

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, March 3, 2008 AT 1:30 P.M.**

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

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**

CAMP Having been appointed to read the minutes of the City Council proceedings of February 25, 2008 reported having done so, found same correct.

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

**PUBLIC HEARING**

APPOINTING DR. HEIDI STARK TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH TO FILL AN UNEXPIRED TERM EXPIRING APRIL 15, 2010 - Dr. Heidi Stark, 2108 The Knolls, came forward to answer questions.

Bruce Dart, Director of Health Department, was available for questions.

This matter was taken under advisement.

APPLICATION OF HY-VEE INC. DBA HY-VEE 2 FOR A CHANGE OF LOCATION OF THEIR EXISTING CLASS C LIQUOR LICENSE FROM 2343 N. 48TH STREET TO 1601 N. 84TH STREET - Matt Ludwig, 1110 Lamplighter Lane, took the oath and was available for questions.

This matter was taken under advisement.

APPLICATION OF GRATA, LLC, DBA GRATA FOR THE ADDITION OF AN AREA MEASURING APPROXIMATELY 64 FEET BY 23 FEET TO THE WEST AND AN OUTSIDE AREA MEASURING APPROXIMATELY 49 FEET BY 11 FEET TO THE EAST OF ITS PRESENTLY LICENSED PREMISES AT 2755 JAMIE LANE, SUITE 15 - Harry Watson, Jr., 3812 Worthington Avenue, came forward to clarify that the second listing for the outside is already licensed. The area 64 feet by 23 feet is what needs to be licensed.

This matter was taken under advisement.

APPLICATION OF THE FALLS LLC DBA THE FALLS FOR A CLASS I LIQUOR LICENSE AT 5925 ADAMS STREET;  
MANAGER APPLICATION OF BRYAN GILLILAND FOR THE FALLS LLC DBA THE FALLS AT 5925 ADAMS STREET - Andrew Loudon, Baylor, Evnen Law, 1248 O Street, Ste. 600, took the oath and came forward representing Bryan Gilliland and The Falls to answer any questions.

Bryan Gilliland took the oath and was available for questions.

This matter was taken under advisement.

MANAGER APPLICATION OF JESS VETROVSKY FOR GAS 'N SHOP INC. DBA GIT 'N SPLIT AT 3201 WEST O STREET, 1545 CORNHUSKER HWY., 2801 O STREET, 5560 S. 48TH STREET, 4401 N. 27TH STREET, AND 951 WEST O STREET;

MANAGER APPLICATION OF JESS VETROVSKY FOR GAS 'N SHOP DBA GAS 'N SHOP AT 345 WEST O STREET - Jess Vetrovsky, Beatrice, NE, took the oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF THE GARAGE SPORTS BAR & GRILL INC. DBA THE GARAGE SPORTS BAR & GRILL FOR A CLASS I LIQUOR LICENSE AT 5551 S. 48TH STREET;  
MANAGER APPLICATION OF PATRICIA A. WESTPHAL FOR THE GARAGE SPORTS BAR & GRILL INC. DBA THE GARAGE SPORTS BAR & GRILL AT 5551 S. 48TH STREET - Patricia Westphal, no address given, took the oath and came forward to answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 07022 - APPLICATION OF HOPPE PARTNERS LTD. FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF S. 19<sup>TH</sup> AND L STREETS - Fred Hoppe, Hoppe Partners Ltd., 1600 Stonehill Rd., came forward to request approval and to eliminate Section 2 of the fact sheet. Discussion followed.

John Hoppe, 2230 Calvert Street, was available for questions as well.

David Landis, Director of Urban Development, came forward in support and to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY FOR THE IMPROVEMENT OF ALVO ROAD GENERALLY FROM N.W. 12TH STREET TO N. 16TH STREET, AND N. 14TH STREET NORTH AND SOUTH OF ALVO ROAD;  
APPROVING THE SECOND AMENDMENT TO THE FALLBROOK ANNEXATION AGREEMENT BETWEEN THE CITY AND NEBCO, INC. FOR THE IMPROVEMENT OF ALVO ROAD GENERALLY FROM N.W. 12TH STREET TO N. 1ST STREET, AND THE FUTURE DESIGN OF N.W. 12TH STREET FROM ALVO ROAD TO HIGHWAY 34;  
AMENDING THE HIGHWAY ALLOCATION BOND ORDINANCE #18863 TO REVISE THE PROJECT DESCRIPTION FOR ALVO ROAD TO INCLUDE THE IMPROVEMENT OF ALVO ROAD GENERALLY FROM N.W. 12TH STREET TO N. 16TH STREET, AND N. 14TH STREET NORTH AND SOUTH OF ALVO ROAD - Steve Henrichsen, Planning Department, stated the Planning Dept. met with Don Thomas and four property owners in reference to the Alvo Road project.

Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing Steve Kiene, requesting a delay of one week. Discussion followed.

Dennis Van Horn, 5901 O Street, came forward representing the Lincoln Public Schools to say thank you for the effort to act quickly on this project.

This matter was taken under advisement.

AMENDING SECTION 12.20.050 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERMITS AND REQUIREMENTS FOR PLANTING, MAINTAINING, REMOVAL, AND DESTRUCTION OF TREES ALONG PUBLIC WAYS TO INCORPORATE THE STREET TREE VOUCHER PROGRAM - Lynn Johnson, Parks & Recreation Dept., came forward to explain the Street Tree Voucher Program. Discussion followed.

Danny Walker, 427 "E" Street, came forward for comment. Discussion followed.

This matter was taken under advisement.

VACATION NO. 07009 - VACATING N. 1ST STREET FROM THE NORTH RIGHT-OF-WAY LINE OF Q STREET TO THE NORTH PROPERTY LINE OF LOT 57 I.T.;  
APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN PEOPLE'S CITY MISSION HOME AND THE CITY OF LINCOLN OVER APPROXIMATELY .92 ACRES GENERALLY LOCATED AT N. 1ST AND Q STREET, TO PRESERVE FLOOD STORAGE CAPACITY OF THE EASEMENT AREA - Tom Huston, 233 S. 13<sup>th</sup> Street, Suite 1900, came forward representing People's City Mission to request approval. Discussion followed.

This matter was taken under advisement.

ANNEXATION 08001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 9.22 ACRES OF PROPERTY GENERALLY LOCATED AT N. 56TH STREET AND ALVO ROAD;  
CHANGE OF ZONE 08001 - APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 56TH STREET AND ALVO ROAD - Marcia Kinning, 601 Old Cheney, of ESP came forward representing Hartland Homes to request approval.

Russell Miller, 341 S. 52<sup>nd</sup> Street, came forward with concerns of the flood plain issue in this area. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 08005 - AMENDING SECTION 27.63.280 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING CODE SPECIAL PERMITS TO ALLOW A SPECIAL PERMIT TO BE GRANTED FOR THE EXPANSION OR ENLARGEMENT OF A PREMISES DEVOTED TO OR OCCUPIED BY BUILDINGS OR STRUCTURES, THE USE OF WHICH CONSTITUTES A NONCONFORMING OR NONSTANDARD USE - Marvin Krout, Director of Planning Dept., came forward to answer questions. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 08002 - APPLICATION OF OLDERBAK ENTERPRISES NORTH, LLC AND FOSTER INVESTMENT, LLC FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF S.W. 6TH STREET AND WEST A STREET - Kelly Tollefsen, 201 N. 8<sup>th</sup> Street, Ste. 300, came forward representing Kabredlo's to request a change from R-2 to B-1. Discussion followed.

Mike Olderbak, 2840 S. 74<sup>th</sup> Street, President of Olderbak Enterprises North, LLC came forward to provide information. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 08003 - APPLICATION OF OLDERBAK ENTERPRISES NORTH, LLC FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF S. 48TH AND MEREDETH STREET;

SPECIAL PERMIT 08007 - APPEAL OF KEITH SACKSCHEWSKY TO THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF THE APPLICATION OF OLDERBAK ENTERPRISES NORTH LLC TO EXPAND A NONCONFORMING USE TO INCREASE THE AREA WHERE THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES IS ALLOWED, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION

OF S. 48TH STREET AND MEREDETH STREET - Kelly Tollefsen, 201 N. 8<sup>th</sup> Street, Ste. 300, came forward representing Kabredlo's requesting a change from O-2 to B-3.

Mike Olderbak, 2840 S. 74<sup>th</sup> Street, President of Olderbak Enterprises North, LLC came forward to answer questions. Discussion followed.

Andrew Loudon, 1248 O Street, #600, came forward representing Keith Sackschewsky in opposition to the location of the proposed Kabredlo.

Keith Sackschewsky, 4718 Meredith Street, came forward in opposition.

Doug Krogman, 2321 Lowell, came forward representing the businesses in the immediate area with traffic concerns and a request to revise the plans. Discussion followed.

Ms. Tollefsen came forward for rebuttal.

This matter was taken under advisement.

CHANGE OF ZONE 08004 - APPLICATION OF OLDERBAK ENTERPRISES NORTH, LLC FOR A CHANGE OF ZONE FROM R-T RESIDENTIAL TRANSITION DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 48TH STREET AND HARTLEY STREET - Kelly Tollefsen, 201 N. 8<sup>th</sup> Street, #300, came forward representing Kabredlo's for a change from R-T to B-1 at N. 48<sup>th</sup> Street and Hartley Street.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 1 - 15, 2008 - Christina Collins came forward to request her denied claim for \$8,828.00 be allowed.

Robert Reece, 3177 N. 66<sup>th</sup> Street, came forward to explain the reason for the claim and to request reconsideration. Discussion followed.

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

Chad Blahak, Public Works & Utilities, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LANCASTER COUNTY TO JOINTLY PURCHASE RIGHT-OF-WAY FOR THE EAST BELTWAY - Chad Blahak, Public Works & Utilities, came forward to explain the Interlocal Agreement.

This matter was taken under advisement.

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE IV, SECTION 12, OF THE CHARTER RELATING TO THE DUTIES OF THE MAYOR TO CLARIFY THAT THE MAYOR MUST APPROVE PURCHASES AND CONTRACTS IN EXCESS OF \$25,000; AMEND ARTICLE VII, SECTION 2 OF THE CHARTER RELATING TO THE POWERS AND DUTIES OF THE PURCHASING DIVISION TO PROVIDE THAT THE PURCHASING DIVISION SHALL ADVERTISE FOR FORMAL SEALED BIDS FOR ANY CONTRACT IN EXCESS OF \$25,000, PROVIDED THE MAYOR MAY AUTHORIZE CONSTRUCTION OF PUBLIC WORKS AND UTILITIES INFRASTRUCTURES WHERE THE CITY SUBSIDY OR REIMBURSEMENT DOES NOT EXCEED \$100,000, AND PROVIDED FURTHER THAT THE MAYOR MAY DELEGATE THE EXECUTION OF ANY PURCHASE CONTRACT AWARD OF LESS THAN \$25,000; AND AMEND ARTICLE VIII, SECTION 5 RELATING TO THE AWARDING OF STREET IMPROVEMENT CONTRACTS TO PROVIDE THE CITY MAY MAKE IMPROVEMENTS NOT TO EXCEED \$25,000 WHERE IT HAS NOT RECEIVED ANY BIDS ON A STREET IMPROVEMENT PROJECT - Kathleen Neary, 1903 Lake Street, came forward as a member of the Charter Revision Commission to answer questions.

Vince Mejer, Purchasing Agent, came forward to explain the bid process and to answer questions. Discussion followed.

This matter was taken under advisement.

**TOOK BREAK 3:30 P.M.**

**RECONVENED 3:42 P.M.**

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE VII, SECTION 5 RELATING TO CONFLICTS OF INTEREST TO PROHIBIT ELECTED OFFICIALS AND DEPARTMENT DIRECTORS FROM ENTERING INTO CONTRACTS WITH THE CITY EITHER INDIVIDUALLY OR THROUGH A BUSINESS IN WHICH HE OR SHE HAS A DIRECT OR INDIRECT OWNERSHIP INTEREST AND TO REQUIRE THAT A DECLARATION OF A CONFLICT OF INTEREST MUST BE RECORDED IN THE MINUTES OF THE MEETING WHEN SO DECLARED; TO CLARIFY THAT UNFULFILLED PORTIONS OF CONTRACTS IN VIOLATION OF THE CONFLICT OF INTEREST PROVISIONS MAY BE VOIDED BY THE MAYOR OR CITY COUNCIL; AND TO GENDER NEUTRALIZE THE EXISTING LANGUAGE - Kathleen Neary, 1903 Lake Street, came forward as a member of the Charter Revision Commission to propose the change to the Charter and to answer questions. Discussion followed.

Rick Poore, 914 S. 51<sup>st</sup> Street, came forward as a businessman and

member of the Charter Revision Commission in support of the proposed resolution. Discussion followed  
Kyle Fischer, Chamber of Commerce, came forward against.  
Discussion followed.  
John Hoppe, Jr., 2032 Calvert, came forward against.  
Jack Gould, Common Cause Nebraska, P.O. Box 206, Valparaiso, came forward in support. Discussion followed.  
Dallas Jones, Baylor, Evnen Law Firm, 1248 O Street, came forward against. Discussion followed.  
Coby Mach, LIBA, came forward against.  
John Berry 2650 N. 48<sup>th</sup> Street, came forward as a member of LIBA against the proposed legislation. Discussion followed.  
Bill Austin, Erickson & Sederstrom, 301 S. 13<sup>th</sup> St., Ste. 400, came forward to state these issues should be addressed in the form of an ordinance not in the Charter. A State law already addresses these issues. Discussion followed.  
Marvin Soucek, 8300 E. Avon Lane, came forward against.  
Dean Hoag, 3310 Potomac Drive, came forward as a small businessman against the legislation.  
Faith White, 6200 Everett Street, came forward against.  
Russell Miller, 341 S. 52<sup>nd</sup> Street, came forward representing the Lincoln Neighborhood Alliance in support. Discussion followed.  
Fred Hoke, Home Builders Association, came forward against.  
Victor Covalt, 3124 Kucera Dr., came forward as a member of the Charter Revision Commission in support and to answer questions. Discussion followed.  
Danny Walker, 427 "E" Street, came forward in support.  
Vince Mejer, Purchasing Agent, came forward to answer questions. Discussion followed.  
Dana Roper, City Attorney, Came forward to answer questions. Discussion followed.  
Ms. Neary came forward for rebuttal.

TOOK BREAK 6:16 P.M.

RECONVENED 6:26 P.M.

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

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

REAPPOINTING JAMES HEWITT TO THE NEBRASKA CAPITOL ENVIRONS COMMISSION FOR A THREE-YEAR TERM EXPIRING JANUARY 9, 2011 - CLERK read the following resolution, introduced by Ken Svoboda, moved by John Spatz for its adoption:

A-84748 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointment of James Hewitt to the Nebraska Capitol Environs Commission for a three-year term expiring January 9, 2011 is hereby approved.

Introduced by Ken Svoboda

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

APPOINTING TODD BLOME TO THE CITY AUDIT ADVISORY BOARD FOR A ONE-YEAR TERM EXPIRING MARCH 1, 2009 - CLERK read the following resolution, introduced by Ken Svoboda, moved by John Spatz for adoption:

A-84749 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Todd Blome to the City Audit Advisory Board for a one-year term expiring March 1, 2009 is hereby approved.

Introduced by Ken Svoboda

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

APPOINTING STEVE BOWEN TO THE CITY AUDIT ADVISORY BOARD FOR A TWO-YEAR TERM EXPIRING MARCH 1, 2010 - CLERK read the following resolution, introduced by Ken Svoboda, moved by John Spatz for adoption:

A-84750 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Steve Bowen to the City Audit Advisory Board for a three-year term expiring March 1, 2010 is hereby approved.

Introduced by Ken Svoboda

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

APPOINTING JIM MASTERA TO THE CITY AUDIT ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING MARCH 1, 2011 - CLERK read the following resolution, introduced by Ken Svoboda, moved by John Spatz for adoption:

A-84751 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Jim Mastera to the City Audit Advisory Board for a three-year term expiring March 1, 2011 is hereby approved.

Introduced by Ken Svoboda

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

REAPPOINTING SCOTT SULLIVAN AND MICHAEL ECKERT TO THE URBAN DESIGN COMMITTEE FOR A THREE-YEAR TERM EXPIRING FEBRUARY 1, 2011 - CLERK read the following resolution, introduced by Ken Svoboda, moved by John Spatz, for adoption:

A-84752 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Scott Sullivan and Michael Eckert to the Urban Design Committee for three-year terms expiring February 1, 2011 is hereby approved.

Introduced by Ken Svoboda

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

APPOINTING DR. HEIDI STARK TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH TO FILL AN UNEXPIRED TERM EXPIRING APRIL 15, 2010 - CLERK read the following resolution, introduced by Ken Svoboda, moved by John Spatz, for adoption:

A-84753 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dr. Heidi Stark to the Lincoln-Lancaster County Board of Health to fill an unexpired term expiring April 15, 2010, is hereby approved.

Introduced by Ken Svoboda

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

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS NOVEMBER 30, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS DECEMBER 31, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JANUARY 31, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY COUNCIL ON FEBRUARY 25, 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 DEPARTMENT:

Special Permit 08015 - App. of ESP, Inc. for soil excavation on property located at NW 56<sup>th</sup> Street & West O Street.

Special Permit 08016 - App. of Mark Hunzeker and Andrew Loudon for an early childhood facility for up to 20 children on property at S. 120<sup>th</sup> Street and Yankee Hill Road.

SETTING THE HEARING DATE OF MONDAY, MARCH 17, 2008 AT 1:30 P.M. FOR MANAGER APPLICATION OF AMANDA PERCIVAL FOR METRO DIVERSIFIED, INC. DBA THE OFFICE GENTLEMEN'S CLUB LOCATED AT 640 W. PROSPECTOR COURT, SUITE 200 - CLERK read the following resolution, introduced by Jo n Camp, who moved its adoption:

A-84754 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 17, 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> St., Lincoln, NE, for Manager Application of Amanda Percival for Metro Diversified, Inc. dba The Office Gentlemen's Club located at 640 W. Prospector Court, Suite 200.

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

Introduced by Jon Camp

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

MISCELLANEOUS BUSINESS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF HY-VEE INC. DBA HY-VEE 2 FOR A CHANGE OF LOCATION OF THEIR EXISTING CLASS C LIQUOR LICENSE FROM 2343 N. 48TH STREET TO 1601 N. 84TH STREET - CLERK read the following resolution, introduced by John Spatz, Camp moved its adoption for approval:

A-84755 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, including Neb. Rev. Stat. § 53-120, and the pertinent City ordinances, the City Council recommends that the application of Hy-Vee Inc. dba Hy-Vee 2 to move its presently licensed premise and existing Class "C" liquor license from 2343 N. 48<sup>th</sup> Street to 1601 N. 84<sup>th</sup> Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

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 John Spatz

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

APPLICATION OF GRATA, LLC, DBA GRATA FOR THE ADDITION OF AN AREA MEASURING APPROXIMATELY 64 FEET BY 23 FEET TO THE WEST AND AN OUTSIDE AREA MEASURING APPROXIMATELY 49 FEET BY 11 FEET TO THE EAST OF ITS PRESENTLY LICENSED PREMISES AT 2755 JAMIE LANE, SUITE 15 - PRIOR to reading:

EMERY Moved to amend on line 5 and line 6 by deleting "and an outside area measuring approximately 49 feet by 11 feet to the east."

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

CLERK Read the following resolution, introduced by Jon Camp, John Spatz moved its adoption for approval:

A-84756 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, including Neb. Rev. Stat. § 53-120, and the pertinent City ordinances, the City Council recommends that the application of Grata LLC dba Grata expand its licensed premise by the addition of an area measuring approximately 64 feet by 23 feet to the west ~~and an outside area measuring approximately 49 feet by 11 feet to the east~~ of the presently licensed premises located at 2755 Jamie Lane, Suite 15, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

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

APPLICATION OF THE FALLS LLC DBA THE FALLS FOR A CLASS I LIQUOR LICENSE AT 5925 ADAMS STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption for approval:

A-84757 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, including Neb. Rev. Stat. § 53-120, and the pertinent City ordinances, the City Council recommends that the application The Falls LLC dba The Falls for a Class "I" liquor license at 5925 Adams Street, Lincoln, Nebraska, for the license period ending April 30, 2008, Street, 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 John Spatz

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

MANAGER APPLICATION OF BRYAN GILLILAND FOR THE FALLS LLC DBA THE FALLS AT 5925 ADAMS STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption for approval:

A-84758 WHEREAS, The Falls LLC dba The Falls located at 5925 Adams Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Bryan Gilliland be named manager;

WHEREAS, Bryan Gilliland 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 Bryan Gilliland 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 John Spatz

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

MANAGER APPLICATION OF JESS VETROVSKY FOR GAS 'N SHOP INC. DBA GIT 'N SPLIT AT 3201 WEST O STREET, 1545 CORNHUSKER HWY., 2801 O STREET, 5560 S. 48TH STREET, 4401 N. 27TH STREET, AND 951 WEST O STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption for approval:

A-84759 WHEREAS, Gas 'N Shop Inc. dba Git 'N Split located at 3201 West O Street, 1545 Cornhusker Hwy., 2801 O Street, 5560 S. 48<sup>th</sup> Street, 4401 N. 27<sup>th</sup> Street, and 951 West O Street, Lincoln Nebraska have been approved for Retail Class "B" and "D" liquor licenses, and now requests that Jess Vetrovsky be named manager;

WHEREAS, Jess Vetrovsky 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 Jess Vetrovsky 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 John Spatz

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

MANAGER APPLICATION OF JESS VETROVSKY FOR GAS 'N SHOP DBA GAS 'N SHOP AT 345 WEST O STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption for approval:

A-84760 WHEREAS, Gas "N Shop Inc. dba Gas 'N Shop located at 345 West O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Jess Vetrovsky be named manager;

WHEREAS, Jess Vetrovsky 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 Jess Vetrovsky 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 John Spatz

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

APPLICATION OF THE GARAGE SPORTS BAR & GRILL INC. DBA THE GARAGE SPORTS BAR & GRILL FOR A CLASS I LIQUOR LICENSE AT 5551 S. 48TH STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption for approval:

A-84761 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, including Neb. Rev. Stat. § 53-120, and the pertinent City ordinances, the City Council recommends that the application of The Garage Sports Bar & Grill Inc. dba The Garage Sports Bar & Grill for a Class "I" liquor license at 5551 S. 48<sup>th</sup> Street, Lincoln, Nebraska, for the license period ending April 30, 2008, 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 John Spatz

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

MANAGER APPLICATION OF PATRICIA A. WESTPHAL FOR THE GARAGE SPORTS BAR & GRILL INC. DBA THE GARAGE SPORTS BAR & GRILL AT 5551 S. 48TH STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption for approval:

A-84762 WHEREAS, The Garage Sports Bar & Grill Inc. dba The Garage Sports Bar & Grill located at 5551 S. 48<sup>th</sup> Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Patricia A. Westphal be named manager;

WHEREAS, Patricia A. Westphal 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 Patricia A. Westphal 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 John Spatz

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

**ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

CHANGE OF ZONE 07022 - APPLICATION OF HOPPE PARTNERS LTD. FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF S. 19<sup>TH</sup> AND L STREETS - 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 second time.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY FOR THE IMPROVEMENT OF ALVO ROAD GENERALLY FROM N.W. 12TH STREET TO N. 16TH STREET, AND N. 14TH STREET NORTH AND SOUTH OF ALVO ROAD. (RELATED ITEMS: 08R-37, 08R-38, 08-9) - PRIOR to reading:

COOK Moved to continue Public Hearing for one week with action on March 10, 2008.

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

APPROVING THE SECOND AMENDMENT TO THE FALLBROOK ANNEXATION AGREEMENT BETWEEN THE CITY AND NEBCO, INC. FOR THE IMPROVEMENT OF ALVO ROAD GENERALLY FROM N.W. 12TH STREET TO N. 1ST STREET, AND THE FUTURE DESIGN OF N.W. 12TH STREET FROM ALVO ROAD TO HIGHWAY 34. (RELATED ITEMS: 08R-37, 08R-38, 08-9) (ACTION DATE: 2/11/08) - PRIOR to reading:

COOK Moved to continue Public Hearing for one week with action on March 10, 2008.

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

AMENDING THE HIGHWAY ALLOCATION BOND ORDINANCE #18863 TO REVISE THE PROJECT DESCRIPTION FOR ALVO ROAD TO INCLUDE THE IMPROVEMENT OF ALVO ROAD GENERALLY FROM N.W. 12TH STREET TO N. 16TH STREET, AND N. 14TH STREET NORTH AND SOUTH OF ALVO ROAD. (RELATED ITEMS: 08R-37, 08R-38, 08-9) (ACTION DATE: 2/25/08) - PRIOR to reading:

COOK Moved to continue Public Hearing for one week with action on March 10, 2008.

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

CLERK Read an ordinance, introduced by Robin Eschliman, amending Ordinance No. 18863 by amending Section 1 to revise the project description for Project No. 902270 to provide that the Alvo Road improvements shall be from N.W. 12th Street to N. 16th Street and to also provide for improvements to N. 14th Street; and by repealing Section 1 of Ordinance No. 18863 as hitherto existing, the second time.

AMENDING SECTION 12.20.050 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERMITS AND REQUIREMENTS FOR PLANTING, MAINTAINING, REMOVAL, AND DESTRUCTION OF TREES ALONG PUBLIC WAYS TO INCORPORATE THE STREET TREE VOUCHER PROGRAM - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 12.20.050 the Lincoln Municipal Code relating to permits and requirements for the planting, maintaining, removal, and destruction of trees along public ways to incorporate the Street Tree Voucher Program; and repealing Section 12.20.050 of the Lincoln Municipal Code as hitherto existing, the second time.



- VACATION NO. 07009 - VACATING N. 1ST STREET FROM THE NORTH RIGHT-OF-WAY LINE OF Q STREET TO THE NORTH PROPERTY LINE OF LOT 57 I.T. (RELATED ITEMS: 08-13, 06R-60) (ACTION DATE: 3/10/08) - CLERK read an ordinance, introduced by Ken Svoboda, vacating North 1st Street from the north right-of-way line of Q Street to the north property line of Lot 57 I.T., and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.
- APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN PEOPLE'S CITY MISSION HOME AND THE CITY OF LINCOLN OVER APPROXIMATELY .92 ACRES GENERALLY LOCATED AT N. 1ST AND Q STREET, TO PRESERVE FLOOD STORAGE CAPACITY OF THE EASEMENT AREA. (RELATED ITEMS: 08-13, 06R-60) (ACTION DATE: 3/10/08)
- ANNEXATION 08001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 9.22 ACRES OF PROPERTY GENERALLY LOCATED AT N. 56TH STREET AND ALVO ROAD. (RELATED ITEMS 08-14, 08-15) (ACTION DATE: 3/10/08) - CLERK read an ordinance, introduced by Ken Svoboda, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.
- CHANGE OF ZONE 08001 - APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 56TH STREET AND ALVO ROAD. (RELATED ITEMS 08-14, 08-15) (ACTION DATE: 3/10/08) - CLERK read an ordinance, introduced by Ken Svoboda, 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.
- CHANGE OF ZONE 08005 - AMENDING SECTION 27.63.280 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING CODE SPECIAL PERMITS TO ALLOW A SPECIAL PERMIT TO BE GRANTED FOR THE EXPANSION OR ENLARGEMENT OF A PREMISES DEVOTED TO OR OCCUPIED BY BUILDINGS OR STRUCTURES, THE USE OF WHICH CONSTITUTES A NONCONFORMING OR NONSTANDARD USE - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 27.63.280 of the Lincoln Municipal code relating to Zoning Code Special Permits to allow a special permit to be granted for the expansion or enlargement of a premises devoted to or occupied by buildings or structures, the use of which constitutes a nonconforming or nonstandard use, and repealing Section 27.63.280 of the Lincoln Municipal Code as hitherto existing, the second time.
- CHANGE OF ZONE 08002 - APPLICATION OF OLDERBAK ENTERPRISES NORTH, LLC AND FOSTER INVESTMENT, LLC FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF S.W. 6TH STREET AND WEST A STREET - CLERK read an ordinance, introduced by Ken Svoboda, 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.
- CHANGE OF ZONE 08003 - APPLICATION OF OLDERBAK ENTERPRISES NORTH, LLC FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF S. 48TH AND MEREDETH STREET. (RELATED ITEMS: 08-17, 08R-65) (ACTION DATE: 3/10/08) - PRIOR to reading:
- EMERY Moved to continue public hearing on Bill No. 08-17 for four weeks unless an agreement is reached.
- CLERK Seconded by Spatz & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz; NAYS: None; ABSENT: Svoboda.
- CLERK Read an ordinance, introduced by Ken Svoboda, 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 as shown thereon, the second time.

SPECIAL PERMIT 08007 - APPEAL OF KEITH SACKSCHEWSKY TO THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF THE APPLICATION OF OLDERBAK ENTERPRISES NORTH LLC TO EXPAND A NONCONFORMING USE TO INCREASE THE AREA WHERE THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES IS ALLOWED, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF S. 48TH STREET AND MEREDETH STREET. (RELATED ITEMS: 08-17, 08R-65) (ACTION DATE: 3/10/08) PRIOR to reading:

EMERY Moved to continue public hearing on Bill No. 08R-65 for four weeks unless an agreement is reached.

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

CHANGE OF ZONE 08004 - APPLICATION OF OLDERBAK ENTERPRISES NORTH, LLC FOR A CHANGE OF ZONE FROM R-T RESIDENTIAL TRANSITION DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 48TH STREET AND HARTLEY STREET - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE, 2007 AND DECEMBER, 2007 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Ken Svoboda, adopting the supplements to the Lincoln Municipal Code dated June 2007 and December 2007 as part of the official Lincoln Municipal Code, the second time.

**PUBLIC HEARING RESOLUTIONS**

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 1 - 15, 2008 - PRIOR to reading:

CAMP Moved to amend Bill No. 08R-62 to delay the Christina Collins claim for two weeks with continued public hearing and action on March 17, 2008.

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

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

A-84763 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 February 18, 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>	
Janene Way	NAS*	Anisha Townsend	\$8,000.00
Carlos Moore	\$ 74.00	Gene Cook	2,869.52
Alex Shevchuk	1,593.19	Carol Schmidt	350.00
Dale Van Dusen	NAS*	Jim Laws Jr.	303.65
<del>Christina Collins</del>	<del>8,828.00</del>	Amy Plettner	2,270.00
Jesse Jones	61.02		

\* 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 John Spatz

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LANCASTER COUNTY TO JOINTLY PURCHASE RIGHT-OF-WAY FOR THE EAST BELTWAY - CLERK read the following resolution, introduced by Ken Svoboda, but moved by John Spatz who moved its adoption for approval:

A-84764 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln and Lancaster County to jointly purchase right-of-way for the East Beltway, upon the terms and conditions set forth in said Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit one fully executed original of said Agreement to Susan Starcher for filing with Lancaster County.

Introduced by John Spatz

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

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE IV, SECTION 12, OF THE CHARTER RELATING TO THE DUTIES OF THE MAYOR TO CLARIFY THAT THE MAYOR MUST APPROVE PURCHASES AND CONTRACTS IN EXCESS OF \$25,000; AMEND ARTICLE VII, SECTION 2 OF THE CHARTER RELATING TO THE POWERS AND DUTIES OF THE PURCHASING DIVISION TO PROVIDE THAT THE PURCHASING DIVISION SHALL ADVERTISE FOR FORMAL SEALED BIDS FOR ANY CONTRACT IN EXCESS OF \$25,000, PROVIDED THE MAYOR MAY AUTHORIZE CONSTRUCTION OF PUBLIC WORKS AND UTILITIES INFRASTRUCTURES WHERE THE CITY SUBSIDY OR REIMBURSEMENT DOES NOT EXCEED \$100,000, AND PROVIDED FURTHER THAT THE MAYOR MAY DELEGATE THE EXECUTION OF ANY PURCHASE CONTRACT AWARD OF LESS THAN \$25,000; AND AMEND ARTICLE VIII, SECTION 5 RELATING TO THE AWARDED OF STREET IMPROVEMENT CONTRACTS TO PROVIDE THE CITY MAY MAKE IMPROVEMENTS NOT TO EXCEED \$25,000 WHERE IT HAS NOT RECEIVED ANY BIDS ON A STREET IMPROVEMENT PROJECT - CLERK read the following resolution, introduced by Ken Svoboda, but moved by John Spatz, who moved its adoption:

A-84747 WHEREAS, under the provisions of Article XI, Section 4, of the Constitution of the State of Nebraska, a proposed Charter amendment may be submitted to a vote of the qualified electors at a special election proposed by the City Council of the City of Lincoln, Nebraska:

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

1. That at the primary election to be held on Tuesday, the 13th day of May, 2008, there shall be submitted to a vote of the qualified electors of the City of Lincoln, Nebraska, for adoption or rejection, the following proposed amendment to the Charter of the City of Lincoln:

CHARTER AMENDMENT

Amend Article IV, Section 12 of the Charter relating to the duties of the mayor to require the mayor to personally make or approve all purchases and contracts in excess of \$25,000; amend Article VII, Section 1 of the Charter relating to the purchasing division to harmonize the requirement that the mayor must approve purchases and contracts in excess of \$25,000; amend Article VII, Section 2 of the Charter relating to the powers and duties of the purchasing division to provide that the purchasing division shall advertise for formal sealed bids for any contract in excess of \$25,000, provided the mayor may authorize construction of public works and utilities infrastructures where the city subsidy or reimbursement does not exceed \$100,000, and provided further that the mayor may delegate the execution of any purchase, contract award, or other document involving less than \$25,000; and amend Article VIII, Section 5 relating to the awarding of street improvement contracts to provide the city may make improvements not to exceed \$25,000 where it has not received any bids on a street improvement project.

ARTICLE IV

ELECTION AND ORGANIZATION OF ADMINISTRATION

RECALL, INITIATIVE AND REFERENDUM

Sec. 12. Duties of Mayor. The executive and administrative power of the city shall be vested in and exercised by a mayor, who shall also be the ceremonial head of the city government. The mayor shall maintain an office in city hall and shall devote full time to the duties of that office. The mayor shall be elected by the people at large on an at-large, nonpartisan basis and shall serve for a term of four years.

The mayor shall be fully responsible for the proper conduct of the executive and administrative work and affairs of the city.

~~He~~ The mayor shall have the power and shall be required to:

(1) Exercise supervision over all departments and agencies of the city government and provide for the coordination of their activities.

(2) Enforce the provisions of this charter, city ordinances, and all applicable laws.

(3) Exercise powers granted to ~~him~~ the mayor in this charter, ordinances and applicable laws concerning the appointment and removal of certain officers, employees, and members of boards and commissions.

(4) Submit annually to the council for its consideration a recommended operating budget and capital improvement program and budget.

(5) Exercise supervision over the making of purchases and contracts and personally make or approve all ~~awards purchases and contracts~~ in excess of five ~~twenty-five~~ thousand dollars (\$5,000 ~~\$25,000.00~~).

(6) Cause to be prepared, transmitted to the council, and distributed to the public at least an annual report on the activities and accomplishments of the departments and agencies comprising the executive branch.

(7) Promote and encourage improvement of the city government, encourage the commercial and industrial growth of the city, and promote and develop the prosperity and social well-being of its people.

(8) Exercise such other powers and perform such other duties as may be prescribed by this charter, ordinances and resolutions and applicable laws.

The mayor shall be responsible for appointments of officers and employees in the executive branch, but ~~he~~ the mayor may delegate to department and division heads the authority to make certain appointments. ~~He~~ The mayor shall appoint with council approval the heads of all departments established in this charter, and he may remove, without council approval, the heads of such departments.

The mayor shall have the power to conduct investigations of the operations of affairs relating to the performance of any officer, employee, department or agency of the city in any manner with respect to which the mayor may have authority or responsibility. In conducting investigations the mayor shall have the power to administer oaths, to subpoena witnesses, other than councilmen ~~members~~, and to compel the production of books and papers pertinent to such investigation. Any person who shall fail to appear in response to subpoena, or shall refuse to answer any questions or produce any books or records pertinent to such investigation, or shall knowingly give false testimony therein, shall be guilty of a misdemeanor, and shall be subject to such penalties as may be fixed by ordinance, which the council is hereby authorized to pass, and to such other penalties as may be provided by law.

#### ARTICLE VII

##### CONTRACTS AND PURCHASES

Sec. 1. Purchasing Division Created. There shall be established and maintained in the finance department a purchasing division, the head of which shall be the purchasing agent of the city. The purchasing agent, acting in accordance with provisions of this charter and rules and regulations established by ordinance, shall purchase ~~and contract for~~ all materials, parts, supplies, and equipment required by any department or agency of the city government.

The provisions of this section shall govern and apply notwithstanding any existing provisions of this charter to the contrary. Sec. 2. Purchasing Division, Powers and Duties. The purchasing division, in making any purchase in the amount of ~~\$10,000.00~~ \$25,000.00 or more, or any other department or agency, in making any contract committing the city to any expenditure of ~~\$10,000.00~~ \$25,000.00 or more, shall advertise for formal sealed bids to be opened in public and to be the basis for awards. All advertisements soliciting bids shall be published at least once in the official paper of the city, if there be one, and if there be no official newspaper, then in at least one daily newspaper published and in general circulation in the city. Purchases and contracts involving the expenditure of less than ~~\$10,000.00~~ \$25,000.00 may be made without calling for formal sealed bids, but at least three informal bids shall be secured and recorded if practicable.

Competitive bidding shall not be required in purchasing unique or noncompetitive articles or in contracting for professional services. The mayor, or council/ by the affirmative vote of six of its members, or by a unanimous vote, if fewer than six but at least four members are present, may waive the competitive bidding requirement if such waiver is necessary to meet an emergency threatening serious loss of life, health or property in the community.

The city council may by unanimous vote of the members present authorize the purchase of supplies or the expenditure of funds for the operation or maintenance of any utility operated by the city without estimate or advertising for bids, in which event supplies so authorized may be purchased in the open market. The mayor may, without formal sealed bids, authorize the construction of public works and utilities infrastructures by private entities when the city's payment of reimbursement or subsidies for such construction does not exceed \$100,000.00.

All awards shall be made to the lowest responsible bidder. The city council shall by ordinance establish those criteria to be considered in determining the lowest responsible bidder. The city shall always have the power to reject all bids and to readvertise if it wishes to do so. ~~The authority of the mayor shall not be~~

~~delegated to make any purchase or contract award in excess of ten thousand dollars. The mayor may delegate the execution of any purchase, contract award, or other document which has a direct financial impact to the city of less than \$25,000.00.~~

The city may require that successful bidders provide good and sufficient bonds of appropriate types to ensure deliveries and faithful performance in connection with the purchases or contracts involved.

The provisions of this section shall govern and apply notwithstanding any existing provisions of this charter to the contrary.

ARTICLE VIII  
STREETS, PUBLIC IMPROVEMENTS, PUBLIC UTILITIES,  
SPECIAL ASSESSMENTS

Sec. 5. Contract to Lowest Bidder. All street improvements, the cost of which, or any part thereof, is to be levied as a special tax on property, shall be done by contract with the lowest responsible bidder, provided, however, that if the city received no bids, the city may make improvements costing not to exceed ~~\$10,000.00~~ \$25,000.00 on a force account basis.

Said amendments shall be submitted to the qualified electors as a Charter amendment of Article IV, Section 12; Article VII, Sections 1 and 2; and Article VIII, Section 5 on the ballot and shall be printed on said ballot in the following form:

"CHARTER AMENDMENT -- AMEND ARTICLE IV, SECTION 12; ARTICLE VII, SECTIONS 1 AND 2; AND ARTICLE VIII, SECTION 5 OF THE CHARTER TO REQUIRE THE MAYOR TO MAKE OR APPROVE THE EXECUTION OF PURCHASES AND CONTRACTS GREATER THAN \$25,000; TO AUTHORIZE THE MAYOR TO DELEGATE THE EXECUTION OF CONTRACTS AND PURCHASES OF LESS THAN \$25,000; AND TO AUTHORIZE THE CONSTRUCTION OF PUBLIC WORKS AND UTILITIES PROJECTS BY COMPANIES WHEN THE CITY SUBSIDY DOES NOT EXCEED \$100,000.

SHALL ARTICLE IV, SECTION 12; ARTICLE VII, SECTIONS 1 AND 2; AND ARTICLE VIII, SECTION 5 OF THE CHARTER BE AMENDED TO REQUIRE THE MAYOR TO MAKE OR APPROVE THE EXECUTION OF PURCHASES AND CONTRACTS GREATER THAN \$25,000; TO AUTHORIZE THE MAYOR TO DELEGATE THE EXECUTION OF CONTRACTS AND PURCHASES OF LESS THAN \$25,000; AND TO AUTHORIZE THE CONSTRUCTION OF PUBLIC WORKS AND UTILITIES PROJECTS BY COMPANIES WHEN THE CITY SUBSIDY DOES NOT EXCEED \$100,000?

VOTE FOR or AGAINST

- I vote FOR the proposed amendment.  
 I vote AGAINST the proposed amendment."

2. That the City Clerk of the City of Lincoln is hereby directed to publish with her official certification, three times, and a week apart, the full text of the proposed amendments to be voted upon, as required by law, all as required by the Constitution of the State of Nebraska.

3. That the Mayor be and hereby is directed to proclaim and give notice that at the primary election to be held in the City of Lincoln, Nebraska, on Tuesday, the 13th day of May, 2008, there will be submitted to the qualified electors of the City of Lincoln, Nebraska, for adoption or rejection, the proposition set forth in Section 1 hereof, and the City Clerk is directed to publish the said proclamation as provided by law.

4. That the City Clerk of the City of Lincoln is further directed to notify the Election Commissioner of Lancaster County of the submission of this proposition, and to procure the necessary ballots and make all other necessary arrangements for the same.

Introduced by John Spatz

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

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE VII, SECTION 5 RELATING TO CONFLICTS OF INTEREST TO PROHIBIT ELECTED OFFICIALS AND DEPARTMENT DIRECTORS FROM ENTERING INTO CONTRACTS WITH THE CITY EITHER INDIVIDUALLY OR THROUGH A BUSINESS IN WHICH HE OR SHE HAS A DIRECT OR INDIRECT OWNERSHIP INTEREST AND TO REQUIRE THAT A DECLARATION OF A CONFLICT OF INTEREST MUST BE RECORDED IN THE MINUTES OF THE MEETING WHEN SO DECLARED; TO CLARIFY THAT UNFULFILLED PORTIONS OF CONTRACTS IN VIOLATION OF THE CONFLICT OF

INTEREST PROVISIONS MAY BE VOIDED BY THE MAYOR OR CITY COUNCIL; AND TO GENDER NEUTRALIZE THE EXISTING LANGUAGE - CLERK read the following resolution, introduced by Ken Svoboda and moved by Spatz for adoption:

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

Due to a tie vote Bill No. 08R-64 will be carried over for the March 10, 2008 City Council meeting for action only.

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

CREATING ALLEY PAVING DISTRICT NO. 364 IN THE ALLEY FROM D STREET TO F STREET, BETWEEN 33RD STREET AND 34TH STREET, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Jon Camp, creating Alley Paving District No. 364 defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, 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 first time.

APPROVING A LEASE AGREEMENT BETWEEN B&J PARTNERSHIP LTD. AND THE CITY OF LINCOLN FOR OFFICE SPACE AT 850 Q STREET FOR A PERIOD OF MARCH 1, 2008 THROUGH FEBRUARY 29, 2012 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between B&J Partnership, Ltd. and the City of Lincoln for a lease of approximately 3,217 square feet of space at 850 Q Street, Lincoln, Lancaster County, Nebraska for a four-year term commencing March 1, 2008 and continuing until February 29, 2012 for office use by Parking Services of the Urban Development Department, the first time.

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

CREATING AND ORDERING CONSTRUCTION OF SIDEWALK IMPROVEMENT DISTRICT NO. 95 IN VARIOUS LOCATIONS WITHIN THE CITY AND ASSESSING THE COST AGAINST THE BENEFITTED PROPERTY - PRIOR to reading:

SPATZ Moved to amend Bill No. 08-8 on page 2, line 9 and 10 delete as follows:

"Lots 1,2,3,4,5,6, & 7, Block 16, West Lincoln Addition located in the Northwest Quarter of Section 15, Township 10 North, Range 6 East" (2441 North Main).

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

CLERK Read an ordinance, introduced by John Spatz, creating and ordering construction of Sidewalk Improvement District No. 95, defining the limits thereof, providing for the construction of public sidewalks therein, providing for the payment of the cost thereof, designating the property to be benefitted and repealing all ordinances or parts of ordinances in conflict herewith, the third time.

SPATZ Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19047, is recorded in Ordinance Book #26, Page

MISC. 08001 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO LAND SUBDIVISIONS BY AMENDING SECTION 26.19.010 TO ALLOW FINAL PLATS TO BE DRAWN ON 24 LB. WHITE PAPER AND BY AMENDING SECTION 26.23.140 TO PROVIDE THAT LOTS SHOWN WITHIN THE BOUNDARIES OF AN APPROVED COMMUNITY UNIT PLAN, A PLANNED UNIT DEVELOPMENT, OR USE PERMIT ARE NOT REQUIRED TO FRONT UPON AND TAKE ACCESS TO A PUBLIC STREET OR PRIVATE ROADWAY, PROVIDED THAT A PERMANENT PUBLIC ACCESS EASEMENT TO AND FROM A PUBLIC STREET OR PRIVATE ROADWAY FOR SUCH RESIDENTIAL LOTS IS DEDICATED IN THE FINAL PLAT CREATING SUCH RESIDENTIAL LOTS AND THAT PERMANENT ACCESS EASEMENT (PUBLIC OR PRIVATE) TO AND FROM A PUBLIC STREET OR PRIVATE ROADWAY FOR SUCH NONRESIDENTIAL LOTS IS DEDICATED IN THE FINAL PLAT CREATING SUCH NONRESIDENTIAL LOTS - CLERK read an ordinance, introduced by John Spatz, amending Title 26 of the Lincoln Municipal Code relating to land subdivisions by amending Section 26.19.010 to allow the final plat to be drawn on 24 lb. white paper; by amending Section 26.23.140 to provide that lots shown within the boundaries of an approved community unit plan, a planned unit development or use permit are not required to front upon and take access to a public street or private roadway, provided that a permanent public access easement to and from a public

street or private roadway, provided that a permanent public access easement to and from a public street or private roadway for such residential lots is dedicated in the final plat creating such residential lots and that permanent access easement (public or private) to and from a public street or private roadway for such nonresidential lots is dedicated in the final plat creating such nonresidential lots; and repealing Sections 26.19.010 and 26.23.140 of the Lincoln Municipal Code as hitherto existing, the third time.

SPATZ Moved to pass the ordinance as read.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz; NAYS: None; ABSENT: Svoboda. The ordinance, being numbered **#19048**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07061 - APPLICATION OF STEVE GLENN OF MGG ENTERPRISES FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF VAN DORN STREET AND SOUTH 70TH STREET. (RELATED ITEMS: 08-11, 06R-50) (ACTION DATE: 3/3/08) - 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 third time.

SPATZ Moved to pass the ordinance as read.

Seconded by Emery & **LOST** by the following vote: AYES: None; NAYS: Camp, Cook, Emery, Eschliman, Marvin, Spatz; ABSENT: Svoboda. The ordinance, having **LOST**, was assigned the File **#38-4562** & was placed on file in the Office of the City Clerk.

PRE-EXISTING USE PERMIT NO. 07001A - APPLICATION OF STEVE GLENN OF MGG ENTERPRISES TO DEVELOP 16,000 SQUARE FEET OF COMMERCIAL FLOOR AREA, WITH AN ADJUSTMENT TO THE PARKING REQUIREMENT TO ALLOW A TEMPORARY OUTDOOR STRUCTURE IN CONJUNCTION WITH THE USE OF THE BUILDING AS A CONVENIENCE HARDWARE STORE, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF VAN DORN STREET AND SOUTH 70TH STREET. (RELATED ITEMS: 08-11, 06R-50) (ACTION DATE: 3/3/08) - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

Seconded by Emery & **LOST** by the following vote: AYES: None; NAYS: Camp, Cook, Emery, Eschliman, Marvin, Spatz; ABSENT: Svoboda. The ordinance, having **LOST**, was assigned the File **#38-4563** & was placed on file in the Office of the City Clerk.

**REGISTERED TO SPEAK SESSION - NONE**

**OPEN MICROPHONE SESSION - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

ORDERING CONSTRUCTION OF PAVING UNIT NO. 141 IN Q STREET FROM 35TH TO 36<sup>TH</sup> STREETS AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES:.

COOK Moved to remove Bill No. 08R-30 from Pending to have public hearing on March 17, 2008.

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

CAMP Moved to extend the Pending List to March 10, 2008.

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

**UPCOMING RESOLUTIONS -**

CAMP Moved to approve the resolutions to have Public Hearing on March 10, 2008.

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

REGULAR MEETING  
March 3, 2008  
Page 692

ADJOURNMENT            7:00 P.M.

CAMP            Moved to adjourn the City Council meeting of March 3, 2008.  
                  Seconded by Emery & carried by the following vote: AYES: Camp,  
                  Cook, Emery, Eschliman, Marvin, Spatz; NAYS: None; ABSENT: Svoboda.  
                  So ordered.

---

Joan E. Ross, City Clerk

---

Judy Roscoe, Senior Office Assistant



REGULAR MEETING

March 3, 2008

Page 693

