

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

The Meeting was called to order at 5:30 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.

CAMP Having been appointed to read the minutes of the City Council proceedings of January 14, 2008 reported having done so, found same correct.

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

**PUBLIC HEARING**

MANAGER APPLICATION OF MATTHEW CRAWFORD FOR STL OF NEBRASKA INC. DBA TARGET STORE T-0217 AT 333 N. 48TH STREET - Matthew Crawford, 5131 Vine St., Apt. 914, took oath and came forward to answer questions. This matter was taken under advisement.

APPLICATION OF PEKING PALACE LINCOLN, INC. DBA PEKING PALACE FOR A CLASS I LIQUOR LICENSE AT 8341 O STREET;  
MANAGER APPLICATION OF TRUNG LUU FOR PEKING PALACE LINCOLN, INC. DBA PEKING PALACE AT 8341 O STREET - John Boehm, 811 S. 13<sup>th</sup> St., attorney representing Peking Palace and Trung Luu, 7620 Kennelley Dr., manager, took oath and came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPLICATION OF BLACK CADILLAC, INC. DBA LIBATIONS TOO FOR A CLASS C LIQUOR LICENSE AT 5310 S. 56TH STREET, SUITE 1;  
MANAGER APPLICATION OF PAUL J. MILONI FOR BLACK CADILLAC, INC. DBA LIBATIONS TOO AT 5310 S. 56TH STREET, SUITE 1 - Paul Miloni, 4233 C Street, manager and Nathan Pickerill, 4100 D Street, took oath and came forward to answer questions. Discussion followed. This matter was taken under advisement.

APPROVING AN EASEMENT AGREEMENT FOR PEDESTRIAN/BICYCLE BRIDGE, TRAILS AND RELATED IMPROVEMENTS, SIGNAGE AND MAINTENANCE IN THE VICINITY OF THE HUNTINGTON/LEIGHTON STREET BRIDGE BETWEEN THE CITY AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA TO ALLOW THE UNIVERSITY OF NEBRASKA TO INSTALL AND CONSTRUCT THE PEDESTRIAN BRIDGE AND TO PERFORM SNOW REMOVAL ON THE BRIDGE AND PROVIDES FOR THE CITY TO ACCEPT, OWN, AND OPERATE THE PEDESTRIAN BRIDGE AS PART OF THE CITY TRAILS NETWORK - Lynn Johnson, Director of Parks and Recreation Dept., came forward to state this is part of the City's Comprehensive Plan and the University of Nebraska will oversee the construction of the bridge.

This matter was taken under advisement.

AMENDING RESOLUTION NO. A-70031 ADOPTED ON APRIL 15, 1985 TO WAIVE THE REQUIREMENT THAT SUBDIVISION OF THE PROPERTY BE ACCOMPLISHED BY THE CITY'S FORMAL PLATTING PROCEDURES WHEN A STREET IS NEEDED WITHIN THE AREA OF THE PROPOSED LOTS IN ORDER TO ALLOW FOR THE ADMINISTRATIVE SUBDIVISION OF PROPERTY GENERALLY LOCATED AT SHAMROCK ROAD AND S. 70TH STREET - Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing Howard & Jeanette Richoux owners of property at 6701 Shamrock Road to request approval of this amendment. Discussion followed.

John Horan, Cline Williams Law Office, U.S. Bank Bldg., 233 S. 13<sup>th</sup> Street, came forward representing Mr. and Mrs. James Moon, who are living at the property 6701 Shamrock Rd., in support of the amendment. Discussion followed.

Bill Austin, Erickson & Sederstrom, 301 S. 13<sup>th</sup> St., Ste. 400, came forward representing Lynn Rex and Lou Nigro who live on Shamrock Rd. who are in opposition to the amendment. Discussion followed.

John Guenzel, 6633 Shamrock Rd., came forward in opposition to the amendment. Discussion followed.

Marvin Krout, Director of Public Works & Utilities, came forward to answer questions. Discussion followed.

Dana Roper, City Attorney, came forward to answer questions. Discussion followed.

Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward for rebuttal.

This matter was taken under advisement.

TOOK BREAK 7:08 P.M.

RECONVENED 7:22 P.M.

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

## COUNCIL ACTION

### LIQUOR RESOLUTIONS

MANAGER APPLICATION OF MATTHEW CRAWFORD FOR STL OF NEBRASKA INC. DBA TARGET STORE T-0217 AT 333 N. 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84693 WHEREAS, STL of Nebraska, Inc. dba Target Store T-0217 located at 333 N. 48th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Matthew Crawford be named manager;

WHEREAS, Matthew Crawford appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Matthew Crawford be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF PEKING PALACE LINCOLN, INC. DBA PEKING PALACE FOR A CLASS I LIQUOR LICENSE AT 8341 O STREET - PRIOR to reading:

CAMP Moved to delay one week for action only to 2/4/08.

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

MANAGE APPLICATION OF TRUNG LUU FOR PEKING PALACE LINCOLN, INC. DBA PEKING PALACE AT 8341 O STREET - PRIOR to reading:

CAMP Moved to delay one week for action only to 2/4/08.

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

APPLICATION OF BLACK CADILLAC, INC. DBA LIBATIONS TOO FOR A CLASS C LIQUOR LICENSE AT 5310 S. 56TH STREET, SUITE 1 - PRIOR to reading:

CAMP Moved to delay one week for action only to 2/4/08.

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

MANAGER APPLICATION OF PAUL J. MILONI FOR BLACK CADILLAC, INC. DBA LIBATIONS TOO AT 5310 S. 56TH STREET, SUITE 1 - PRIOR to reading:

CAMP Moved to delay one week for action only to 2/4/08.

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

**ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required) - NONE**

### PUBLIC HEARING RESOLUTIONS

APPROVING AN EASEMENT AGREEMENT FOR PEDESTRIAN/BICYCLE BRIDGE, TRAILS AND RELATED IMPROVEMENTS, SIGNAGE AND MAINTENANCE IN THE VICINITY OF THE HUNTINGTON/LEIGHTON STREET BRIDGE BETWEEN THE CITY AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA TO ALLOW THE UNIVERSITY OF NEBRASKA TO INSTALL AND CONSTRUCT THE PEDESTRIAN BRIDGE AND TO PERFORM SNOW REMOVAL ON THE BRIDGE AND PROVIDES FOR THE CITY TO ACCEPT, OWN, AND OPERATE THE PEDESTRIAN BRIDGE AS PART OF THE CITY TRAILS NETWORK - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84694 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Easement Agreement for Pedestrian/Bicycle Bridge, Trails and Related Improvements, Signage and Maintenance in the Vicinity of the Huntington/ Leighton Street Bridge, Lincoln, Nebraska, between the City of Lincoln and Board of Regents of the University of Nebraska, which is attached hereto and marked as

Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. The Easement Agreement provides for the University of Nebraska to install and construct the pedestrian bridge and to perform snow removal on the bridge, and provides for the City to accept, own and operate the pedestrian bridge (except for snow removal) as part of the City Trails Network.

Introduced by Jon Camp

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

ASSIGNING THE 6.15 ACRE SUBSTATION SITE GENERALLY LOCATED AT W. FLETCHER AND N.W. 48TH STREET TO LES AND DESIGNATING THE SAME AS THE SITE OF AN LES SUBSTATION AND APPROVING THE ACCESS AND UTILITY EASEMENT FOR ELECTRIC LINES AND/OR UNDERGROUND ELECTRIC FACILITIES EXECUTED BY THE AIRPORT AUTHORITY IN FAVOR OF LES ON DECEMBER 28, 2007 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84695 WHEREAS, on December 17, 2007, Mayor Beutler executed Executive Order No. 080457 approving a Memorandum of Understanding which was executed on the same date between the Airport Authority of the City of Lincoln, Nebraska, a body politic and corporate, Lincoln Electric System, and the City of Lincoln, Nebraska, a municipal corporation, the effect of which is to convey a 6.15 acre site owned by the City of Lincoln and under control of the Airport Authority to LES for a substation site; and

WHEREAS, on December 28, 2007, the Airport Authority adopted Resolution No. 493 authorizing the surrender and transfer of said tract of land for use of an electrical substation by LES and did, on the same date, execute and convey an Access and Utility Easement for Electric Lines and/or Underground Electric Facilities to LES; and

WHEREAS, pursuant to paragraph 3 of the Memorandum of Understanding, the City has agreed that the City Council shall by resolution formally assign the 6.15 acre substation site to LES and designate the same as the site of an LES substation and shall approve the Easement.

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

That Resolution No. A-70031, adopted by the City Council on April 15, 1985, be amended as follows:

That a 6.15 acres substation site to be located on a portion of property described as Lot 15 I.T., in the Northwest Quarter of Section 6, Township 10 North, Range 6 East of the 6th P.M., and the South Half of the Northwest Quarter of Section 6, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, and more particularly described as follows:

Referring to the southwest corner of the Northwest Quarter of said Section 6; thence in a northerly direction, along the west line of the South Half of the Northwest Quarter of said Section 6, on an assumed bearing of north 00 degrees 22 minutes 58 seconds east, for a distance of 585.00 feet to the point of beginning; thence continuing on the last described course, on said bearing of north 00 degrees 22 minutes 58 seconds east, for a distance of 470.00 feet; thence south 89 degrees 37 minutes 02 seconds east, for a distance of 570.00 feet; thence south 00 degrees 22 minutes 58 seconds west, for a distance of 470.00 feet; thence north 89 degrees 37 minutes 02 seconds west, for a distance of 570.00 feet to the point of beginning, together with and subject to covenants, easements, and restrictions of record; said property contains 267.900 square feet (6.15 acres) more or less;

is hereby formally assigned to Lincoln Electric System and the same is hereby designated as the site of an LES substation.

That the Access and Utility Easement for Electric Lines and/or Underground Electric Facilities executed by the Airport Authority in favor of Lincoln Electric System on December 28, 2007, is hereby approved and confirmed in favor of Lincoln Electric System.

Introduced by Jon Camp

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

AMENDING RESOLUTION NO. A-70031 ADOPTED ON APRIL 15, 1985 TO WAIVE THE REQUIREMENT THAT SUBDIVISION OF THE PROPERTY BE ACCOMPLISHED BY THE CITY'S FORMAL PLATTING PROCEDURES WHEN A STREET IS NEEDED WITHIN THE AREA OF THE PROPOSED LOTS IN ORDER TO ALLOW FOR THE ADMINISTRATIVE SUBDIVISION OF PROPERTY GENERALLY LOCATED AT SHAMROCK ROAD AND S.

70TH STREET - PRIOR to reading:  
CAMP Moved to amend Bill No. 08R-22 on page 2, line 11 by deleting the number "36" and insert the number 35.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
SVOBODA Moved to delay Bill No. 08R-22 for one week to 2/4/08.  
Seconded by Eschliman & **LOST** by the following vote: AYES: Camp, Spatz, Svoboda; NAYS: Cook, Emery, Eschliman, Marvin.  
CLERK Read the resolution, introduced by Jon Camp, who moved its adoption as amended.  
Seconded by Svoboda & **LOST** by the following vote: AYES: Eschliman, Svoboda; NAYS: Camp, Cook, Emery, Marvin, Spatz.  
The resolution, having **LOST**, was assigned the File #38-4561 & was placed on file in the Office of the City Clerk.

#### PETITIONS & COMMUNICATIONS

INFORMAL PETITION TO EXTEND CITY SEWER LINE TO HIS PROPERTY AT 430 S. 37<sup>TH</sup> STREET SUBMITTED BY DAVE BRIDGER - CLERK presented said petition which was referred to the Public Works & Utilities Department.

SETTING THE HEARING DATE OF FEBRUARY 11, 2008 FOR APPLICATION OF G2B LLC DBA IGUANAS PUB/VODA LOUNGE FOR A CLASS I LIQUOR LICENSE LOCATED AT 1426 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84696 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., February 11, 2008 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, NE, for Application of G2B, LLC dba Iguana Pub/Voda Lounge for a Class I liquor license located at 1426 O Street.

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

Introduced by Jonathan Cook

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

#### MISCELLANEOUS BUSINESS - NONE

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON JANUARY 7, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk.

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

REQUEST OF PUBLIC WORKS TO SET THE PUBLIC HEARING DATE OF MONDAY, FEBRUARY 25, 2008, AT 5:30 P.M. ON THE FOLLOWING:

08-8 Providing authority to construct new sidewalks at various locations within the City of Lincoln and assessing the cost thereof against the benefitted property.

08R-30 Ordering the design and construction of pavement for Q Street, 35<sup>th</sup> to 36<sup>th</sup> Streets and assessing the cost thereof against the benefitted properties.

City Clerk requested approval of the hearing date of Monday, February 25, 2008 at 5:30 p.m.

CAMP So moved.

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

APPOINTING OLGA KANNE TO THE MULTICULTURAL ADVISORY COMMITTEE FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 18, 2010 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84697 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Olga Kanne to the Multicultural Advisory Committee for a three-year term expiring September 18, 2010 is hereby approved.

Introduced by Jon Camp

Seconded by Svoboda & carried by the following vote: AYES:

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

APPOINTING DENNIS MEYER AND BRIAN PILLARD TO THE GOVERNMENT ACCESS AND INFORMATION COMMITTEE FOR TERMS TO CONTINUE UNTIL THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84698 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dennis Meyer and Brian Pillard to the Government Access and Information Committee for terms to continue until their successors are appointed and qualified is hereby approved.

Introduced by Jon Camp

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

REAPPOINTING LARRY ANDERSON TO THE GOVERNMENT ACCESS AND INFORMATION COMMITTEE FOR A TWO-YEAR TERM EXPIRING JANUARY 1, 2010 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84699 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Larry Anderson to the Government Access and Information Committee for a two-year term expiring January 1, 2010 is hereby approved.

Introduced by Jon Camp

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

REAPPOINTING DAN NOLTE, MAURA KELLY TOLZIN, MICHELLE ZUHLKE, AND DIANE GONZOLAS TO THE GOVERNMENT ACCESS AND INFORMATION COMMITTEE FOR TERMS TO CONTINUE UNTIL THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84700 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Dan Nolte, Maura Kelly Tolzin, Michelle Zuhlke, and Diane Gonzolas to the Government Access and Information Committee for terms to continue until their successors are appointed and qualified is hereby approved.

Introduced by Jon Camp

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

APPOINTING BRENT HOFFMAN TO THE GOVERNMENT ACCESS AND INFORMATION COMMITTEE FOR A TWO-YEAR TERM EXPIRING JANUARY 1, 2010 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84701 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Brent Hoffman to the Government Access and Information Committee for a two-year term expiring January 1, 2010 is hereby approved.

Introduced by Jon Camp

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

APPOINTING ARTHEL (GENE) CRUMP AND HAZELL RODRIGUEZ TO THE LINCOLN COMMISSION ON HUMAN RIGHTS FOR THREE-YEAR TERMS EXPIRING DECEMBER 31, 2010 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84702 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Arthel (Gene) Crump and Hazel Rodriguez to the Lincoln Commission on Human Rights for three-year terms expiring December 31, 2010 is hereby approved.

Introduced by Jon Camp

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

ORDINANCE - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (AS REQUIRED)

AMENDING CHAPTER 4.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITIZEN POLICE ADVISORY BOARD BY AMENDING SECTION 4.08.010 RELATING TO THE POWERS AND DUTIES OF THE BOARD TO PROVIDE THAT THE BOARD SHALL HAVE NO JURISDICTION TO HEAR COMPLAINTS OR CONDUCT AN INVESTIGATION WHILE A CRIMINAL OR CIVIL ACTION RELATING TO THE COMPLAINT IS PENDING AGAINST EITHER THE COMPLAINANT OR THE OFFICER OR OFFICERS INVOLVED; AMENDING SECTION 4.08.020 RELATING TO THE JURISDICTION OF THE BOARD TO PROVIDE THE BOARD SHALL LOSE JURISDICTION OVER A COMPLAINT IF THE COMPLAINANT FILES A CIVIL ACTION RELATING TO THE SAME FACTS AS THE COMPLAINT BEFORE THEM; AMENDING SECTION 4.08.030 RELATING TO COMPLAINTS MADE TO THE CITIZEN POLICE ADVISORY BOARD TO PROVIDE THAT THE CHAIRPERSON MAY DISMISS CERTAIN TYPES OF COMPLAINTS, SUBJECT TO REVIEW BY THE BOARD AS A WHOLE - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 4.08 of the Lincoln Municipal Code relating to the Citizen Police Advisory Board by amending Section 4.080.010 relating to the powers and duties of the Board to provide that the Board shall have no jurisdiction to hear complaints or conduct an investigation while a criminal or civil action relating to the complaint is pending against either the complainant or the officer or officers involved; amending Section 4.08.020 relating to the jurisdiction of the Board to provide the Board shall lose jurisdiction over a complaint if the complainant files a civil action relating to the same facts as the complaint before them; amending Section 3.08.030 relating to complaints made to the Citizen Police Advisory Board to provide that the chairperson may dismiss certain types of complaints, subject to review by the Board as a whole; and repealing Sections 4.08.010, 4.08.020, and 4.08.030 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND HOOG GEBOUW EAST LLC RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT N. 84TH AND HOLDREGE STREETS. (RELATED ITEMS: 08R-24, 08-7, 08R-25)

CHANGE OF ZONE 07059 - APPLICATION OF HOLDREGE INVESTORS LLC AND MORNING GLORY ESTATES ASSOCIATION, INC. FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, AND FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 84TH STREET AND HOLDREGE STREET. (RELATED ITEMS: 08R-24, 08-7, 08R-25) - 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 first time.

USE PERMIT NO. 128B - APPLICATION OF HOLDREGE INVESTORS LLC AND MORNING GLORY ESTATES ASSOCIATION, INC. TO AMEND THE EXISTING USE PERMIT TO CHANGE APPROVED OFFICE USE TO HOTEL, RESTAURANT AND RETAIL USES, AND TO INCREASE THE MAXIMUM HEIGHT IN THE B-2 DISTRICT FROM 40' TO 45' ON PROPERTY GENERALLY LOCATED AT N. 84TH STREET AND HOLDREGE STREET. (RELATED ITEMS: 08R-24, 08-7, 08R-25)

ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)

APPROVING TWO FIVE-YEAR/3,500 HOUR LEASE/PURCHASE AGREEMENTS BETWEEN THE CITY AND MERCHANTS CAPITOL RESOURCES, INC. TO PROVIDE TWO 2008 CATERPILLAR ARTICULATED FRAME FOUR-WHEEL DRIVE LOADERS FOR USE BY THE PUBLIC WORKS & UTILITIES STREET MAINTENANCE OPERATIONS IN CONSTRUCTION, MAINTENANCE AND SNOW REMOVAL PROJECTS - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving two five-year lease agreements with option to purchase between the City of Lincoln, Nebraska and Merchants Capitol Resources, Inc. for two 2008 Caterpillar 938HX Articulated Frame Four Wheel Drive Wheel Loaders per Specification #07-345 for use by the Department of Public Works & Utilities, the third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19039**, is recorded in Ordinance Book #26, Page

AMENDING SECTION 2.76.375 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY THE LANGUAGE REGARDING ELIGIBILITY FOR HOLIDAY PAY - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 2.76.375 of the Lincoln Municipal Code to clarify that an employee must be in a pay status the normal hours scheduled the working day before and the

normal hours scheduled the working day after the authorized holiday in order to be eligible for holiday pay; and repealing Section 2.76.375 of the Lincoln Municipal Code as hitherto existing, the third time.

SVOBODA Moved to pass the ordinance as read.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered #19040, is recorded in Ordinance Book #26, Page

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF LIBRARIES SYSTEM COORDINATOR - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 1 of Ordinance No. 18967 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A," by creating the job classification of "Libraries System Coordinator," the third time.

SVOBODA Moved to pass the ordinance as read.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered #19041, is recorded in Ordinance Book #26, Page

AMENDING SECTION 14.20.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PROCEDURE FOR VACATION OF PUBLIC WAYS TO CLARIFY RESPONSIBILITIES AND TO PROVIDE FOR THE EXPIRATION OF APPLICATIONS FOR THE VACATION OF A PUBLIC WAY - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 14.20.020 of the Lincoln Municipal Code relating to the procedure for vacation of public ways to clarify responsibilities and to provide for the expiration of applications for the vacation of a public way; and repealing Section 14.20.020 of the Lincoln Municipal Code as hitherto existing, the third time.

SVOBODA Moved to pass the ordinance as read.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered #19042, is recorded in Ordinance Book #26, Page

COMP. PLAN CONFORMITY 07025 - DECLARING APPROXIMATELY 43,200 SQUARE FEET GENERALLY LOCATED AT N.W. 52ND STREET AND WEST HUNTINGTON AVE. AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF - PRIOR to reading:

COOK Moved to delay Bill No. 08-5 for two weeks with action only to 2/11/08.

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

CLERK Read an ordinance, introduced by Ken Svoboda, declaring approximately 43,200 square feet of City-owned property generally located near N.W. 52<sup>nd</sup> Street and West Huntington Avenue as surplus and authorizing the sale thereof, the third time.

**REGISTERED TO SPEAK SESSION - NONE**

**OPEN MICROPHONE SESSION - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

APPROVING A TRANSFER OF APPROPRIATIONS AND CASH (WHERE APPROPRIATE)  
PART B BETWEEN PROJECTS WITHIN SEVERAL FUNDS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT AND TO DESIGNATE STREET PROJECTS FOR HIGHWAY ALLOCATION FUNDS FOR FISCAL YEAR 2006 - 2007. (1/8/07 - PROJECT #902269, PLACED ON PENDING, NO DATE CERTAIN; ALL OTHER PROJECTS APPROVED) - PRIOR to reading:

SVOBODA Moved to remove Bill No. 06-209 from Pending to have 2<sup>nd</sup> Reading w/Public Hearing on 2/11/08.  
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CAMP Moved to extend the Pending List to February 4, 2008.  
Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**UPCOMING RESOLUTIONS -**

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CAMP Moved to approve the resolutions to have Public Hearing on  
February 4, 2008.  
Seconded by Eschliman & carried by the following vote: AYES:  
Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**ADJOURNMENT**            **7:49 P.M.**

CAMP Moved to adjourn the City Council meeting of January 28, 2008.  
Seconded by Eschliman & carried by the following vote: AYES:  
Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
So ordered.

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Joan E. Ross, City Clerk

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Judy Roscoe, Senior Office Assistant