; and repealing Section 27.69.020 of the Lincoln Municipal Code as hitherto existing.

Change of Zone No. 08035 - Req. by the Director of Planning, amending Chapter 26.33 of the Lincoln Municipal Code relating to fees by amending Section 26.33.010 to provide that any person submitting an application under Title 26 of the Lincoln Municipal Code shall pay an appropriate fee therefor as established by resolution of the City Council; repealing Sections 26.33.020, 26.33.030, 26.33.050, 26.33.060, 26.33.070, 26.33.080, 26.33.090, 26.33.100, 26.33.110, 26.33.120, and 26.33.130 which set said fees by ordinance of the City Council; and repealing Section 26.33.010 of the Lincoln Municipal Code as hitherto existing.

Special Permit No. 1174G - App. of Chateau Development Chateau Le Fleur Community Unit Plan an amendment for an additional 144 multi-family units with a waiver request to the landscape screening on property located at 6100 Vine Street.

Special Permit No. 1624A - App. of The Eby Group, for an amendment to increase the allowed occupancy from 46 to 57 people, on property generally located at S. 45th Street and Old Cheney Road.

Special Permit No. 1658A - App. of Nathan Habel for an amendment for expansion of a non-standard dwelling unit on property generally located at S. 8th Street & Garfield Street.

Special Permit No. 08026 - App. of Opus² Construction LLC for expansion of a non-standard dwelling unit on property generally located at S. 15th Street and C Street.

Special Permit No. 08027 - App. of Charles and Nancy Ogden for an addition of a carriage house to existing property with waiver requests to the rear and side yard setbacks on property generally located at S. 52nd Street and A Street.

LIQUOR RESOLUTIONS - NONE

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

APPROVING THE MASTER FIBER IRU CONVEYANCE AND CONDUIT SHARING AGREEMENT FOR A TERM OF 20 YEARS BETWEEN THE CITY AND UNITE PRIVATE NETWORKS FOR THE PLACEMENT AND SHARING OF NETWORK FACILITIES ON CITY RIGHT-OF-WAY - CLERK read an ordinance, introduced by Dan Marvin, accepting and approving the Master Fiber IRU Conveyance and Conduit Sharing Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Unite Private Networks, LLC (Unite) for the placement and sharing of network facilities upon City right-of-way property and authorizing the Mayor to sign such Agreement on behalf of the City, the second time.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND WHITEHEAD OIL COMPANY FOR THE DEVELOPMENT OF THE PROPERTY GENERALLY LOCATED AT S. 33RD AND A STREETS SUBJECT TO RESTRICTIONS ON ACCESS TO A STREET, USES, LIGHTING, AND SIGNAGE TO BE COMPATIBLE WITH THE ADJACENT RESIDENTIAL NEIGHBORHOOD. (RELATED ITEMS: 08R-143, 08-76) (ACTION DATE: 7/14/08).

CHANGE OF ZONE 08023 - APPLICATION OF WHITEHEAD OIL CO. FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON APPROXIMATELY .13 ACRES GENERALLY LOCATED NORTHWEST OF S. 33RD AND A STREETS. (RELATED ITEMS: 08R-143, 08-76) - CLERK read an ordinance, introduced by Dan Marvin, 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) (4/28/08 - Con't. P.H. w/Action to 5/19/08) (5/19/08- Placed on Pending, No Date Certain) (6/9/08 - Removed from Pending to have P.H. on 7/7/08) - PRIOR to reading:

EMERY Moved to continue Public Hearing with Action for Bill No. 08R-82 to July 28, 2008.

Seconded by Marvin & 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 JUNE 1 - 15, 2008 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84922 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 June 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>
Jesse Rabago	\$ 240.00	The Buckle, Inc. \$432.82
Todd R. Hanson	328.50	
Gina Cotton	269.11	
David L. Partridge	6,351.73	
Mitchell Locken	207.79	
Scott McPherson	100.00	

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

Introduced by Dan Marvin

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

APPROVING THE FISCAL YEAR 2008 ACTION PLAN : ONE YEAR USE OF FUNDS FOR PLAN FOR HUD ENTITLEMENT PROGRAMS - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84923 WHEREAS, the City of Lincoln, Nebraska, acting by and through the Mayor as the Chief Executive Officer and the City Council as the Legislative body of this City, with full citizen participation with reference thereto and in full compliance with the U.S. Department of Housing and Urban Development requirements, has prepared the City of Lincoln Fourth Program Year Action Plan - 2008 (hereinafter "FY 2008 Action Plan" or "Action Plan") outlining the activities and initiatives of Urban Development for CDBG, HOME, and ADDI entitlement funds from HUD Entitlement Programs under the provisions of 24 C.F.R., Part 91, et al.; and

WHEREAS, such plan includes the proposed community development activities and community development objectives, all prepared in full compliance with the requirements, instructions, and recommendations contained in the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and American Dream Downpayment Initiative; and

WHEREAS, such plan and the items contained therein and each of them appear to be in the best interest of the City of Lincoln, Nebraska; and

WHEREAS, certain assurances must be incorporated into the City of Lincoln's FY 2008 Action Plan, as prescribed in the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and American Dream Downpayment Initiative and 24 C.F.R., Part 91.

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

That the FY 2008 Action Plan, a copy of which is attached hereto, is hereby approved and the Mayor is authorized to submit the FY 2008 Action Plan to the Department of Housing and Urban Development for total grants for Fiscal Year 2008-09 in the amount of \$2,830,736 (\$1,748,426 CDBG; \$1,070,279 HOME; and \$12,031 ADDI) under the provisions of Title I of the Housing and Community Development Act of 1974, as amended, Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, Title IV of Subtitle B of the Stewart B. McKinney Homeless Assistance Act of 1988, as amended, and each and every item included therein is hereby approved. The Mayor and other City officials charged with responsibilities pertinent to the proposed certifications are hereby authorized to execute said certifications for and on behalf of the City of Lincoln, Nebraska, and the Mayor is hereby authorized and directed to execute said statement for and on behalf of the City of Lincoln, Nebraska, to submit same to the Secretary of Housing and Urban Development, or his designate, in the form and substance as required by the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and the American Dream Downpayment Initiative (ADDI), and to supplement such Action Plan in any way reasonably required by the Department of Housing and Urban Development to expedite approval of the same.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements of Federal Management Circulars 74-4 and 74-7 and OMB Circular A-87 and 24 Code of Federal Regulations, Part 85, as they relate to the FY 2008 Action Plan, acceptance and use of Federal funds for the City's federally-assisted programs.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska hereby assures and certifies with respect to the FY 2008 Action Plan that:

1. The City will affirmatively further fair housing.
2. The City has in effect and is following a residential anti-displacement and relocation assistance plan.
3. The City will continue to provide a drug-free workplace by:
 - a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - b. Establishing an ongoing drug-free awareness program to inform employees about -
 - i. The dangers of drug abuse in the workplace;
 - ii. The grantee's policy of maintaining a drug-free work-place;
 - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by subparagraph (1);
 - d. Notifying the employee in the statement required by sub-paragraph (a) that, as a condition of employment under the grant, the employee will:
 - i. Abide by the terms of the statement; and
 - ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.ii. from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designed on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 - f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.ii., with respect to any employee who is so convicted -
 - i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
 - g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs a, b, c, d, e, and f.
4. The City will comply with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms if required by that part. The City further certifies that to the best of the City's knowledge and belief:
 - a. No federal appropriated funds have been paid or will be paid, by or on behalf of the City, to any person for influencing or attempting to influence any officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;

b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

c. The City will require that the language of paragraph 4 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

5. The City possesses legal authority under state and local law to make a grant submission and to carry out the proposed community development and housing program for which it is seeking funding in accordance with applicable HUD regulations. By passage of this resolution, the Mayor, as the official representative of the City of Lincoln is hereby authorized to submit the Action Plan, including all the understandings and assurances contained therein. Further the Mayor is hereby directed and authorized to act in connection with the submission of the Action Plan and to provide such additional information as may be required.

6. The housing activities to be undertaken with CDBG, HOME, and ADDI funds are consistent with the City's strategic plan.

7. The City will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under 24 C.F.R. § 570.606(b) and Federal implementing regulations; and the requirements in 24 C.F.R. § 570.606(c) governing the residential antidisplacement and relocation assistance plan under Section 104(d) of the Act (including a certification that the grantee is following such a plan); and the relocation requirements of 24 C.F.R. § 570.606(d) governing optional relocation assistance under Section 105(a)(11) of the Act.

8. The City will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701a) and implementing regulations at 24 CFR Part 135.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies with respect to the Community Development Block Grant program portion of the FY 2008 Action Plan that:

1. The City is in full compliance and following a detailed citizen participation plan that satisfies the requirement of 24 CFR § 91.105 and which:

a. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used, and provides for participation of residents in low and moderate income neighborhoods as defined by the City;

b. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the City's proposed use of funds, as required by the regulations of the Secretary, and relating to the actual use of funds under the Act;

c. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;

d. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;

e. Provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and

f. Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate;

2. The City's strategic housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been in accordance with the primary objective of the statute authorizing the CDBG Program, as described in 24 CFR 570.2 and the requirements of 24 CFR Part 91 Subpart C and 24 CFR Part 570.

3. The City is following a current HUD approved consolidated plan.

4. The City has developed its final statement of projected use of funds so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight; (the final statement of projected use of funds may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available); except that the aggregate use of CDBG funds received under Section 106 of the Act and, if applicable, under Section 108 of the Act, during program year 2008 shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit such persons during such period.

The City will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under Section 106 of the Act or with amounts resulting from a guarantee under Section 108 of the Act by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

a. Funds received under Section 106 of the Act are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of the Act; or

b. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the City certifies to the Secretary that it lacks sufficient funds received under Section 106 of the Act to comply with the requirements of subparagraph (1) above.

5. The City has adopted and is enforcing:

a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

b. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

6. The City will conduct and administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d *et seq.*), the Fair Housing Act (42 U.S.C. 3601-19), and implementing regulations.

7. The City's notification, inspection, testing and abatement procedures concerning lead-based paint will comply with 24 C.F.R. § 570.608.

8. The City will comply with all applicable law.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies with respect to the HOME program portion of the FY 2008 Action Plan that:

1. The tenant-based assistance is an essential element of its strategic plan;

2. The City is using and will use HOME funds for eligible activities and costs, as described in §§ 92.205 through 92.209 of 24 C.F.R., Subtitle A, and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214 of 24 C.F.R. Subtitle A;

3. Before committing funds to a project, the City will evaluate the project in accordance with guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other federal assistance than is necessary to provide affordable housing.

Introduced by Dan Marvin

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

APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN FOR THE NORTH HAYMARKET MIXED-USE REDEVELOPMENT AREA, PHASE II OF THE NORTH HAYMARKET ARTS AND HUMANITIES CENTER BLOCK, FOR THE REDEVELOPMENT OF AN EXISTING PUBLICLY OWNED BUILDING, THE DEMOLITION OF AN EXISTING WAREHOUSE AND RECONSTRUCTION AS A MIXED-USE BUILDING WITH RETAIL AND HOTEL ON PROPERTY DESCRIBED AS LOTS 1 AND 2, THE ARTS & HUMANITIES BLOCK ADDITION - PRIOR to reading:

MARVIN Moved to amend Bill No. 08R-145 to substitute Attachment "A" attached hereto for the Attachment "A" attached to Bill No. 08R-145.

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

CAMP Moved to Delay Action on Bill No. 08R-145 to July 28, 2008.

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

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

A-84924 WHEREAS, the City Council on October 22, 1984, adopted Resolution No. A-69713 finding an area generally bounded by "R" Street, 17th Street, "S" Street, and 7th Street to be blighted, and on October 19, 1987, adopted Resolution No. A-71701 finding said area to be blighted and substandard as defined in the Nebraska Community Development Law (Neb.Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

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

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

WHEREAS, the Director of Urban Development has reviewed said Amendments and has considered and found that if adopted the Amendments and the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing the conditions set forth in Neb. Rev. Stat. § 18-2113(1) (2006 Cum. Supp.); and

WHEREAS, the Director of Urban Development is recommending the Plan to the City Council for approval; and

WHEREAS, the City Council now desires to modify said Plan by establishing the "North Haymarket Mixed-Use Redevelopment Project", as Phase II of the North Haymarket Arts and Humanities Center Project, on property described as Lots 1 and 2, The Arts & Humanities Block Addition (formerly known as Lots 7-12, Block 21 Lincoln Original), including all of the east-west alley from N. 8th Street to N. 9th Street, and the portions of "S", "R", N. 8th, and N. 9th Streets abutting (North Haymarket Mixed-Use Redevelopment Project Area), for the redevelopment

of an existing publicly owned building, and the demolition of an existing warehouse and reconstruction as a mixed-use building with retail on the ground floor and hotel on the floors above; and

WHEREAS, on May 23, 2008, a notice of public hearing was mailed postage prepaid to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place and purpose of the public hearing to be held on June 4, 2008 before the Lincoln City - Lancaster County Planning Commission regarding the proposed Amendments to the Lincoln Center Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, on June 20, 2008 a notice of public hearing was mailed postage prepaid to the foregoing registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on July 7, 2008, regarding the proposed Amendments to the Lincoln Center Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on June 13, 2008 and June 20, 2008 a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place and purpose of the public hearing to be held on July 7, 2008 regarding the proposed Amendments to the Lincoln Center Redevelopment Plan for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, said proposed Amendments to the Lincoln Center Redevelopment Plan for the North Haymarket Mixed-Use Redevelopment Project have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and said Planning Commission on June 4, 2008 found the Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on July 7, 2008 in the City Council chambers of the County-City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Amendments to the Lincoln Center Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed Amendments to the Plan; and

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

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

1. That the Lincoln Center Redevelopment Plan as amended by changing said Plan to incorporate the North Haymarket Mixed-Use Redevelopment Project is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will promote the general health, safety and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That incorporating the North Haymarket Mixed-Use Redevelopment Project into the Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law; and

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

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

5. That the North Haymarket Mixed-Use Redevelopment Project would not be economically feasible without the use of tax-increment financing.

6. That the North Haymarket Mixed-Use Redevelopment Project would not occur in the North Haymarket Mixed-Use Redevelopment Project Area without the use of tax-increment financing.

7. That the costs and benefits of the North Haymarket Mixed Use Redevelopment Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council and the redevelopment activities to be carried out are deemed to be in the long-term best interest of the City of Lincoln, Nebraska.

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

1. That pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the Amendments to the Lincoln Center Redevelopment Plan attached hereto as Attachment "A", establishing the North Haymarket Mixed-Use Redevelopment Project are hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

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

3. That the North Haymarket Mixed-Use Redevelopment Project Area is the Redevelopment Project Area comprising the property to be included in the area subject to the tax increment provision authorized in the Nebraska Community Development Law.

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

5. That it is intended that this resolution and the modifications adopted herein are supplemental hereto the findings, approvals, and authorizations set forth in Resolution No. A-68489, Resolution No. A-70273, Resolution No. A-71073, Resolution No. A-71490, Resolution No. A-71701, Resolution No. A-72046, Resolution No. A-72329, Resolution No. A-72774, Resolution No. A-73000, Resolution No. A-73698, Resolution A-74165, Resolution No. A-74186, Resolution A-74291, Resolution No. A-74583, Resolution No. A-74603, Resolution No. A-75257, Resolution A-75784, Resolution A-75974, Resolution A-76438, Resolution No. A-77828, Resolution No. A-78138, Resolution No. A-78688, Resolution No. A-80587, Resolution No. A-81681, Resolution No. A-83005, Resolution No. A-83839, Resolution No. A-84238, Resolution No. A-84478, Resolution No. A-84603, and Resolution No. A-84867.

Introduced by Dan Marvin

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

APPROVING A RESOLUTION SUPPORTIVE OF THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION IN EXPLORING MEANS OF FINANCING AND CONSTRUCTING A NEW JAIL FACILITY TO SERVE THE COMMUNITY OF LANCASTER COUNTY AND REQUESTING A PROPOSAL SETTING FORTH THE DETAILS OF SUCH PROJECT BE SUBMITTED FOR CITY COUNCIL CONSIDERATION AND APPROVAL - PRIOR to reading:

COOK Moved to Withdraw Bill No. 08R-152.

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

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

A-84925 A RESOLUTION regarding the Lincoln-Lancaster County Public Building Commission (the "Commission") and its options to secure financing and construction of a new jail facility to serve the community of Lancaster County.

WHEREAS, of the property tax received by the County of Lancaster and the City of Lincoln, approximately ninety-two percent (92%) is generated from property owners within the corporate limits of the City of Lincoln; and

WHEREAS, the Lincoln City Council and the Commission have an interest to protect the financial interests of the citizens of Lincoln, Nebraska, by taking advantage of current bond ratings, low interest rates, and ever-increasing costs of construction materials.

WHEREAS, the Commission has been created pursuant to *Neb. Rev. Stat. §13-1301 et. seq* (Reissue 1997) for the purpose of designing, acquiring, constructing, maintaining, operating, improving, remodeling, and reconstructing projects (as such term is defined in Section §13-1302 of the Act) for the joint use of both the City of Lincoln (the "City") and the County of Lancaster (the "County") upon approval thereof by the City and the County, and all facilities necessary or convenient in connection therewith.

WHEREAS, pursuant to paragraph 4 of the Interlocal Agreement entered into by and between the City, the County, and the Commission, dated July 10, 1996, as authorized by *Neb. Rev. Stat. §13-1304*, any new project which the Commission proposes to undertake must first be approved by resolution of the City Council and by resolution of the County Board.

WHEREAS, the City Council is agreeable to considering a proposal from the Commission to construct a new jail by issuing a twenty (20) year bond through the Commission, or by another method within the best interests of the citizens of Lincoln, Nebraska.

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

That the City Council is supportive of the Commission in exploring means of financing and constructing a new jail facility to serve the needs of Lancaster County and requests that a proposal setting forth the details of such project be submitted to the City Council for its consideration and approval.

Introduced by Ken Svoboda

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

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND FIRST UNITED METHODIST CHURCH/WAVERLY, FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 14410 FOLKESTONE STREET, WAVERLY, NEBRASKA FOR A ONE-YEAR TERM FROM SEPTEMBER 1, 2008 THROUGH AUGUST 31, 2009 - CLERK read an ordinance, introduced by John Spatz, accepting and approving a Lease Agreement between the City of Lincoln and First United Methodist Church of Waverly for the lease of space by the Lincoln Area Agency on Aging for its ActivAge Center Program at 14410 Folkstone Street, Waverly, NE 68462, for a term commencing on September 1, 2008 and terminating on August 31, 2009, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE ASIAN COMMUNITY & CULTURAL CENTER, FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2615 O STREET, LINCOLN, NEBRASKA FOR A ONE-YEAR TERM FROM SEPTEMBER 1, 2008 THROUGH AUGUST 31, 2009 - CLERK read an ordinance, introduced by John Spatz, accepting and approving a Lease Agreement between the City of Lincoln and the Asian Community & Cultural Center for the lease of space by the Lincoln Area Agency on Aging for its ActivAge Center Program at 2615 O Street, Lincoln, NE 68510, for a term commencing on September 1, 2008 and terminating on August 31, 2009, the first time.

STREET NAME CHANGE 08001 - RENAMING MONTELLO ROAD AND SOUTH 91ST STREET FROM 84TH STREET TO THE EXISTING FIRETHORN LANE AS "FIRETHORN LANE" - CLERK read an ordinance, introduced by John Spatz, changing the name of portions of "Montello Road" and "South 91st Street" to "Firethorn Lane", as recommended by the Street Name Committee, the first time.

CHANGE OF ZONE 08024 - APPLICATION OF RYAN OMEL FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO AG AGRICULTURAL DISTRICT ON APPROXIMATELY 2.7 ACRES GENERALLY LOCATED AT S.W. 9TH STREET AND W. ROKEBY ROAD - CLERK read an ordinance, introduced by John Spatz, 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 SUBLEASE AGREEMENT BETWEEN THE CITY AND EXPERIENCE WORKS FOR EXPERIENCE WORKS' USE IN JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF ONE YEAR FROM JULY 1, 2008 TO JUNE 30, 2009 - CLERK read an ordinance, introduced by John Spatz, accepting and approving a Sublease Agreement between the City of Lincoln, Nebraska and Experience Works for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of July 1, 2008 through June 30, 2009 whereby the City of Lincoln is subleasing space to Experience Works, at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the first time.

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

AMENDING SECTION 9.16.145 OF THE LINCOLN MUNICIPAL CODE RELATING TO POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA TO REVISE THE PENALTIES FOR SUCH OFFENSE TO CONFORM TO THOSE ENUMERATED BY *NEB. REV. STAT. § 28-415(13)*, AS AMENDED, EFFECTIVE JULY 18, 2008, AND REPEALING SECTION 9.16.145 AS HITHERTO EXISTING - PRIOR to reading:

MARVIN Moved to amend Bill No. 08-72 in the following manner:

1. On page 1, line 4, after the word "existing" add the following: "; and declaring an emergency."

2. On page 2, line 3, delete the word "That" and insert the following: "Whereas an emergency exists,"

Seconded by Svoboda & 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 9.16.145 of the Lincoln Municipal Code relating to possession of one ounce or less of marijuana to revise the penalties for such offense to conform to those enumerated by *Neb. Rev. Stat. § 28-415(13)*, as amended, effective July 18, 2008; and repealing Section 9.16.145 of the Lincoln Municipal Code as hitherto existing, the third time.

EMERY Moved to pass the amended ordinance as read.

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

The ordinance, being numbered **#19100**, is recorded in Ordinance Book #26, Page

AMENDING SECTION 21.48.030 OF THE LINCOLN MUNICIPAL CODE RELATING TO PENALTIES FOR VIOLATIONS OF THE LINCOLN HOUSING CODE TO INCREASE THE FINE FOR FIRST OFFENSES FROM \$25.00 TO \$200.00, FOR SECOND OFFENSES FROM \$50.00 TO \$250.00, AND FOR THIRD OFFENSES AND EACH OFFENSE THEREAFTER FROM \$100.00 TO \$300.00, AND REPEALING SECTION 21.48.030 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Doug Emery, amending Section 21.48.030 of the Lincoln Municipal Code relating to penalties for violations of the Lincoln Housing Code to increase the fine for first offenses from \$25.00 to \$200.00, for second offenses from \$50.00 to \$250.00, and for third offenses and each offense thereafter from \$100.00 to \$300.00; and repealing Section 21.48.030 of the Lincoln Municipal Code as hitherto existing, the third time.

REGULAR MEETING
July 7, 2008
Page 124

EMERY Moved to pass the ordinance as read.
Seconded by Marvin & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered #19101, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to July 14, 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 July
14, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 4:25 P.M.

CAMP Moved to adjourn the City Council meeting of July 7, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
So ordered.

Teresa J. Meier, Deputy City Clerk

Sandy L. Dubas, Senior Office Assistant