

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MAY 12, 2008 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Marvin; Council Members: Cook, Emery, Eschliman, Spatz, Svoboda; City Clerk, Joan E. Ross; Absent: Camp.

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

ESCHLIMAN Having been appointed to read the minutes of the City Council proceedings of May 5, 2008 reported having done so, found same correct. Seconded by Spatz & carried by the following vote: AYES: Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.

PUBLIC HEARING

APPLICATION OF SWIG LLC DBA 9 SOUTH CHARGRILL FOR A CLASS IK LIQUOR LICENSE AT 844 SOUTH STREET;

MANAGER APPLICATION OF LINSI A. PETERSON FOR SWIG LLC DBA 9 SOUTH CHARGRILL AT 844 SOUTH STREET - Brett Richardson, 1928 S. 8th St., came forward to take oath and answer questions. He clarified that Shawn Lacey is a member of Swig LLC.

Linsi A. Peterson, 835 S. 11th St., Apt. 1, came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF HY-VEE INC. DBA HY-VEE #2 GAS #1386 FOR A CLASS C LIQUOR LICENSE AT 1515 N. 84TH STREET;

MANAGER APPLICATION OF MATTHEW T. LUDWIG FOR HY-VEE INC. DBA HY-VEE #2 GAS #1386 AT 1515 N. 84TH STREET - Matthew T. Ludwig, 1110 Lamplighter Ln., came forward to take oath and answer questions.

This matter was taken under advisement.

AMENDING CHAPTER 8.46 OF THE LINCOLN MUNICIPAL CODE RELATING TO WEED ABATEMENT BY AMENDING SECTIONS 8.46.010 AND 8.46.020 TO RAISE THE HEIGHT OF WEEDS OR WORTHLESS VEGETATION THAT MUST BE CUT FROM SIX INCHES TO TWELVE INCHES ABOVE THE GROUND; AND REPEALING SECTIONS 8.46.010 AND 8.46.020 AS HITHERTO EXISTING - Council Member Ken Svoboda spoke briefly on behalf of the County Weed Control Authority which brought this ordinance forward in an effort to deal with a dramatically reduced budget.

Russell Shultz, Lancaster County Weed Control Superintendent, came forward to verify the number of complaints versus actual violations on an annual basis. He stated the change would allow his department to concentrate on more serious sites. He said overgrowth becomes a health issue after 12 inches, not at six. To answer Council questions, he clarified what steps he takes in the violation and notification process. He stated that Council Member Eschliman's suggestion of sending a first-notice postcard might delay the process.

Michael Snodgrass, 2122 N. 27th St., Exec. Director of NeighborWorks, came forward in opposition stating that tall overgrowth collects undesirable creatures and trash in an area that is already experiencing low home ownership, foreclosures and suffering from a lack of revitalization. He agreed that better notification could eliminate 95% of the inspections.

Pat Anderson Sifuentez, 1500 S. 11th St., came forward representing the Everett Neighborhood, requesting a pro-active system to combat the annual offenders as shown in her photos.

Danny Walker, 427 "E" Street, came forward in opposition suggesting the focus should be placed upon repeat offenders.

Shawn Ryba, 4411 N. Park Blvd., representative of NeighborWorks, came forward in opposition to the weed ordinance change but in favor of a postcard notice. He stated the heart of Lincoln neighborhoods are

under stress of foreclosure, code violations, graffiti, rental vacancy rates and low home ownership rates. He said this ordinance is one of the few tools in place to protect older neighborhoods. Upon Mr. Ryba's prompting, several homeowners in the audience stood up to acknowledge their opposition.

Coby Mach, Director of LIBA, came forward as a homeowner in opposition and suggested the use of technology which would implement digital cameras and e-mails to aid in reporting violations.

Craig Groat, address not given, came forward as a lifetime gardener in opposition, providing documentation which states that frequent mowing is a valuable weed control method.

Ed Patterson, 700 N. 24th St., came forward in opposition stating that overgrown yards are an invitation to break-ins and can lead to more crime.

Bret Beermann, 630 Village Ave., Malone Community Resident, came forward in opposition stating that keeping the six-inch height sends a statement to owners, further enforcing that overgrowth is unacceptable.

Susan Melcher, 2401 Garfield, came forward in opposition stating that laws that are less strict send a message.

Jeanette Harris, 2424 Northlund Ct., came forward in opposition stating that builders in her area let weeds reach three feet in height and yet nothing is done. She responded to Council questions stating that weeds germinate at six inches which spread the problem.

Maurice Baker, 3259 Starr St., came forward in opposition stating that quality of life can be a measure of efficiency.

Mary Reeves, 3236 Dudley, came forward in opposition stating she is a neighborhood walker and she feels if overgrowth is reported at 12", it will be 18" before being cut.

Cathy Beecham, 2540 C St., came forward in opposition stating the City should identify problem properties and leverage fines on repeat offenders, thereby helping to revitalize neighborhoods.

Curtis Wood, 342 S. 50th, President of Witherbee Neighborhood, came forward in opposition stating the current height provides safety and security.

Mr. Shultz came forward in rebuttal stating he follows notification procedures but would like to implement a streamlined procedure, possibly setting up a fine structure. Council suggested setting up a comprehensive discussion with departments and volunteers to include broader views as well as to look at the State Laws.

John V. Hendry, City Attorney, came forward to answer questions by clarifying the State Law regarding mail acknowledgment of receipt and the ability to assess a reasonable fine.

This matter was taken under advisement.

APPROVING THE PLATTE RIVER WELL FIELD FARM LEASE BETWEEN THE CITY (OWNER) AND DENNIS M. THOMAS (TENANT) FOR THE LEASE OF APPROXIMATELY 240 ACRES AROUND THE CITY OF LINCOLN ASHLAND WELLHEAD WATER OPERATIONS IN ASHLAND, NEBRASKA FOR A ONE-YEAR TERM FROM JUNE 1, 2008 THROUGH MAY 31, 2009 - Chad Blahak, Public Works & Utilities, came forward to answer questions about the use of land for farming purposes and the concern of water pollution. Mr. Blahak stated he would return in one week with answers regarding the protection of well water from nitrates and how the lease rate figure was achieved.

This matter was taken under advisement.

COMP. PLAN CONFORMITY 08005 - DECLARING APPROXIMATELY 19.37 ACRES OF PROPERTY GENERALLY LOCATED AT N. 56TH STREET AND BLUFF ROAD AS SURPLUS AND AUTHORIZING THE SALE THEREOF TO THE NEBRASKA GAME AND PARKS COMMISSION - David Landis, Director of Urban Development, came forward to clarify that Game & Parks will be able to utilize this new location for their heavy equipment storage, thereby improving neighborhood housing in the Peter Pan Park area.

This matter was taken under advisement.

CHANGE OF ZONE 08015 - APPLICATION OF THE UNIVERSITY OF NEBRASKA FOUNDATION FOR A CHANGE OF ZONE FROM I-2 INDUSTRIAL PARK DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT N.W. 7TH STREET AND HIGHLAND BLVD.;

CHANGE OF ZONE 2938C - APPLICATION OF THE UNIVERSITY OF NEBRASKA FOUNDATION TO EXPAND THE AREA OF THE UNIVERSITY OF NEBRASKA TECHNOLOGY PARK SPECIAL SIGN DISTRICT BY APPROXIMATELY 12 ACRES ON PROPERTY GENERALLY LOCATED AT N.W. 1ST STREET AND W. HIGHLAND BLVD. - Tom Huston, 233 S. 13th Street, Suite 1900, came forward on behalf of the applicant clarifying the change of zone as providing additional frontage for visibility of the Technology Park from I-80, attracting potential tenants/customers which could hopefully lead to expansion.

Richard Esquivel, 733 W. Cuming, came forward to inquire about the wetlands and trees.

Mr. Huston came forward to state that existing ponds serve as storm water retention as well as amenities. He said the trees are to be protected to an extent within a part of the design standards.

This matter was taken under advisement.

TO PROVIDE AUTHORITY TO ASSESS PROPERTY OWNERS FOR THE COST OF SNOW AND ICE REMOVAL BY THE CITY FROM SIDEWALKS ADJACENT TO THEIR PROPERTY DURING THE WINTER SEASON OF 2007-2008 - Harry Kroos, Public Works & Utilities, came forward to answer questions about the 12 parcels.

Danny Walker, 427 "E" Street, came forward to suggest that absentee owners should be notified early in the season to avoid dangerous situations.

Richard Tast, Jr., 4841 S. 76th St., duplex owner at 1415 N. 32nd St., came forward to state that he neither received notice by mail nor by written posting on the front door.

Mr. Kroos came forward to answer questions about notification, the use of Pro Mow as a consistent company, and clarification that they inspect 880 complaint areas per season.

John V. Hendry, City Attorney, came forward to state that notification must be placed in a conspicuous place on property; if this is not done, the City cannot assess.

This matter was taken under advisement.

APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND CAPITOL COLD LLC RELATING TO THE CONSTRUCTION OF STORAGE BUILDINGS FOR COMMERCIAL USE WITHIN THE WEST O STREET REDEVELOPMENT PLAN FOR PUBLIC IMPROVEMENTS INCLUDING LANDSCAPING AND NEW SIDEWALKS ABUTTING THE PROJECT AREA GENERALLY LOCATED AT 301 S.W. 32ND STREET - David Landis, Director of Urban Development, came forward to answer questions and stated that TIF money was requested to construct a \$55,000 sidewalk in an area where there will be a future need of a road.

Ernie Castillo, Urban Development, came forward to answer a Council question replying that Mr. Urbanski, the developer, paid \$22,000 in impact fees.

Richard Esquivel, 733 W. Cuming, came forward to question why tax dollars are used for this location.

Chair Marvin replied that for the record, this sidewalk is for the public right-of-way.

Mr. Landis came forward to answer questions regarding the use of TIF and stated the company is worth \$2.5 million and employs 10 individuals. He said the sidewalk adds safety to the area.

This matter was taken under advisement.

USE PERMIT 05005A - APPLICATION OF GREGG TRAUTMAN TO REDUCE A PORTION OF THE FRONT YARD SETBACK FROM 25 FEET TO 15 FEET TO ACCOMMODATE A SIGN ON PROPERTY GENERALLY LOCATED 1/2 BLOCK SOUTH OF S. 37TH AND O STREETS - Gregg Trautman, 700 Lakewood Dr., came forward to state the use permit will allow more parking on the property, thus alleviating traffic on 37th Street.

This matter was taken under advisement.

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

TOOK BREAK 7:57 P.M.

RECONVENED 8:08 P.M.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY CITY COUNCIL ON APRIL 28, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF MARCH, 2008 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM THE CITY TREASURER OF FRANCHISE TAX FROM TIME WARNER CABLE FOR THE QUARTER ENDING MARCH 31, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR 1ST QUARTER 2008: WINDSTREAM COMMUNICATIONS, INC.; MARCH 2008: ACN COMM. SERVICES, AT&T COMM OF MIDWEST, BUDGET PREPAY, COMTEL TELCOM ASSETS, LEVEL 3 COMM, QWEST COMM, TWC DIGITAL PHONE - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR 1ST QUARTER 2008: AMERIVISION, ASSOC. ADMINISTRATORS, COMTECH 21, DIGIZIP, MEGAPATH, NECC TELECOM, OPEX COMM., TELENATIONAL, VIAERO WIRELESS; JANUARY 2008: ANDIAMO TELECOM; FEBRUARY 2008: ACN COMM., ADVANCED TEL, ANDIAMO TELECOM, BROADBAND DYNAMICS, BROADWING, BUSINESS PROD. SOLUTIONS, CIMCO, CINCINNATI BELL, CRICKET, EARTHLINK, GLOBAL CROSSING, GLOBALSTAR USA, GTC TELECOM, GUARANTEED PHONE SERVICE, IBM GLOBAL, INTELLICALL, KDDI AMERICA, LDMI, MCLEOD USA, NEBRASKA TECHNOLOGY & TELECOM., NEW CINGULAR WIRELESS, NEW EAGLE NETWORK, ONSTAR, PRIMUS, QUANTUM SHIFT, QWEST, TELECORP, FLYING J, TRACFONE, TRANS NATIONAL, TWC DIGITAL PHONE, UCN, USCOC OF GREATER IOWA, USCOC OF NEBRASKA/KANSAS, VERIZON-BELL ATLANTIC, VIRGIN MOBILE USA, VOICECOM, WHOLESALE CARRIER SERVICES, WORKING ASSETS FUNDING SERVICE, XO COMMUNICATIONS; MARCH 2008: 360NETWORKS, 800 RESPONSE, ACCERIS, ALLTELL, ALLTEL COMMUNICATIONS OF NE, AT&T COMM. OF MIDWEST, ATS MOBILE TELEPHONE, BT AMERICAS, BUSINESS TELECOM, CA AFFINITY, COVISTA, D&D COMM, ENHANCED COMM. GROUP, ENHANCED COMM. NETWORK, FIRST COMM., GLOBALCOM, GTC TELECOM, LIGHTYEAR, NETWORK BILLING SYSTEMS, NEXTEL, NOS COMM., NOSVA, SBC LONG DISTANCE, SPRINT, SPRINT SPECTRUM, TCG OMAHA, TRI-M, UNITE PRIVATE NETWORKS, VERIZON, ZONE TELECOM - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MAY 19, 2008 AT 1:30 P.M. FOR THE APPLICATION OF MAGNOLIA RESTAURANT, INC. TO EXPAND ITS LICENSED PREMISES BY THE ADDITION OF AN L-SHAPED SIDEWALK CAFÉ APPROXIMATELY 11 FEET BY 60 FEET LOCATED AT 301 N. 8TH STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84850 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 19, 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 Magnolia Restaurant, Inc. dba Magnolia Restaurant to expand its licensed premises by the addition of an L-shaped sidewalk café approximately 11 feet by 60 feet located at 301 N. 8th 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 Svoboda & carried by the following vote: AYES: Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MAY 19, 2008 AT 1:30 P.M. FOR THE APPLICATION OF AQUA MATIC INC. DBA ROC'S STOP & SHOP FOR A CLASS D LIQUOR LICENSE AT 2700 SOUTH STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84851 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 19, 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 Aqua Matic Inc. dba Roc's Stop & Shop for a Class "D" liquor license at 2700 South 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 Svoboda & carried by the following vote: AYES: Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 08018 - App. Of Gamma Phi Beta House Corp., from O-2 Suburban Office District to R-7 Residential District and from O-2 Suburban Office District to P Public Use District on property generally located at N. 16th Street and R Street.

Change of Zone No. 08019 - App. Of Robert Rokeby, Victoria Rokeby and Larry Schmieding, from R-3 Residential District to H-3 Highway Commercial District on property generally located at N. 35th Street and Superior Street.

Change of Zone No. 08020 - App. Of Olsson Associates, from R-4 Residential District to I-1 Industrial District on property generally located at N. 56th Street and Ballard Avenue.

LIQUOR RESOLUTIONS

APPLICATION OF SWIG LLC DBA 9 SOUTH CHARGRILL FOR A CLASS IK LIQUOR LICENSE AT 844 SOUTH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-84852 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Swig LLC dba 9 South Chagrill for a Class "IK" liquor license at 844 South Street, Lincoln, Nebraska, for the license period ending April 30, 2009, be approved with the condition that the premise

complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Doug Emery

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

MANAGER APPLICATION OF LINSI A. PETERSON FOR SWIG LLC DBA 9 SOUTH CHARGRILL AT 844 SOUTH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-84853 WHEREAS, Swig LLC dba 9 South Chargrill located at 844 South Street, Lincoln, Nebraska has been approved for a Retail Class "IK" liquor license, and now requests that Linsi A. Peterson be named manager;

WHEREAS, Linsi A. Peterson 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 Linsi A. Peterson 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 Doug Emery

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

APPLICATION OF HY-VEE INC. DBA HY-VEE #2 GAS #1386 FOR A CLASS C LIQUOR LICENSE AT 1515 N. 84TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-84854 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Hy-Vee Inc. dba Hy-Vee #2 Gas #1386 for a Class "C" liquor license at 1515 N. 84th Street, Lincoln, Nebraska, for the license period ending October 31, 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 Doug Emery

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

MANAGER APPLICATION OF MATTHEW T. LUDWIG FOR HY-VEE INC. DBA HY-VEE #2 GAS #1386 AT 1515 N. 84TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-84855 WHEREAS, Hy-Vee Inc. dba Hy-Vee #2 Gas #1386 located at 1515 N. 84th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Matthew T. Ludwig be named manager;

WHEREAS, Matthew T. Ludwig 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 T. Ludwig 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 Doug Emery

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

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

AMENDING CHAPTER 8.46 OF THE LINCOLN MUNICIPAL CODE RELATING TO WEED ABATEMENT BY AMENDING SECTIONS 8.46.010 AND 8.46.020 TO RAISE THE HEIGHT OF WEEDS OR WORTHLESS VEGETATION THAT MUST BE CUT FROM SIX INCHES TO TWELVE INCHES ABOVE THE GROUND; AND REPEALING SECTIONS 8.46.010 AND 8.46.020 AS HITHERTO EXISTING. (4/14/08 - P.H./2ND READING DELAYED 4 WKS. TO 5/12/08) - CLERK read an ordinance, introduced by John Spatz, amending Chapter 2.54 of the Lincoln Municipal Code relating to conflicts of interest of officers and employees to declare the policy of the Chapter; to revise the definition of immediate family; to adopt standards for ethical conduct of officers and employees, including general principals relating to financial interests, use of information, status, or property for private gain, and contracting with the City; to require candidates for office to disclose existing or pending contractual relationships with the City; to declare interests in contracts by revising language, posting of information on websites, to require additional information on disclosures, to extend bid deadlines, and to require Council approval of such contracts, the second time.

APPROVING THE PLATTE RIVER WELL FIELD FARM LEASE BETWEEN THE CITY (OWNER) AND DENNIS M. THOMAS (TENANT) FOR THE LEASE OF APPROXIMATELY 240 ACRES AROUND THE CITY OF LINCOLN ASHLAND WELLHEAD WATER OPERATIONS IN ASHLAND, NEBRASKA FOR A ONE-YEAR TERM FROM JUNE 1, 2008 THROUGH MAY 31, 2009 - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving the Platte River Well Field Farm Lease Between the City of Lincoln and Dennis M. Thomas for a lease of approximately 240 acres of property generally located around the City of Lincoln Ashland Wellhead Water Operations in Ashland, Nebraska for farming operations, the second time.

COMP. PLAN CONFORMITY 08005 - DECLARING APPROXIMATELY 19.37 ACRES OF PROPERTY GENERALLY LOCATED AT N. 56TH STREET AND BLUFF ROAD AS SURPLUS AND AUTHORIZING THE SALE THEREOF TO THE NEBRASKA GAME AND PARKS COMMISSION - CLERK read an ordinance, introduced by Robin Eschliman, declaring approximately 19.37 acres of City-owned property generally located at N. 56th Street and Bluff Road as surplus and authorizing the sale thereof, the second time.

CHANGE OF ZONE 08015 - APPLICATION OF THE UNIVERSITY OF NEBRASKA FOUNDATION FOR A CHANGE OF ZONE FROM I-2 INDUSTRIAL PARK DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT N.W. 7TH STREET AND HIGHLAND BLVD (RELATED ITEMS: 08-56, 08-57) - CLERK read an ordinance, introduced by Robin Eschliman, 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 2938C - APPLICATION OF THE UNIVERSITY OF NEBRASKA FOUNDATION TO EXPAND THE AREA OF THE UNIVERSITY OF NEBRASKA TECHNOLOGY PARK SPECIAL SIGN DISTRICT BY APPROXIMATELY 12 ACRES ON PROPERTY GENERALLY LOCATED AT N.W. 1ST STREET AND W. HIGHLAND BLVD (RELATED ITEMS: 08-56, 08-57) - CLERK read an ordinance, introduced by Robin Eschliman, amending the "Standards of University of Nebraska Technology Park Special Sign District" originally adopted by Ordinance No. 16901 passed by the City Council on December 4, 1995, designating the University of Nebraska Technology Park as a special sign district, and subsequently amended by Ordinance No. 17504 on May 10, 1999 and Ordinance No. 18936 on June 11, 2007, to expand the area of the University of Nebraska Technology Park Special Sign District to include approximately 12 acres of property generally located at N.W. 1st Street and W. Highland Boulevard and legally described as: Lot 78 I.T., in the North Half of Section 10, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, 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 APRIL 16 - 30, 2008 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84856 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 May 1, 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>
None	Fred Matulka & Deb Matulka \$5,817.07

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 Robin Eschliman

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

TO PROVIDE AUTHORITY TO ASSESS PROPERTY OWNERS FOR THE COST OF SNOW AND ICE REMOVAL BY THE CITY FROM SIDEWALKS ADJACENT TO THEIR PROPERTY DURING THE WINTER SEASON OF 2007-2008 - PRIOR to reading:

ESCHLIMAN Moved to amend Bill No. 08R-103 by removing lines 17 & 18.

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

CLERK Read the following amended resolution, introduced by Robin Eschliman, who moved its adoption:

A-84857 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the snow removal costs for snow and ice removal off sidewalks for the 2007-2008 winter season as listed below be and the same hereby are assessed against the property listed opposite the amount.

Location	Legal Description	Snow Removal Charges
338 West Rio Road	Eastborough 2 nd Addition Block 11, Lot 21	\$383.25
503 Trail Ridge Circle	Russwood Park 1st Addition Block 3, Lot 1	\$100.00
1223 Cold Spring Road	Salt Valley View, Block 3, Lot 2	\$167.75
2923, 2937 & 2945 'O' St	Monarch Investment Company Replat, Lots A, B, C & D	\$197.50
8021 Sandalwood Drive	Wedgewood Manor 2 nd Addition Block 7, Lot 1	\$237.00
1435 'C' Street	Lincoln Original, Block 216, Lot 2	\$254.12
1415 N. 32nd Street	Brace & Strawbridge Sub N50' Lots 11-12	\$214.50
1401 'D' Street	Lincoln Original, Block 211 N47 1/3' Lot 6	\$429.00
1987 'C' Street	Mount Emerald, E75' N142' Lot 1	\$206.00
2501 Winthrop Road	Rathbone Village Block 2, N60' Lot 1	\$206.00
505 'F' Street	Lincoln Original, Block 174, Lot 9	\$172.25
500 'E' Street	Lincoln Original, Block 174 Lots 7, 8, 10, 11 & 12	\$244.00

Introduced by Robin Eschliman

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

APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND CAPITOL COLD LLC RELATING TO THE CONSTRUCTION OF STORAGE BUILDINGS FOR COMMERCIAL USE WITHIN THE WEST O STREET REDEVELOPMENT PLAN FOR PUBLIC IMPROVEMENTS INCLUDING LANDSCAPING AND NEW SIDEWALKS ABUTTING THE PROJECT AREA GENERALLY LOCATED AT 301 S.W. 32ND STREET - PRIOR to reading:

COOK Moved to delay Action on Bill No. 08R-104 for one week to May 19, 2008.

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

USE PERMIT 05005A - APPLICATION OF GREGG TRAUTMAN TO REDUCE A PORTION OF THE FRONT YARD SETBACK FROM 25 FEET TO 15 FEET TO ACCOMMODATE A SIGN ON PROPERTY GENERALLY LOCATED 1/2 BLOCK SOUTH OF S. 37TH AND O STREETS - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84858 WHEREAS, Gregg Trautman has submitted an application in accordance with Sections 27.28.080 of the Lincoln Municipal Code designated as Use Permit No. 05005A to amend Use Permit No. 05005 in order to reduce the existing front yard setback from 25 feet to 15 feet to accommodate a ground sign on property generally located at 127 S. 37th Street, and legally described as:

Lots 18 and 19, Block 9, Young's Hyland Park, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this amendment to the development within the use permit will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Gregg Trautman, hereinafter referred to as "Permittee", to amend Use Permit No. 05005 in order to reduce the existing front yard setback from 25 feet to 15 feet to accommodate a ground sign on the property legally described above be and the same is hereby granted under the provisions of Section 27.28.080 of the Lincoln Municipal Code upon condition that construction and operation of said ground sign be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the reduction of the front yard setback along South 37th Street from 25 feet to 15 feet in that portion of the front yard south of the sanitary sewer easement and north of the northern most building line to accommodate a sign closer to the street as shown on the site plan.

2. Before receiving building permits the Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final site plan including five copies which removes the language on the building showing an arrow and "20 S.F. Illuminated Ground sign, 8' Max Height."

3. Before applying for a building permit all development and construction must substantially comply with the approved plans.

4. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said Items as shown on the approved site plan.

5. This resolution's terms, conditions, and requirements bind and obligate the Permittee, his successors and assigns.

6. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

7. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Robin Eschliman

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

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

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$625,000 OF GENERAL OBLIGATION TAX ANTICIPATION NOTES TO THE CITY OF LINCOLN. (RELATED ITEMS: 08-58, 08R-107) (REQUEST 2ND, 3RD READINGS ON 5/19/08) - CLERK read an ordinance, introduced by John Spatz, authorizing and providing for the issuance, sale and delivery of Tax Anticipation Notes, Series 2008, of the City of Lincoln, Nebraska, in an aggregate principal amount not to exceed \$625,000 (the "notes"), for the purpose of paying the costs of architectural and urban designs and certain infrastructure and environmental studies in connection with construction, equipping and furnishing City facilities; prescribing certain terms of the notes; delegating, authorizing and directing the Finance Director to exercise his independent judgment and absolute discretion in determining certain other terms of the notes; providing for the payment of the principal of and interest on the notes by the levy of a tax on all of the taxable property within the City; authorizing and approving certain other documents and actions and related matters, the first time.

APPROVING A PLEDGE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNF CHARITABLE GIFT FUND TO PROVIDE FUNDING TO THE CITY FOR PRELIMINARY DESIGN, ENGINEERING AND FEASIBILITY STUDIES RELATED TO THE ARENA PROJECT AND RELATED AMENITIES. (RELATED ITEMS: 08-58, 08R-107)

ACCEPTING WILLOW SPRINGS HOMEOWNERS ASSOCIATION'S OFFER TO DEDICATE THE RIGHT-OF-WAY FOR LUCILE DRIVE AT PIONEERS BLVD - CLERK read an ordinance, introduced by John Spatz, accepting Willow Springs Homeowners Association's right-of-way for Lucile Drive at Pioneers Boulevard, the first time.

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

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

EMERY Move to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.
The ordinance, being numbered **#19085**, is recorded in Ordinance Book #26, Page

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

EMERY Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Cook,
Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.
The ordinance, being numbered #19086, is recorded in Ordinance Book #26, Page

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

EMERY Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Cook,
Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.
The ordinance, being numbered #19084, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Richard Esquivel, 733 W. Cuming, came forward with numerous
questions regarding dollars spent on City projects, declaration of
blight, advertising revenue and a suggestion to finance youth sports
programs through private advertising.

Council Member Eschliman requested Mr. Esquivel to transcribe his
eight questions to Council in an e-mail format; thus, various City
Department Heads could address them and reply to him directly.

This matter was taken under advisement.

Danny Walker, 427 "E" Street, came forward to comment on
commercial property in disarray near his residence. He said it is an
unsafe area in a school zone and he expressed disappointment that some
property owners do not take care of their property until forced.

This matter was taken under advisement.

Ken Vice, 6921 S. 51st St., President of the Great Plains Trails
Network and a member of the Pedestrian Bicycle Advisory Committee, came
forward expressing concern about the maintenance of the Boosalis Trail
pedestrian/bicycle underpass near the intersection of 48th and Highway
2. He said it has been closed since October 2007 after a storm sewer
back-up caused a washout under the trail. Mr. Vice stated the alternate
passage is unsafe to maneuver through the poorly-designed, at-grade
crossing. He requested funding be provided to repair emergencies such as
this.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

SVOBODA Moved to extend the Pending List to May 19, 2008.
Seconded by Eschliman & carried by the following vote: AYES: Cook,
Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.

UPCOMING RESOLUTIONS -

SVOBODA Moved to approve the resolutions to have Public Hearing on May
19, 2008.
Seconded by Eschliman & carried by the following vote: AYES: Cook,
Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.

