

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, AUGUST 11, 2008 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Eschliman; Council Members: Camp, Cook, Emery, Marvin, Spatz, Svoboda; 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 August 4, 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 - NONE**

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

**COUNCIL ACTION**

**REPORTS OF CITY OFFICERS**

REAPPOINTING HERB FRIEDMAN, DONNA BEHLEN AND JONATHAN REHM TO THE CABLE ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING JULY 1, 2011 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84968 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Herb Friedman, Donna Behlen and Jonathan Rehm to the Cable Advisory Board for three-year terms expiring July 1, 2011 is hereby approved.

Introduced by Dan Marvin

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

REAPPOINTING JONATHAN COOK TO THE PUBLIC BUILDING COMMISSION FOR A FOUR-YEAR TERM EXPIRING AUGUST 1, 2012 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84969 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Jonathan Cook to the Public Building Commission for a four-year term expiring August 1, 2012 is hereby approved.

Introduced by Dan Marvin

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

REAPPOINTING DAN MARVIN TO THE UTILITY BILLING CHECK-OFF PROGRAM FOR A ONE-YEAR TERM EXPIRING AUGUST 31, 2009 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84970 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Dan Marvin to the Utility Billing Check-Off Program for a one-year term expiring August 31, 2009 is hereby approved.

Introduced by Dan Marvin

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

REAPPOINTING DAN MARVIN AND KEN SVOBODA TO THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR ONE-YEAR TERMS EXPIRING AUGUST 31, 2009 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84971 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Dan Marvin and Ken Svoboda to the Railroad Transportation Safety District for one-year terms expiring August 31, 2009 is hereby approved.

Introduced by Dan Marvin

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

APPOINTING DOUG EMERY TO THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR A ONE-YEAR TERM EXPIRING AUGUST 31, 2009 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84972 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Doug Emery to the Railroad Transportation Safety District for a one-year term expiring August 31, 2009 is hereby approved.

Introduced by Dan Marvin

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

APPOINTING BARBARA BARTLE TO THE CABLE ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING JULY 1, 2009 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84973 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Barbara Bartle to the Cable Advisory Board to fill an unexpired term expiring July 1, 2009 is hereby approved.

Introduced by Dan Marvin

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

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JUNE 30, 2008 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84974 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended June 30, 2008, \$728,511.69 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by John Spatz

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

RESOLUTION APPROVING THE CITY OF LINCOLN'S INVESTMENT ACTIVITY REPORT FROM THE CITY TREASURER FOR THE SECOND QUARTER, FISCAL YEAR 2007-08 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84975 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the Investment Activity report and attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by John Spatz

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

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

#### PETITIONS & COMMUNICATIONS

THE FOLLOWING HAS BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 08039 - Req. by the Director of Planning, amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Section 27.41.030 to require lighting associated with the storage of vehicles for sale and resale in the front yard to comply with the Design Standards for Outdoor Lighting; amending Section 27.43.030 to require lighting in the front yard associated with automobile sales and repair, but not including vehicle body repair shops, to comply with the Design Standards for Outdoor Lighting; amending Section 27.63.130 to require outdoor lighting for recreational facilities to comply with the Design Standards for Outdoor Lighting; amending Section 27.63.170 to delete a redundant provision requiring any lighting facility for parking lots permitted by special permit in the R-1 through R-8 Districts and in the O-2 District to comply with adopted design standards; amending Section 27.67.100 to require lighting for parking lots to comply with the Design Standards for Outdoor Lighting; and repealing Sections 27.41.030, 27.43.030, 27.63.130, 27.63.170 and 27.67.100 of the Lincoln Municipal Code as hitherto existing.

#### LIQUOR RESOLUTIONS - NONE

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND ST. JAMES UNITED METHODIST CHURCH, FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2400 S. 11TH STREET, LINCOLN, NEBRASKA FOR A ONE-YEAR TERM FROM SEPTEMBER 1, 2008 THROUGH AUGUST 31, 2009 - CLERK read an ordinance, introduced by Dan Marvin, accepting and approving a Lease Agreement between the City of Lincoln and St. James United Methodist Church for the lease of space by the Lincoln Area Agency on Aging for its ActivAge Center Program at 2400 S. 11<sup>th</sup> Street, Lincoln, NE, 68502, for a term commencing on September 1, 2008 and terminating on August 31, 2009, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE PANAMA CAFÉ, FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 310 LOCUST STREET, PANAMA, NEBRASKA FOR A ONE-YEAR TERM FROM SEPTEMBER 1, 2008 THROUGH AUGUST 31, 2009 - CLERK read an ordinance, introduced by Dan Marvin, accepting and approving a Lease Agreement between the City of Lincoln and the Panama Café for the lease of space by the Lincoln Area Agency on Aging for its ActivAge Center Program at 310 Locust Street, Panama, NE 68419, for a term commencing on September 1, 2008 and terminating on August 31, 2009, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND BENNET AMERICAN LEGION POST #280, FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 970 MONROE, BENNET, NEBRASKA FOR A ONE-YEAR TERM FROM SEPTEMBER 1, 2008 THROUGH AUGUST 31, 2009 - CLERK read an

ordinance, introduced by Dan Marvin, accepting and approving a Lease Agreement between the City of Lincoln and the American Legion Post #280 for the lease of space by the Lincoln Area Agency on Aging for its ActivAge Center Program at 970 Monroe, Bennet, NE 68317, for a term commencing on September 1, 2008 and terminating on August 31, 2009, 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 JULY 16 - 31, 2008 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84976 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 July 31, 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>	
Russell J. Barnes	\$1,699.00	Nathan Armogost & ReAnna Armogost	\$13,573.56
		Loretta McGeisey	1,000.00
		Scott Hamilton & Mary Hamilton	1,404.75

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

Introduced by Dan Marvin

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

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

VACATION 07010 - APPLICATION OF WRK, LLC, TO VACATE N. 11TH STREET SOUTH OF THE SOUTH RIGHT-OF-WAY OF Y STREET ADJACENT TO BLOCK 1, NORTH LINCOLN ADDITION, AND THE NORTH-SOUTH ALLEY ABUTTING LOTS 1, 2, 3, AND 4, BLOCK 1, DAVENPORT'S SUBDIVISION, GENERALLY LOCATED AT N. 11TH AND Y STREETS - CLERK read an ordinance, introduced by John Spatz, vacating the east half of North 11<sup>th</sup> Street south of "Y" Street adjacent to Lots 2 through 7, Block 1, Davenport's Subdivision; the remaining portion of the west half of North 11<sup>th</sup> Street south of "Y" Street abutting Lots 1 through 5 (extended), Block 1, North Lincoln Addition; and the north-south alley abutting Lots 1 through 4, Block 1, Davenport's Subdivision, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

CHANGE OF ZONE 08027 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE, THE ZONING CODE, BY ADDING A NEW SECTION 27.25.080 TO PROVIDE THAT EACH APPLICATION FOR A BUILDING PERMIT IN THE O-1 OFFICE DISTRICT SHALL BE REVIEWED FOR COMPLIANCE WITH THE LINCOLN DOWNTOWN DESIGN STANDARDS; BY AMENDING SECTION 27.35.020 TO ADD PROHIBITED USES IN THE AREA OF THE B-4 LINCOLN CENTER BUSINESS DISTRICT FROM 150 FEET EAST OF 17TH STREET TO THE EASTERN EDGE OF SAID DISTRICT; AMENDING SECTION 27.35.025 TO DELETE RECYCLING CENTERS AS A PERMITTED CONDITIONAL USE IN THE B-4 DISTRICT AND TO ADD VEHICLE BODY REPAIR SHOPS AS A PERMITTED CONDITIONAL USE IN THE AREA 150 FEET EAST OF 17TH STREET TO THE WESTERN EDGE OF SAID DISTRICT; AMENDING SECTION 27.35.030 TO MODIFY EXISTING PROVISIONS REGARDING PERMITTED SPECIAL USES IN THE B-4 DISTRICT AND TO ADD SERVICE STATIONS AS A PERMITTED SPECIAL USE IN THE AREA OF THE B-4 DISTRICT FROM 150 FEET EAST OF 17TH STREET TO THE EASTERN EDGE OF SAID DISTRICT; AMENDING

SECTION 27.35.070 TO MODIFY THE HEIGHT AND AREA REGULATIONS IN THE B-4 DISTRICT; ADDING A NEW SECTION 27.35.080 TO PROVIDE THAT EACH APPLICATION FOR A BUILDING PERMIT IN THE B-4 LINCOLN CENTER BUSINESS DISTRICT SHALL BE REVIEWED FOR COMPLIANCE WITH THE LINCOLN DOWNTOWN DESIGN STANDARDS; AMENDING SECTION 27.63.180 TO MODIFY EXISTING PROVISIONS REGARDING PERMITTED SPECIAL USES IN THE B-4 DISTRICT AND TO ADD SERVICE STATIONS AS A PERMITTED SPECIAL USE IN THE AREA FROM 150 FEET EAST OF 17TH STREET TO THE EASTERN EDGE OF SAID DISTRICT; AMENDING SECTION 27.67.050 TO MODIFY SPECIAL PARKING CONDITIONS IN THE B-4 DISTRICT; AMENDING SECTION 27.69.070 TO ALLOW CERTAIN PERMITTED SIGNS IN THE B-4 DISTRICT BEGINNING 150 FEET EAST OF 17TH STREET AND CONTINUING TO THE WESTERN BOUNDARY OF SAID DISTRICT AND TO ALLOW CERTAIN PERMITTED SIGNS IN THE B-4 DISTRICT BEGINNING 150 FEET EAST OF 17TH STREET AND CONTINUING TO THE EASTERN BOUNDARY OF SAID DISTRICT; AND REPEALING SECTIONS 27.35.020, 27.35.025, 27.35.030, 27.35.070, 27.63.180, 27.67.050, AND 27.69.070 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING. (RELATED ITEMS: 08-107, 08R-187, 08-108) - CLERK read an ordinance, introduced by John Spatz, amending Title 27 of the Lincoln Municipal Code, the Zoning Code, by adding a new Section 27.25.080 to provide that each application for a building permit in the O-1 Office District shall be reviewed for compliance with the Lincoln Downtown Design Standards; by amending Section 27.35.020 to add prohibited uses in the area of the B-4 Lincoln Center Business District from 150 feet east of 17th Street to the eastern edge of said district; amending Section 27.35.025 to delete recycling centers as a permitted conditional use in the B-4 district and to add vehicle body repair shops as a permitted conditional use in the area 150 feet east of 17th Street to the western edge of said district; amending Section 27.35.030 to modify existing provisions regarding permitted special uses in the B-4 district and to add service stations as a permitted special use in the area of the B-4 district from 150 feet east of 17th Street to the eastern edge of said district; amending Section 27.35.070 to modify the height and area regulations in the B-4 district; adding a new Section 27.35.080 to provide that each application for a building permit in the B-4 Lincoln Center Business District shall be reviewed for compliance with the Lincoln Downtown Design Standards; amending Section 27.63.180 to modify existing provisions regarding permitted special uses in the B-4 district and to add service stations as a permitted special use in the area from 150 feet east of 17th Street to the eastern edge of said district; amending Section 27.67.050 to modify special parking conditions in the B-4 district; amending Section 27.69.070 to allow certain permitted signs in the B-4 district beginning 150 feet east of 17th Street and continuing to the western boundary of said district and to allow certain permitted signs in the B-4 district beginning 150 feet east of 17th Street and continuing to the eastern boundary of said district; and repealing Sections 27.35.020, 27.35.025, 27.35.030, 27.35.070, 27.63.180, 27.67.050, and 27.69.070 of the Lincoln Municipal Code as hitherto existing, the first time.

MISC. 08007 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING CHAPTER 1.00 REQUEST FOR WAIVER PROCEDURE, TO ADD A NEW SECTION 2.5 TO PROVIDE A SEPARATE PROCESS FOR WAIVERS FROM THE LINCOLN DOWNTOWN DESIGN STANDARDS, AND TO ADD A NEW CHAPTER 3.76 TO ADOPT LINCOLN DOWNTOWN DESIGN STANDARDS FOR EXTERIOR FEATURES OF PROJECTS REQUIRING BUILDING PERMITS IN THE B-4 LINCOLN CENTER BUSINESS DISTRICT AND THE O-1 OFFICE DISTRICT. (RELATED ITEMS: 08-107, 08R-187, 08-108) (ACTION DATE: 8/25/08)

CHANGE OF ZONE 08026 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM R-6, R-7, AND R-8 RESIDENTIAL DISTRICTS TO B-4 LINCOLN CENTER BUSINESS DISTRICT; FROM I-1 INDUSTRIAL PARK DISTRICT, P PUBLIC USE DISTRICT AND B-3 COMMERCIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT; AND FROM R-6 RESIDENTIAL DISTRICT AND I-1 INDUSTRIAL DISTRICT TO P PUBLIC USE DISTRICT, ON PROPERTY IN THE ANTELOPE VALLEY AREA GENERALLY LOCATED FROM K STREET TO VINE STREET, FROM 17TH STREET TO 23RD STREET. (RELATED ITEMS: 08-107, 08R-187, 08-108) - CLERK read an ordinance, introduced by John Spatz, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 08037 - APPLICATION OF JOY A. SHIFFERMILLER FOR A CHANGE OF ZONE FROM R-7 RESIDENTIAL DISTRICT TO O-1 OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF S. 10TH STREET AND G STREET - CLERK read an ordinance, introduced by John Spatz, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to 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)

AMENDING SECTION 12.08.270 OF THE LINCOLN MUNICIPAL CODE RELATING TO ALCOHOLIC LIQUOR IN PARKS TO CONDITIONALLY ALLOW ALCOHOL ON THE PREMISES OF HAZEL ABEL PARK, STRANSKY PARK, SUNKEN GARDENS, ANTELOPE PARK ROSE GARDEN, PIONEERS PARK NATURE CENTER; AND REPEALING SECTION 12.08.270 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - PRIOR to reading:

MARVIN Moved to amend Bill No. 08-98 in the following manner:

1. On page 2, between lines 4 and 5, insert a new Section 3 to read as follows:

Section 3. Pursuant to City Council Resolution A-75247, the City has established a committee called the Liquor Committee, commonly known as Internal Liquor Committee, to address issues concerning serving and consumption of liquor. On or about January 1st, the Parks and Recreation Department shall provide an annual written report to the Liquor Committee concerning subparagraph (c). The report shall contain at least the following information:

a. Name, date, and location of each fundraising event where liquor was served;

b. Name of applicant of the special designated license for each fundraising event;

c. Information regarding any complaint, disturbances, criminal actions, or liquor license violation relating to the consumption of liquor at any fundraising event.

The Liquor Committee may make recommendations to the Parks and Recreation Department to avoid future complaints, disturbances, criminal actions, and liquor license violations.

2. On page 2, line 5, renumber Section 3 as Section 4.

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

CLERK Read an ordinance, introduced by Doug Emery, amending Section 12.08.270 of the Lincoln Municipal Code relating to alcoholic liquor in parks to allow alcohol to be served in conjunction with an event sponsored by or to benefit the Parks and Recreation Department on the premises of Hazel Abel Park, Stransky Park, Sunken Gardens, Antelope Park Rose Garden and Pioneers Park Nature Center; and repealing Section 12.08.270 of the Lincoln Municipal Code as hitherto existing, the third time.

EMERY Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19120, is recorded in Ordinance Book #26, Page

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE HICKMAN PRESBYTERIAN CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 300 E. THIRD STREET, HICKMAN, NEBRASKA FROM SEPTEMBER 1, 2008 TO AUGUST 31, 2009 - CLERK read an ordinance, introduced by Doug Emery, accepting and approving a Lease Agreement between the City of Lincoln and the Hickman Presbyterian Church for the lease of space by the Lincoln Area Agency on Aging for its ActivAge

Center Program at 300 E. Third Street, Hickman, NE 68372, for a term commencing September 1, 2008 and terminating on August 31, 2009, the third time.

EMERY Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered #19121, is recorded in Ordinance Book #26, Page

APPROVING A TRANSFER OF APPROPRIATIONS AND CASH (WHERE APPROPRIATE) BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE STREET CONSTRUCTION/VEHICLE TAX FUND, WATER CONSTRUCTION FUND, AND SANITARY SEWER CONSTRUCTION FUND WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT - PRIOR to reading:

CAMP Moved to delay action on Bill No. 08-100 in one week to 8/18/08.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Doug Emery, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Street Construction/Vehicle Tax Fund, Water Construction Fund, and Sanitary Sewer Construction Fund within the Public Works & Utilities Department, the third time.

AMENDING SECTIONS 2.76.153 COMPENSATION PLAN; MERIT PAY PLAN; SHIFT DIFFERENTIAL; 2.76.370 AUTHORIZED HOLIDAYS; 2.76.380 SICK LEAVE WITH PAY; AND 2.76.395 VACATION LEAVE WITH PAY; OF THE LINCOLN MUNICIPAL CODE TO REFLECT NEGOTIATED CHANGES AND CHANGES APPLICABLE TO EMPLOYEES NOT REPRESENTED BY A BARGAINING UNIT - CLERK read an ordinance, introduced by Doug Emery, amending Chapter 2.76 of the Lincoln Municipal Code relating to the Personnel System to reflect negotiated changes and changes applicable to employees not represented by a bargaining unit by amending Section 2.76.153 relating to shift differential; amending Section 2.76.370 relating to authorized holiday; amending Section 2.76.380 relating to sick leave with pay; amending Section 2.76.395 relating to vacation leave with pay; and repealing Sections 2.76.153, 2.76.370, 2.76.380, and 2.76.395 of the Lincoln Municipal Code as hitherto existing, the third time.

EMERY Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered #19122, is recorded in Ordinance Book #26, Page

ADOPTING CHAPTER 14.58 OF THE LINCOLN MUNICIPAL CODE REGARDING STREET POLE BANNERS OVER PUBLIC WAYS - PRIOR to reading:

MARVIN Moved to amend Bill No. 08-102 in the following manner:  
1. On page 5, lines 10, 17, 18, replace each reference to "City Clerk" with "Banner Coordinator."

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 Title 14 of the Lincoln Municipal Code relating to Public Property and Public Ways by adding a new Chapter 14.58 entitled "Street Pole Banners" to establish a permit procedure, fee schedule, and rules and regulations for the placement of street pole banners over public ways, the third time.

EMERY Moved to pass the ordinance as amended.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered #19123, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to August 18, 2008.  
Seconded by Marvin & 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 August  
18, 2008.  
Seconded by Marvin & carried by the following vote: AYES: Camp,  
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 1:54 P.M.

RECONVENED 2:30 P.M.

ONE AND SIX YEAR STREETS AND HIGHWAYS PROGRAM

This Public Hearing is held each year to fulfill state statutory requirements for the One and Six Year Streets and Highways Program and also serves as the Public Hearing for the City's Capitol Improvement Program. It should be noted that the C.I.P. is a "funding" document only. The one year program lists projects proposed for final design, right-of-way acquisition, construction or study during Fiscal Year 2009. The Second through Sixth Year (FY 2010-2014) Program lists those projects which are in some phase of development or will enter the street planning process. The program was identified on the public hearing notice, advertised in the Lincoln Journal Star on Sunday, July 20, 2008, plus being placed on the City's website and on Channel 5.

Citizens have 10 days from today to submit any statements or exhibits to the Public Works Department. Therefore, all statements and exhibits received on or before August 21, 2008 will become a part of the public hearing record. These statements should be forwarded to Roger Figard, City Public Works Department, Engineering Services, 531 Westgate Boulevard/Suite 100, Lincoln, Nebraska 68528.

The information received will be evaluated by the Public Works Department, and subsequently by the City Council. Final action will be taken by City Council resolution adopting the First Year of the C.I.P. Budget.

The state statutory requirement ensures that an integrated system of public roads is provided for the general welfare of the state, counties and municipalities. The program is administered by the State Board of Public Roads Classifications and Standards. With the passage of LB 277, MPO (Metropolitan Planning Organizations), such as the City of Lincoln, can now submit their annual report in lieu of a One and Six Year Program. This helps to eliminate redundant work/programs for the MPOs.

Our proposed MPO Annual Report and the Capital Improvement Program for Fiscal Years 2009 thru 2014 reflects an average annual expenditure of nearly 28.6 million dollars. This average annual expenditure is comprised of \$12.6 million dollars of City Revenues, \$7 million in Highway Allocation Bonds, \$4.8 million in Federal Aid and \$4.25 million in other funds (includes State/Federal, Train Mile Tax, and Railroad Transportation Safety District).

This FY 2009 thru 2014 Streets and Highways Program, which is also the C.I.P. and the T.I.P., was earlier voted on by the Planning Commission on May 16, 2007.

THE 2008/09 MAYOR'S RECOMMENDED ANNUAL OPERATING BUDGET  
CAPITAL IMPROVEMENT PROGRAM FY 2008/09 - 2013/14

Julie Lattimer, 5220 S. 30<sup>th</sup> St., Lincoln businesswoman and 4-year member of Safe Kids Lincoln/Lancaster County, came forward in opposition to a citizen group's efforts to shift Health Department functions to a private sector.



Garry DeFreece, 705 S. 18<sup>th</sup> St. Apt.111, came forward to oppose elimination of mid-day bus service.

Lois Newman, 2441 N. 44<sup>th</sup> St., came forward to express her opinion on politicians making a career out of elected public service.

Steve Bray, 6749 S. 41<sup>st</sup> St., Exec. Director of Peoples Health Center came forward in support of the Lincoln/Lancaster County Health Department Dental Program.

Russell Miller, 341 S. 52<sup>nd</sup> St., came forward to comment on the CIP recommending that Fletcher Avenue from 57<sup>th</sup> to 70<sup>th</sup> be widened from 26 to 38 feet.

Gloria Pedersen, 4241 S. 61<sup>st</sup> St. Apt. 607, came forward in support of the Easterday Recreational Program at its current location.

Dr. Karla Lester, Community Pediatrician, 1000 Aldrich Rd., came forward in support of the Health Promotion & Outreach Division to ensure the continuance of the Health Department's role in preventative health issues in our community.

Jo Gutsell, 2105 B St., representing her brother, Waymond Douglas Rohrer, came forward in support of the Easterday Recreational Program at its current location.

Jane A. Stastney, 4265 Normal Blvd. #13, came forward in support of the Easterday Recreational Program at its current location.

Arlene Stastney, 2110 Q Rd., Bee, came forward in support of the Easterday Recreational Program at its current location.

Dennis Statsney, 2110 Q Rd., Bee, came forward in support of the Easterday Recreational Program at its current location.

Joyce Vrbka, 4915 Tipperary Tr., came forward in support of the Easterday Recreational Program at its current location.

David Holmquist, Director of Government Relations for Nebraska for the American Cancer Society, 5733 S. 34<sup>th</sup> St., came forward to state for the record the importance of prevention to this community, to this state and to the nation and to testify in support of preserving City/County funds going to Lincoln/Lancaster County Health Department for leadership in tobacco prevention programming.

Rita Lawrence, 1524 N. 23<sup>rd</sup> St., came forward in opposition to bus service changes as it affects mid-day service and low-income rider fares.

Nancy Carpenter, ARC member, 2200 W. Q St. Apt. 7, came forward to express opposition to budget cuts to StarTran.

Vicki Gilbert, 1524 N. 23<sup>rd</sup> St., came forward in opposition to fare increases to StarTran.

Sonya Wing, 1340 Lincoln Mall, came forward to express opposition to bus service changes and increased fares.

Patrick Helwig, 335 N. 8<sup>th</sup> St., came forward in support of the continuance of mid-day bus service.

Tim French, 6920 Vine St., came forward to express opposition to budget cuts to StarTran and in support of the Easterday Recreational Program at its current location.

Jill Flagel, StarTran Advisor Board Member, 2241 Atwood Lane, came forward to express opposition to budget cuts to StarTran.

Kyle Fischer, Lincoln Chamber of Commerce, 1135 M St., came forward to compliment the City Council on its fiscal responsibility with only a 2.9% growth in spending and suggested ways to grow its tax base.

Teresa Thompson, 5136 Benton St., came forward in support of the Easterday Recreational Program at its current location.

Karen Sookram, PhD., 5707 S. 25<sup>th</sup> St., came forward in support of the Easterday Recreational Program at its current location.

Anthony Messineo, Jr., Vice President of Lincoln/Lancaster County Board of Health came forward in support of keeping the Health Promotion & Outreach Program within the Health Department.

Mary Boschult, President of the League of Women Voters of Lincoln/Lancaster County, 950 S. 49<sup>th</sup> St., came forward in support of the continuance of mid-day bus service.

Jacqueline Barnhardt, 309 S. 13<sup>th</sup> St., came forward in support of the Easterday Recreational Program at its current location.

Cathy Beecham, 2540 C St., came forward to comment on the importance of retaining the Stronger Safer Neighborhoods Initiative Program.

Kathy Johnston, Treasurer of the League of Human Dignity, 601 S. 18<sup>th</sup> St. #303, came forward in support of the continuance of mid-day bus service.

Kim Bentley, 1822 H St. #4, Health care provider for the League of Human Dignity, came forward in support of the continuance of mid-day bus service.

Susan Hale, Advocacy Educator with the Center for the People in Need, 3424 S. 30<sup>th</sup> St., came forward on behalf of Beatty Brasch in opposition to bus service changes as it affects mid-day service and low-income rider fares.

Jeff Altman, 2319 Winding Way, representing the National Federation of the Blind - Nebraska Chapter, came forward in opposition to bus service changes as it affects mid-day service and low-income rider fares.

Coby Mach, LIBA, 620 N. 48<sup>th</sup> St., came forward to suggest ways to spend funds in the Special Assessment Revolving Fund, to express opposition to the 2nd/3rd floor renovation of City Hall and to offer efficiencies to the Health Department, Lincoln Fire & Rescue, Police and StarTran.

André Mick, LIBA, 620 N. 48<sup>th</sup> St., was on hand for questioning.

TOOK BREAK 4:31 P.M.

RECONVENED 4:40 P.M.

Gregory Stewart, 3259 Holdrege St. #4, came forward in support of the continuance of mid-day bus service. He suggested bus passes be purchased at a one-stop business location such as a bank.

Pat Schreurs, 1235 S. 13<sup>th</sup> St., came forward in support of the continuance of mid-day bus service.

Bradley Loos, 2742 Scott Ave., came forward to support public transportation and state for the record that he is opposed to any cuts in StarTran and suggested more bus service, not less.

Barb Loos, 2742 Scott Ave., came forward in support of public transportation and retention of mid-day bus service.

Becky Journey, 1721 SW 8<sup>th</sup> St., came forward to express appreciation for public transportation and retention of mid-day service.

Steven Craft, PO Box 80303, came forward in support of public transportation and suggested a division line for reduced fares.

Ren Karlos, 6721 L St., came forward in support of mid-day bus service.

Marion Malone, 5503 S. 31<sup>st</sup> St. #10, Citizens Transportation Coalition President, came forward in support of the continuance of mid-day bus service.

Linda Schreier, 6721 L St. #606, came forward in support of the continuance of mid-day bus service.

Jean Ford, 4241 N. 61<sup>st</sup> St., came forward to question Council on budget cuts as it relates to bus routes or moving the Easterday Rec Center Program. Council responded by clarifying that in effort to economize on fuel costs as well as in response to a UNL scientific community survey, the Mayor's budget proposed to eliminate mid-day bus service. In answer to Easterday, Parks Department was told to come in at 96%; so it proposed to eliminate the program.

Mike Floyd, no address given, came forward to express gratitude for raising the eligibility level to 200% for bus passes but disappointment over the proposal of cutting mid-day service routes.

Brian Young, 5137 Walker Ave., came forward in support of public transportation.

Karen Becker, 1800 Knox St. #3, came forward in support of public transportation and suggested tree limbs be trimmed so as not to obscure riders at bus stops.

Tag Jackson, 1340 Lincoln Mall, came forward in support of public transportation.

Bill Crawford, 105 N. 8<sup>th</sup> St., came forward in support of public transportation and suggested the use of smaller buses.

Marilyn Kruger, 2324 A St., representing ATU #1293, came forward in appreciation for reaching a StarTran compromise. She stated the Federal Government has two bills before Congress to help subsidize fuel costs for municipalities; one currently being HR 6052 Energy Savings Public Transportation Act of 2008 and a new one, HR 6495, introduced July 15. She stated ridership has risen to 28.8% in the last five years.

Hannah Dovel, 245 S. 26<sup>th</sup> St. #2, came forward in support of the Parks & Recreation Department after-school programs.

Rosina Paolini, 1850 Dakota St., came forward in support of the Parks & Recreation Department after-school programs.

TOOK BREAK 6:00 P.M.

RECONVENED 6:32 P.M.

Jim Johnson, 1201 Berkshire Ct. #36, came forward in support of public transportation.

Lisa Schaumberg, 711 N. 30<sup>th</sup> St. #1, came forward in support of public transportation.

Mike Wiese, ATU #1293 President - Local Bus Driver & Mechanics Union, 1893 County Road A, came forward to answer Council questions and stated that 1,942,000 people rode the bus last year. He said since June 5 ridership has been up 7%.

Jane Kinsey, 6703 Hawkins Bend, came forward in support of youth & aging programs, to comment on excessive residential and retail development and to request City leaders to listen to the interests of the public.

Diane Vesely-Robb, 210 O St., representing Lincoln Action Program, came forward in appreciation of City services and to propose an increase to the income guidelines for Ride for Five.

Dawn Seckel, 1700 J St., came forward in support of the Easterday Recreational Program at its current location.

Judy Siedhoff, 15651 Bobwhite Trail, Crete, came forward in support of the Easterday Recreational Program at its current location.

Ken Vice, 6921 S. 51<sup>st</sup> St., came forward to express concern for under funding of the CIP for Parks & Recreation for major repair & replacement projects.

Christie Schwartzkopf-Schroff, 924 Twin Ridge Rd., came forward in opposition to the budget cuts to Parks & Recreation as she feels park maintenance is important to our community as upkeep engenders respect.

Karen Hand, 6401 Concord Cir., came forward representing the Parks & Rec Advisory Board, Park Foundation Board and Citizens for Quality Parks & Trails sharing projections of reduction of services. Ms. Hand responded to Council questions stating that Lincoln clearly is unselfish and good about sharing resources & facilities; therefore, the possibility of looking into the use of county inmates to assist in City work would likely be considered.

Gary Bentrup, 3936 Dudley St., came forward in opposition to the budget cuts to Parks & Recreation stating that investment in parks and trails brings about healthful and positive economic benefits.

Beth Thacker, 5300 Lowell Ave., came forward stating she feels the great network of trails & parks must be maintained for a quality community.

Fred Hoppe, 1600 Stonyhill Rd., came forward in opposition to the budget cuts to Parks & Recreation stating properly maintained greenspace attracts new businesses and jobs.

Barb Kucera, 720 N. 73<sup>rd</sup> St., Meadow Lane area resident, came forward in opposition to the budget cuts to Parks & Recreation and offered the following ideas to increase revenue: implement a 4-day/10-hour work week to City offices, consider a City lottery, propose a special sporting tax for non-high school/middle school sporting events, add a processing fee for City traffic tickets, increase parking meter fees, and finally implement a vacancy tax for businesses that sit vacant.

Julie Shaw, 3757 A St., came forward in support of public transportation but opposed to an increase in low-income rider fares. She stated that as a Service Coordinator for the League of Human Dignity, she is in support of retaining the Easterday Recreational Program at its

current location. Ms. Shaw stated for the record that as a taxpayer she is prepared to increase taxes to keep the City looking nice as well as keeping programs that make this a wonderful town to live in.

Stuart Long, 4412 NW 49<sup>th</sup> St., came forward representing the Lincoln Neighborhood Alliance stating he feels the only way to correct a revenue shortfall is to increase taxes.

Roxanne Smith, 711 Peach St., came forward to share suggestions to save money and offered the following: reduce City lighting, conserve energy loss in City buildings by properly siding and landscaping, plant trees on west sides, invest funds in parks for physical & spiritual health, avoid use of private automobiles as a transportation source, leave the development of an arena to the private sector, and make a personal sacrifice to pay more in taxes.

Laurie Klosterboer, 7830 Lowell Ct., Exec. Director of the Nebraska Safety Council, came forward in support of the continuance of the Lincoln/Lancaster County Health Department's work in chronic disease and injury prevention as it works for the common good of our citizens.

Noah Greenwald, 1325 Idylwild Dr., Nebraska Appleseed Center for Law in the Public Interest, came forward in support of the proposed expansion of eligibility of StarTran's Ride for Five or \$7.50 Program to state that public services give hard-working, low-wage citizens the tools to care for themselves and their families.

Garrett Mardock, 10400 Yankee Hill Rd., Southwest High School Graduate, came forward in opposition to a bus fare increase as riders should not have to choose between a safe ride home or a meal. Secondly, Mr. Mardock questioned the need for retaining school resource officers as he personally observed them simply guarding doors rather than the students within. He commented that he feels the decrease in the use of parks & trails is the result of technology.

Lisa Peterson, M.D., 501 Haverford Dr., President of the Lincoln/Lancaster County Board of Health, came forward in support of the Health Department to assure its continued partnership with community prevention activities for all populations not just vulnerable ones.

Ed Patterson, 700 N. 24<sup>th</sup> St., came forward to comment on working in partnership with other groups to achieve solutions to local problems.

This matter was taken under advisement.

**ADJOURNMENT 8:35 P.M.**

CAMP Moved to adjourn the City Council meeting of August 11, 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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Sandy L. Dubas, Senior Office Assistant