

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, JUNE 23, 2008 AT 5:30 P.M.**

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

Council Chair Eschliman asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

EMERY Having been appointed to read the minutes of the City Council proceedings of June 16, 2008 reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF ROJO'S GOODS INC. DBA ROJO'S GOODS FOR A CLASS D LIQUOR LICENSE AT 824 P STREET, SUITE 100. (6/16/08 - CON'T P.H. W/ACTION TO 6/23/08);

MANAGER APPLICATION OF CHRISTY E. MCMAHAN FOR ROJO'S GOODS INC. DBA ROJO'S GOODS AT 824 P STREET, SUITE 100. (6/16/08 - CON'T P.H. W/ACTION TO 6/23/08) - Mary Kos, 3538 Cape Charles Rd. E, took the oath and came forward stating this business will cater to the needs of the community in the Haymarket area. They will have bread, milk, produce, etc.

Christy McMahan, 1207 W. Sewell, took oath and was available for questions.

This matter was taken under advisement.

APPLICATION OF SAPNA INC. DBA SAPNA BAR FOR A CLASS I LIQUOR LICENSE AT 1819 O STREET;

MANAGER APPLICATION OF MEHMED OMEROVIC FOR SAPNA INC. DBA SAPNA BAR AT 1819 O STREET - Mehmed Omerovic, 1819 O Street, took the oath and came forward to answer questions. He explained a weapons charge against him that occurred when he was pulled over for a headlight being out at which time a search of his car took place and a hunting knife was found in his car. He went to court for this charge and paid the fine for disposal.

This matter was taken under advisement.

APPLICATION OF SIDEWINDERS INC. DBA SIDEWINDERS FOR A CLASS C LIQUOR LICENSE AT 1644 O STREET;

MANAGER APPLICATION OF DEBRA L. PELSOR FOR SIDEWINDERS INC. DBA SIDEWINDERS AT 1644 O STREET - Debra L. Pelsor, 2749 Sumner Street, took the oath and came forward to explain her business will be a bar and a venue. The plan is to have a variety of bands such as country, rock, and blues. Stockholder Rett Bellamy will not be involved in the day to day business as the Police has prohibited him from doing so.

Russ Fosler, Police Dept., came forward to comment it should be stated in the resolution that Rett Bellamy is to have no involvement in the day-to-day operation of this business.

Joan Ross, City Clerk, verified this is so stated in the resolution.

This matter was taken under advisement.

AMENDING SECTION 9.16.145 OF THE LINCOLN MUNICIPAL CODE RELATING TO POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA TO REVISE THE PENALTIES FOR SUCH OFFENSE TO CONFORM TO THOSE ENUMERATED BY NEB. REV. STAT. § 28-415(13), AS AMENDED, EFFECTIVE JULY 18, 2008, AND REPEALING SECTION 9.16.145 AS HITHERTO EXISTING - John Hendry, City Attorney, came forward to state the purpose of this ordinance is to amend the penalties to conform with LB844 which was passed by the Legislature and approved by the Governor on April 16, 2008. The effective date of LB844 will coincide with the effective date of this proposed ordinance therefore our penalties will match those of the State at the same time. If the offense is prosecuted under State law the County Attorney will be the prosecutor otherwise to prosecute under the City's law the City Attorney will prosecute it. Mr. Hendry will talk to the County Attorney to better understand the process and to explore the possibility of repealing this ordinance which could save costs to the City .

This matter was taken under advisement.

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CHANGE OF ZONE NO. 08022HP - APPLICATION OF DANJA PEGRAM SIDERS, ON BEHALF OF AGINVEST LLC, TO DESIGNATE THE DR. SLATTERY HOUSE AT 5230 NORTH 14TH STREET AS A HISTORIC LANDMARK - Marvin Krout, Director of Planning, came forward to request this item be placed on Pending Indefinitely to be able to talk to the applicant and possibly communicate with some of the surrounding property owners so everybody knows what the Planning Department is doing. The Planning Department has for several years planned to extend the street from the east called Morton Street through this property as a collector street to an intersection at N. 14<sup>th</sup> Street with Morton Street on the other side. It is being questioned that possibly Ms. Siders is requesting the 6 acres of land as well as the house be designated as a historic landmark to possibly prevent the extension of the street to occur.

MARVIN Moved to place Bill No. 08-73 on Pending Indefinitely with continued Public Hearing.

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

This matter was taken under advisement.

AMENDING SECTION 21.48.030 OF THE LINCOLN MUNICIPAL CODE RELATING TO PENALTIES FOR VIOLATIONS OF THE LINCOLN HOUSING CODE TO INCREASE THE FINE FOR FIRST OFFENSES FROM \$25.00 TO \$200.00, FOR SECOND OFFENSES FROM \$50.00 TO \$250.00, AND FOR THIRD OFFENSES AND EACH OFFENSE THEREAFTER FROM \$100.00 TO \$300.00, AND REPEALING SECTION 21.48.030 AS HITHERTO EXISTING - Doug Emery, Council Member, stated this was brought to the Council by the Lincoln Policy Network in an attempt to get the fines up to reality and to prevent home owners from getting a building permit which is more prohibitive than paying the fine. This is geared toward the landlord depending on how the tenant/landlord lease is written.

Iva Walker, 1621 S. 3<sup>rd</sup> St., came forward to ask how long a time will the owner have to make the improvements on the property? She feels the increase of the fines is overbearing.

Michael Snodgrass, Executive Director of Neighborworks and facilitator for Lincoln Policy Network, stated this code is not necessarily to fine the first time offender, but for those who have been notified and have not made the repairs or improvements.

Lynne Fisher, 6500 Alpine Rd., Denton, NE, President of the Real Estate Owners and Managers Assn. came forward in support because it addresses the problems of poor property managers or those who simply refuse to take care of their property. The kinds of issues and violations would almost never be tenant caused instead it would be poor management, poor maintenance things that are owner controlled. It is ultimately the property owners responsibility so if the tenant is the problem the property owner has to correct it. Building and Safety will notify the property owner of the violation.

Richard Esquivel, 733 Cumings St., questioned if a homeowner has a natural disaster occur to the home, but does not have the money to repair the home how will this be enforced?

Larry Zink, 4926 Leighton Avenue, came forward in support of this change to have meaningful tools to keep the neighborhoods maintained.

Ed Patterson, no address given, came forward in support. He stated he is on the Board of Directors of Neighborworks which provides financial or technical assistance to single family live-in owners. The Urban Development is also available for assistance in certain situations. There are resources for assistance to repair property owners homes.

Tracy Corr, 1001 S. 37<sup>th</sup> Street, came forward in support and stated if a contractor does not complete the repairs in compliance with the code they are fined not the homeowner.

Pat Anderson-Sifuentez, 1500 S. 11<sup>th</sup> Street, feels the Building and Safety codes are too lenient and hopes the increase in fines will encourage property owners to comply. She stated there are a lot of resources to help those in need.

Danny Walker, 427 "E" Street, came forward in support.

Mike Merwick, Director of Building & Safety, came forward to explain the code process. The fines were recommended by the National Housing Code Standards. It was stated that approximately 100 cases a year will go to Law Department of which the majority will be settled. If a house is destroyed due to a fire or tornado to the point it is uninhabitable the house is red tagged until taken care of. Building and Safety will work with the property owner in complying with the code. If it is a substantial problem it could take up to 60 to 90 days to comply. The property owner is responsible for any correction. The contractor hired to do a job for the property owner is not liable if the code is not met. Minimum Housing Code addresses painting, soffits, gutters, trash debris, porch with no railing, faulty wiring, plumbing, if 50% of house has peeling paint, etc.

This matter was taken under advisement.

APPROVING A JOINT CITY-COUNTY THREE-YEAR AGREEMENT WITH THOMSON WEST FOR ELECTRONIC LEGAL RESEARCH FOR A PERIOD OF JULY 1, 2008 THROUGH JUNE 30, 2011 FOR A FLAT MONTHLY FEE FOR 85 USERS IN THE CITY ATTORNEY'S OFFICE, COUNTY ATTORNEY'S OFFICE, PUBLIC DEFENDERS' OFFICE AND CORRECTIONS - John Hendry, City Attorney, stated this agreement with West Law will result in a total savings of \$5,700 over the three year contract period between the City and County. The City's savings will be approximately \$1,268. Due to this savings the Law Department will be able to recapture some research tools that were previously cut from the budget. This matter was taken under advisement.

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

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON June 9, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk.

### **PETITIONS & COMMUNICATIONS**

SETTING THE HEARING DATE OF MONDAY, JULY 14, 2008 AT 1:30 P.M. FOR THE APPLICATION OF MIDTOWN DRIFTERS, INC. DBA DRIFTERS FOR A CLASS C LIQUOR LICENSE LOCATED AT 3223 CORNHUSKER HWY. - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84905 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., July 14, 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 Application of Midtown Drifters, Inc. dba Drifters for a Class C liquor license located at 3223 Cornhusker Highway.

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

Introduced by Dan Marvin

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

SETTING THE HEARING DATE OF MONDAY, JULY 14, 2008 AT 1:30 P.M. FOR THE APPLICATION OF WIYUAL RUACH DBA JOHNNY DISCO FOR A CLASS I LIQUOR LICENSE LOCATED AT 2615 O STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84906 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., July 14, 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 Application of Wiyual Ruach dba Johnny Disco for a Class I liquor license located at 2615 O Street.

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

Introduced by Dan Marvin

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

SETTING THE HEARING DATE OF MONDAY, JULY 14, 2008 AT 1:30 P.M. FOR THE APPLICATION OF HUMMERZ BAR & GRILL, INC. DBA HUMMERZ BAR & GRILL FOR A CLASS I LIQUOR LICENSE LOCATED AT 501 WEST A STREET, STE. 103 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84907 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., July 14, 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 Application of Hummerz Bar & Grill, Inc. dba Hummerz Bar & Grill for a Class I liquor license located at 501 West A Street, Ste. 103.

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

Introduced by Dan Marvin

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

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SETTING THE HEARING DATE OF MONDAY, JULY 14, 2008 AT 1:30 P.M. FOR THE APPLICATION OF REYES CLUB FOR A CLASS I LIQUOR LICENSE LOCATED AT 2608 PARK BLVD. - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84908 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., July 14, 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 Application of Reyes Club for Class I liquor license located at 2608 Park Blvd.

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

Introduced by Dan Marvin

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

**LIQUOR RESOLUTIONS**

APPLICATION OF ROJO'S GOODS INC. DBA ROJO'S GOODS FOR A CLASS D LIQUOR LICENSE AT 824 P STREET, SUITE 100. (6/16/08 - CON'T P.H. W/ACTION TO 6/23/08) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-84909 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 Rojo's Goods Inc. dba Rojo's Goods for a Class "D" liquor license at 824 P Street, Suite 100, 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 Ken Svoboda

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

MANAGER APPLICATION OF CHRISTY E. MCMAHAN FOR ROJO'S GOODS INC. DBA ROJO'S GOODS AT 824 P STREET, SUITE 100. (6/16/08 - CON'T P.H. W/ACTION TO 6/23/08) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-84910 WHEREAS, Rojo's Goods Inc. dba Rojo's Goods located at 824 P Street, Suite 100, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Christy E. McMahan be named manager;

WHEREAS, Christy E. McMahan 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 Christy E. McMahan 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 Ken Svoboda

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

APPLICATION OF SAPNA INC. DBA SAPNA BAR FOR A CLASS I LIQUOR LICENSE AT 1819 O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-84911 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 SAPNA Inc. dba Sapna Bar for a Class "I" liquor license at 1819 O 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 Ken Svoboda

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

MANAGER APPLICATION OF MEHMED OMEROVIC FOR SAPNA INC. DBA SAPNA BAR AT 1819 O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-84912 WHEREAS, SAPNA Inc. dba Sapna Bar located at 1819 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Mehmed Omerovic be named manager;

WHEREAS, Mehmed Omerovic 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 Mehmed Omerovic 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 Ken Svoboda

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

APPLICATION OF SIDEWINDERS INC. DBA SIDEWINDERS FOR A CLASS C LIQUOR LICENSE AT 1644 O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-84913 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 Sidewinders Inc. dba Sidewinders for a Class "C" liquor license at 1644 O Street, Lincoln, Nebraska, for the license period ending October 31, 2008, be approved with the following terms and conditions:

1. The premise complies in every respect with all city and state regulations.

2. Pursuant to *Neb. Rev. Stat.* § 53-132 co-owner Rett Bellamy is not eligible to hold a liquor license and shall have no involvement in the day-to-day operation of the business of Sidewinders Inc. dba Sidewinders.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

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

MANAGER APPLICATION OF DEBRA L. PELSOR FOR SIDEWINDERS INC. DBA SIDEWINDERS AT 1644 O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-84914 WHEREAS, Sidewinders Inc. dba Sidewinders located at 1644 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Debra L. Pelsor be named manager;

WHEREAS, Debra L. Pelsor 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 Debra L. Pelsor 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 Ken Svoboda

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

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

AMENDING SECTION 9.16.145 OF THE LINCOLN MUNICIPAL CODE RELATING TO POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA TO REVISE THE PENALTIES FOR SUCH OFFENSE TO CONFORM TO THOSE ENUMERATED BY *NEB. REV. STAT.* § 28-415(13), AS AMENDED, EFFECTIVE JULY 18, 2008, AND REPEALING SECTION 9.16.145 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Doug Emery, amending Section 9.16.145 of the Lincoln Municipal Code relating to possession of one ounce or less of marijuana to revise the penalties for such offense to conform to those enumerated by *Neb. Rev. Stat.* § 28-415(13), as amended, effective July 18, 2008; and repealing Section 9.16.145 of the Lincoln Municipal Code as hitherto existing, the second time.

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CHANGE OF ZONE NO. 08022HP - APPLICATION OF DANJA PEGRAM SIDERS, ON BEHALF OF AGINVEST LLC, TO DESIGNATE THE DR. SLATTERY HOUSE AT 5230 NORTH 14TH STREET AS A HISTORIC LANDMARK - PRIOR to reading:

MARVIN Moved to place Bill No. 08-73 on Pending Indefinitely with continued Public Hearing.

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

CLERK Read an ordinance, introduced by Doug Emery, amending the City of Lincoln District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the second time.

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

**PUBLIC HEARING RESOLUTIONS**

APPROVING A JOINT CITY-COUNTY THREE-YEAR AGREEMENT WITH THOMSON WEST FOR ELECTRONIC LEGAL RESEARCH FOR A PERIOD OF JULY 1, 2008 THROUGH JUNE 30, 2011 FOR A FLAT MONTHLY FEE FOR 85 USERS IN THE CITY ATTORNEY'S OFFICE, COUNTY ATTORNEY'S OFFICE, PUBLIC DEFENDERS' OFFICE AND CORRECTIONS - CLERK read the resolution, introduced by Doug Emery, who moved its adoption:

A-84915 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached three-year Agreement between Thomson West and the City of Lincoln, Nebraska for computerized legal research, in accordance with the terms and conditions contained in said agreement, 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 return the executed copies of the Agreement to Steve Huggenberger, Assistant City Attorney, for transmittal to Thomson West.

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

**APPEAL OF PUBLIC DANCE PERMIT AND SPECIAL DESIGNATED LIQUOR LICENSE (SDL)**

APPEAL OF LINDSAY KROGER DBA DOWN THE HATCH, 5601 NW 1<sup>ST</sup> STREET OF THE DENIAL OF AN OUTDOOR EVENT ON JULY 19, 2008, FROM 7:00 P.M. TO 1:00 A.M. INCLUDING A ONE-DAY PUBLIC DANCE PERMIT AND A SPECIAL DESIGNATED LICENSE DUE TO NONCOMPLIANCE OF ZONING ON PROPERTY LOCATED AT 5601 NW 1<sup>ST</sup> STREET - PRIOR to reading:

CAMP Moved to Withdraw the appeal of Lindsay Kroger dba Down the Hatch.

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

The resolution, having been **WITHDRAWN**, was assigned the File #38-4574 & was placed on file in the Office of the City Clerk.

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

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

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

CHANGE OF ZONE 08023 - APPLICATION OF WHITEHEAD OIL CO. FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON APPROXIMATELY .13 ACRES GENERALLY LOCATED NORTHWEST OF S. 33RD AND A STREETS. (RELATED ITEMS: 08R-143, 08-76) - CLERK read an ordinance, introduced by Dan Marvin, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

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

VACATION NO. 06010 - VACATING SUNNY SLOPE ROAD EAST OF AVON LANE - PRIOR to reading:

MARVIN Moved to amend Bill No. 08-67 as follows:

(a) On page 1, lines 4 through 8, correct the legal description in Section 1 to read as follows:

Section 1. That the portion of Sunny Slope Road east of Avon Lane, abutting Outlot C, Sunrise Estates 1<sup>st</sup> Addition, and ~~the north half of the Southeast Quarter of Section 23, Township 10 North, Range 7 East of the 6<sup>th</sup> P.M. Outlot D, Waterford Estates Addition, Lincoln, Lancaster County, Nebraska, be and the same is vacated, subject to the title of said street being vacated remaining in the City of Lincoln, Nebraska.~~

(b) Amend Section 2 to be Section 3 and add a new Section 2 to read as follows:

Section 2. The Mayor is authorized to convey without additional consideration said vacated street right-of-way to the Sunrise Estates Community Association, as the Applicant owner of Outlot C, Sunrise Estate 1<sup>st</sup> Addition, Lancaster County, Nebraska and to refund back to the Applicant Waterford Estates, LLC the deposited \$9,925.31 purchase price.

~~Section 2.3~~ That this ordinance shall take effect and be in force from and after its passage and publication according to law.

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

CLERK Read an ordinance, introduced by Jonathan Cook, vacating Sunny Slope Road east of Avon Lane, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

COOK Moved to pass the ordinance as amended.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None. The ordinance, being numbered **#19097**, is recorded in Ordinance Book #26, Page

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND DITTMER & DITTMER OF CRETE, NEBRASKA, FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 1005 E. HIGHWAY 33, SUITE 6, CRETE, NEBRASKA FOR A TERM OF MAY 1, 2008 THROUGH MAY 31, 2009 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Dittmer & Dittmer of Crete for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program located at 1005 E. Highway 33, Suite 6, Crete, NE 68333, for a 13-month term from May 1, 2008 through May 31, 2009, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19098**, is recorded in Ordinance Book #26, Page

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND MUELLER/BIGERT RENTALS FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 137 N. 8TH STREET, GENEVA, NEBRASKA, FOR A TERM JULY 1, 2008 THROUGH JUNE 30, 2009 - PRIOR to reading:

SVOBODA Moved to amend Bill No. 08-71 as follows:

(a) On page 1, lines 4 and 5, delete the dates "July 1, 2008 through June 30, 2009 and insert in lieu thereof the dates of August 1, 2008 through July 31, 2009.

Seconded by Marvin & carried by the following vote: AYES: Camp,

**REGULAR MEETING**

**June 23, 2008**

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Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
CLERK Read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Mueller/Bigert Rentals for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program located at 137 N. 8<sup>th</sup> Street, Geneva, NE 68361, for a 12-month term from July 1, 2008 through June 30, 2009, the third time.  
COOK Moved to pass the ordinance as read.  
Seconded by Spatz & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered **#19099**, is recorded in Ordinance Book #26, Page

**REGISTERED TO SPEAK SESSION - NONE**

**OPEN MICROPHONE SESSION**

Henry Cech, 4101 Clifford Dr., came forward requesting the City mow the weeds around a detention pond adjacent to his property. The weeds are 4 to 5 feet high and trees are growing up in it.

Mike Merwick, Director of Building and Safety Dept., came forward offering to talk to the Public Works Department about this issue and have them call Mr. Cech.

This matter was taken under advisement.

Danny Walker, 427 "E" Street, came forward with pictures to ask for help in getting the Burlington Northern Santa Fe property between East 5<sup>th</sup> and East 6<sup>th</sup> Street cleaned up and mowed.

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to July 7, 2008.  
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**UPCOMING RESOLUTIONS -**

CAMP Moved to approve the resolutions to have Public Hearing on July 7, 2008.  
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**ADJOURNMENT 6:53 P.M.**

CAMP Moved to adjourn the City Council meeting of June 23, 2008.  
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
So ordered.

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Joan E. Ross, City Clerk

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Judy Roscoe, Senior Office Assistant