

THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 29, 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; Deputy City Clerk, Teresa Meier.

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 September 22, 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 HY-VEE INC. DBA HY-VEE 1 FOR A CHANGE OF LOCATION AND TRADE NAME OF THEIR EXISTING CLASS C LIQUOR LICENSE FROM HY-VEE 1 AT 6919 O STREET TO HEARTLAND PANTRY AT 2343 N. 48TH STREET - Scott Schlatter, 3325 Longview Ct., took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF LANCASTER COUNTY AGRICULTURAL SOCIETY, INC. DBA LANCASTER EVENT CENTER FOR THE ADDITION OF THE BUSINESS CENTER MEASURING APPROXIMATELY 240 FEET BY 60 FEET, THE AMY COUNTRYMAN ARENA MEASURING APPROXIMATELY 244 FEET BY 359 FEET, AND THE PAVILION III MEASURING APPROXIMATELY 299 FEET BY 243 FEET AT THE LICENSED PREMISES LOCATED AT 4100 N. 84TH STREET Ron Snover, 11380 Rokeby Rd., took oath and came forward to answer questions and to state these additions are attached to the other buildings which provides for convenience and control.

This matter was taken under advisement.

CHANGE OF ZONE 08030 - AMENDING SECTION 27.63.400 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PRESERVATION OF A HISTORIC STRUCTURE AS A PERMITTED SPECIAL USE TO ALLOW THE CITY COUNCIL TO GRANT ADJUSTMENTS TO THE HEIGHT AND AREA REGULATIONS OF THE DISTRICT IN WHICH A HISTORIC STRUCTURE IS LOCATED, AND REPEALING SECTION 27.63.400 AS HITHERTO EXISTING. (RELATED ITEMS: 08-129, 08-130, 08R-231);

CHANGE OF ZONE 08031 HP - APPLICATION OF CHARLES AND NANCY OGDEN TO DESIGNATE PROPERTY KNOWN AS THE GRISWOLD HOUSE AS A HISTORIC LANDMARK LOCATED AT 1256 FALL CREEK ROAD. (RELATED ITEMS: 08-129, 08-130, 08R-231)

SPECIAL PERMIT 08027 - APPLICATION OF CHARLES AND NANCY OGDEN TO PERMIT THE USE OF A DESIGNATED LANDMARK (HISTORIC STRUCTURE) FOR A SINGLE FAMILY DWELLING TO ALSO INCLUDE CONSTRUCTION OF A CARRIAGE HOUSE (GUEST HOUSE PLUS GARAGE) AS AN ACCESSORY USE AND TO MODIFY THE REAR AND SIDE YARD SETBACKS ON PROPERTY GENERALLY LOCATED AT 1256 FALL CREEK ROAD. (RELATED ITEMS: 08-129, 08-130, 08R-231) (ACTION DATE: 10/6/08) - Marvin Krout, Director of Planning Dept., came forward to state this house is in the Piedmont Neighborhood and in this neighborhood the houses are in the middle of the lot making it difficult to find a site for the carriage house. This house would be worthy of a historic preservation designation and as a historic house it would also be worthy of amending the special use to modify the height and area regulations to allow the carriage house be built on this property. Future applications will be allowed on a case by case basis for historic designated property.

Ed Zimmer, Planning Dept., stated the design of the carriage house will fit the scale of the house. The neighbors had been contacted with only one responding and he was in favor of the project.

Charles Ogden, 1256 Fall Creek Rd., came forward to state this house was originally a three bedroom house until the second owner converted the bedroom on the first floor into a family room therefore it is now a two bedroom house. The carriage house would provide a third bedroom which would be above a two car garage with a potting shed and workroom. This would be used as a guest house and would not be rented out.

John Dadami, DLR Group, 1111 Lincoln Mall, Architect, came forward to state the carriage house project emulated the house with the steep roof and windows of various sizes. The carriage house has been located to provide a drive-out from the garage to not bother neighbors.

This matter was taken under advisement.

CHANGE OF ZONE 08045 - AMENDING SECTIONS 27.19.030, 27.21.030, 27.23.030, 27.24.030, 27.27.025 AND 27.67.040 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY THAT GROUP HOMES MUST COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODE REQUIREMENTS AND TO ADD DOMICILIARY CARE FACILITY AND ELDERLY OR RETIREMENT HOUSING AS A CONDITIONAL PERMITTED USE IN THE R-5, R-6, R-7, R-8, AND O-3 ZONING DISTRICTS, AND REPEALING SECTIONS 27.19.030, 27.21.030, 27.23.030, 27.24.030, 27.27.025 AND 27.67.040 AS HITHERTO EXISTING - Marvin Krout, Director of Planning Dept., came forward to state the Planning Department feels that domiciliary care facilities such as Alzheimer homes generate less traffic and have less impact than other allowed uses such as apartments therefore should be included in the conditional use permit codes. He stated City Attorney Hendry raised questions about congregate homes prior to the meeting so would like to request this ordinance be placed on Pending Indefinitely so the Planning Department can further research this with Law Department.

This matter was taken under advisement.

CHANGE OF ZONE 08047 - APPLICATION OF CASEY'S RETAIL COMPANY FOR A CHANGE OF ZONE FROM H-3 COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND SUPERIOR STREET - Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing Casey's General Stores. Casey's have acquired most all of the Gas 'N Shop locations in Lincoln. This store will be rebuilt to be slightly longer, taller, narrower and will provide more parking. It will be stucco in appearance. The setback conditions could not be met so a text amendment to reduce the set back by a change from H-3 to I-1 was requested. Planning staff is in support.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR ITS PARTICIPATION IN THE ANTELOPE VALLEY PROJECT FUNDING - PHASE 1 - Dan Marvin, Council Member, stated that the RTSD Board did approve this in their budget. This resolution is saying yes we're willing to receive the funds and can go ahead with the project.

This matter was taken under advisement.

AUTHORIZING AND SUPPORTING THE PARKS & RECREATION DEPARTMENT'S SUBMITTAL OF A GRANT APPLICATION TO THE STATE GAME & PARKS COMMISSION FOR A RECREATIONAL TRAIL PROGRAM GRANT TO ASSIST IN FUNDING THE RELOCATION OF THE BILLY WOLFF - ANTELOPE VALLEY CONNECTOR TRAIL TO THE EAST SIDE OF THE ANTELOPE CREEK CHANNEL BETWEEN 27TH STREET AND J STREET - Terry Genrich, Parks and Recreation Dept., came forward to explain the Antelope Valley trail comes along south to J Street and goes underneath J Street as a connector to the Antelope Valley on the east. NRD will submit an application as well. The maximum grant is \$150,000 which allows for the restoration and re-alignment of the trails. The NRD is willing to fund a new bridge across the channel which is between 27th Street and Randolph Street. The City will pay for the new trail along the eastside of the channel.

This matter was taken under advisement.

AUTHORIZING AND SUPPORTING THE PARKS & RECREATION DEPARTMENT'S SUBMITTAL OF A GRANT APPLICATION TO THE STATE GAME & PARKS COMMISSION FOR A RECREATIONAL TRAIL PROGRAM GRANT TO ASSIST IN FUNDING THE RENOVATION OF THE BOOSALIS TRAIL ALONG HIGHWAY 2 FROM 17TH STREET TO 20TH STREET - Terry Genrich, Parks and Recreation Dept., stated an application was submitted last year to fund the section from 20th to 27th Streets and this is to finish that project. The funding was received for it and now this is the last piece to finish.

This matter was taken under advisement.

APPROVING A LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN POLICE UNION TO BE EFFECTIVE AUGUST 21, 2008 - Don Taute, Personnel Director, explained there were minor changes to the contract which included a 1.75% pay increase retroactive to the fiscal year, August 28, 2008, an increase in vacation and changes in the shift differential pay. There will be some adjustment to field training officer pay of receiving \$300 per month only if a recruit is assigned to them. This is a one year agreement.

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 COUNCIL ON SEPTEMBER 15, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REAPPOINTING BARBARA J. WALKOWIAK TO THE PARKS AND RECREATION ADVISORY BOARD FOR A ONE-YEAR TERM EXPIRING JUNE 1, 2009 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85041 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Barbara J. Walkowiak to the Parks and Recreation Advisory Board for a one-year term expiring June 1, 2009, is hereby approved.

Introduced by Dan Marvin

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone 07063 - App. of Ringneck Development, LLC, I-80 West Lincoln Business Center Planned Unit Development from AG to I-3, PUD Employment Center District, and R-3 on property generally located at N.W. 48th Street and Interstate 80.

Change of Zone 08017 - App. of Director of Planning amending Title 27 of the LMC relating to Zoning.

Change of Zone 08049 - App. of RJL Development North, Ltd, from O-3 to B-2 on property generally located at S. 40th Street and Old Cheney Road.

Special Permit 08042 - App. of Mark Terrell for expansion of a nonconforming use into the front yard setback on property generally located at N. 30th Street and Q Street.

Use Permit 58G - App. of RJL Development North, Ltd., an amendment to an existing use permit to increase retail space, reduce office space and to waive all internal yard setbacks on property generally located at S. 40th Street and Old Cheney Road.

Use Permit 154D - App. of Olsson Associates, an amendment to add an additional on-premise sign to the Wilderness Hills Commercial Use Permit on property generally located at S. 27th Street and Yankee Hill Road.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 13, 2008 AT 1:30 P.M. FOR THE APPLICATION OF HYVEE, INC. DBA HYVEE FOR A LIQUOR CATERING LICENSE LOCATED AT 5010 O STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85042 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., October 13, 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 Application of HyVee, Inc. dba HyVee for a liquor catering license located at 5010 O 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: Camp,

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

RATIFYING CORRECTION TO AGENDA OF 9/22/08

SETTING THE HEARING DATE OF MONDAY, OCTOBER 6, 2008 AT 1:30 P.M. ON THE APPLICATION OF MCMANUS ENTERPRISES, INC. DBA HEIDELBERG'S FOR AN ADDITION TO PREMISES ADDING A BEER GARDEN APPROXIMATELY 14' X 42' LOCATED AT 4620 BAIR AVENUE.;

SETTING THE HEARING DATE OF MONDAY, OCTOBER 6, 2008, AT 1:30 P.M. ON THE APPLICATION OF FIRETHORN GOLF COMPANY LLC DBA FIRETHORN GOLF CLUB FOR A CLASS C LIQUOR LICENSE LOCATED AT 9301 FIRETHORN LANE;

SETTING THE HEARING DATE OF MONDAY, OCTOBER 6, 2008 AT 1:30 P.M. ON THE APPLICATION OF KABREDLO'S INC. DBA KABREDLO'S 126 FOR A CLASS D LIQUOR LICENSE LOCATED AT 4715 W. ADAMS STREET - CLERK explained this is a correction to the Agenda of September 22, 2008 by adding the underlined verbage.

LIQUOR RESOLUTIONS

APPLICATION OF HY-VEE INC. DBA HY-VEE 1 FOR A CHANGE OF LOCATION AND TRADE NAME OF THEIR EXISTING CLASS C LIQUOR LICENSE FROM HY-VEE 1 AT 6919 O STREET TO HEARTLAND PANTRY AT 2343 N. 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85043 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, including Neb. Rev. Stat. § 53-129, and the pertinent City ordinances, the City Council recommends that the application of Hy-Vee Inc. dba Hy-Vee 1 to move its presently licensed premise and existing Class "C" liquor license from 6919 O Street to 2343 N. 48th Street, Lincoln, Nebraska, and to change the trade name from "Hy-Vee 1" to "Heartland Pantry", be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF LANCASTER COUNTY AGRICULTURAL SOCIETY, INC. DBA LANCASTER EVENT CENTER FOR THE ADDITION OF THE BUSINESS CENTER MEASURING APPROXIMATELY 240 FEET BY 60 FEET, THE AMY COUNTRYMAN ARENA MEASURING APPROXIMATELY 244 FEET BY 359 FEET, AND THE PAVILION III MEASURING APPROXIMATELY 299 FEET BY 243 FEET AT THE LICENSED PREMISES LOCATED AT 4100 N. 84TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85044 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 Lancaster County Agricultural Society, Inc. dba Lancaster Event Center to expand its licensed premises by the addition of the Business Center measuring approximately 240 feet by 60 feet, the Amy Countryman Arena measuring approximately 244 feet by 359 feet, and the Pavilion III measuring approximately 299 feet by 243 feet to the presently licensed premises located at 4100 N. 84th Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

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

CHANGE OF ZONE 08030 - AMENDING SECTION 27.63.400 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PRESERVATION OF A HISTORIC STRUCTURE AS A PERMITTED SPECIAL USE TO ALLOW THE CITY COUNCIL TO GRANT ADJUSTMENTS TO THE HEIGHT AND AREA REGULATIONS OF THE DISTRICT IN WHICH A HISTORIC STRUCTURE IS LOCATED, AND REPEALING SECTION 27.63.400 AS HITHERTO EXISTING. (RELATED ITEMS: 08-129, 08-130, 08R-231) - CLERK read an ordinance, introduced by Dan Marvin, amending Section 27.63.400 of the Lincoln Municipal Code relating to the preservation of a historic structure or site and reuse thereof as a permitted special use to allow the City Council to grant adjustments to the height and area regulations of the district in which

a historic structure is located; and repealing Section 27.63.400 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 08031 HP - APPLICATION OF CHARLES AND NANCY OGDEN TO DESIGNATE PROPERTY KNOWN AS THE GRISWOLD HOUSE AS A HISTORIC LANDMARK LOCATED AT 1256 FALL CREEK ROAD. (RELATED ITEMS: 08-129, 08-130, 08R-231) - CLERK read an ordinance, introduced by Dan Marvin, 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.

SPECIAL PERMIT 08027 - APPLICATION OF CHARLES AND NANCY OGDEN TO PERMIT THE USE OF A DESIGNATED LANDMARK (HISTORIC STRUCTURE) FOR A SINGLE FAMILY DWELLING TO ALSO INCLUDE CONSTRUCTION OF A CARRIAGE HOUSE (GUEST HOUSE PLUS GARAGE) AS AN ACCESSORY USE AND TO MODIFY THE REAR AND SIDE YARD SETBACKS ON PROPERTY GENERALLY LOCATED AT 1256 FALL CREEK ROAD. (RELATED ITEMS: 08-129, 08-130, 08R-231) (ACTION DATE: 10/6/08)

CHANGE OF ZONE 08045 - AMENDING SECTIONS 27.19.030, 27.21.030, 27.23.030, 27.24.030, 27.27.025 AND 27.67.040 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY THAT GROUP HOMES MUST COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODE REQUIREMENTS AND TO ADD DOMICILIARY CARE FACILITY AND ELDERLY OR RETIREMENT HOUSING AS A CONDITIONAL PERMITTED USE IN THE R-5, R-6, R-7, R-8, AND O-3 ZONING DISTRICTS, AND REPEALING SECTIONS 27.19.030, 27.21.030, 27.23.030, 27.24.030, 27.27.025 AND 27.67.040 AS HITHERTO EXISTING - PRIOR to reading:

CAMP Moved to place Bill No. 08-131 on Pending Indefinitely.
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Dan Marvin, amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Sections 27.19.030, 27.21.030, 27.23.030, 27.24.030, and 27.27.025 to clarify that group homes must comply with all applicable state and local code requirements and to add domiciliary care facility and elderly or retirement housing as a conditional permitted use in the R-5, R-6, R-7, R-8, and O-3 zoning districts, respectively; amending Section 27.67.040

to provide that a parking stall with a minimum width of twelve feet shall be required at the rate of one space for every ten stalls required for elderly or retirement housing; and repealing Sections 27.19.030, 27.21.030, 27.23.030, 27.24.030, 27.27.025, and 27.67.040 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 08047 - APPLICATION OF CASEY'S RETAIL COMPANY FOR A CHANGE OF ZONE FROM H-3 COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND SUPERIOR STREET - CLERK read an ordinance, introduced by Dan Marvin, 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 second time.

PUBLIC HEARING RESOLUTIONS

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR ITS PARTICIPATION IN THE HARRIS OVERPASS PROJECT (NO. 701781) ON O STREET, 3RD TO 9TH STREETS - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85045 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln and the Lincoln-Lancaster County Railroad Transportation Safety District to construct a new vehicular and pedestrian viaduct structure over the existing Burlington Northern Santa Fe Railroad tracks near 3rd and A Street, 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 the Department of Public Works, for transmittal to the Railroad Transportation Safety District.

Introduced by Dan Marvin

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD

TRANSPORTATION SAFETY DISTRICT FOR ITS PARTICIPATION IN THE S.W. 40TH STREET/BNSF OVERPASS PROJECT (NO. 700132) - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85046 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln and the Lincoln-Lancaster County Railroad Transportation Safety District for its participation in the S.W. 40th Street/BNSF Overpass Project (City No. 700132) 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 the Department of Public Works, for transmittal to the Railroad Transportation Safety District.

Introduced by Dan Marvin

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR ITS PARTICIPATION IN THE ANTELOPE VALLEY PROJECT FUNDING - PHASE 1 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85047 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln and the Lincoln-Lancaster County Railroad Transportation Safety District for its participation in the Antelope Valley Project funding - Phase 1, 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 the Department of Public Works, for transmittal to the Railroad Transportation Safety District.

Introduced by Dan Marvin

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

AUTHORIZING AND SUPPORTING THE PARKS & RECREATION DEPARTMENT'S SUBMITTAL OF A GRANT APPLICATION TO THE STATE GAME & PARKS COMMISSION FOR A RECREATIONAL TRAIL PROGRAM GRANT TO ASSIST IN FUNDING THE RELOCATION OF THE BILLY WOLFF - ANTELOPE VALLEY CONNECTOR TRAIL TO THE EAST SIDE OF THE ANTELOPE CREEK CHANNEL BETWEEN 27TH STREET AND J STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85048 WHEREAS, the City of Lincoln through its Parks & Recreation Department is applying to the Nebraska Game and Parks Commission for financial assistance from the Recreation Trails Program Grant funds for the purpose of relocating the Billy Wolff - Antelope Valley Connector Trail to the east side of the Antelope Creek Channel between 27th Street and J Street; and

WHEREAS, the total cost of the project will be \$174,600 of which the Recreation Trails Program request will be \$139,600, and the City's cost will be \$25,000 plus \$10,000 in in-kind administrative and trail removal costs; and

WHEREAS, the City of Lincoln wishes to express its support for the project and its willingness to commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner for the public.

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

1. The City of Lincoln hereby expresses its support for the application being made by its Parks & Recreation Department to the Nebraska Game and Parks Commission for financial assistance from the Recreation Trails Program fund for the purpose of constructing and renovating the project described above and known as the Billy Wolff - Antelope Valley Connector Trail and its commitment to the on-going maintenance of the trail.

2. The City of Lincoln currently has the commitment for \$25,000 plus \$10,000 of in-kind administrative and trail removal costs, or 20% local matching share, for the project elements that are identified on the application form and the supplemental documents and will, as it becomes necessary, allocate the local funds for this project.

3. The City of Lincoln will commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner for public use.

4. The City of Lincoln will not discriminate against any person on the basis of race, color, age, religion, handicap, sex, or national origin in the use of the proposed project acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, and any of the regulations promulgated pursuant to such Act.

5. The City of Lincoln will comply with all rules and regulations of the Recreational Trails Program, applicable Executive Orders and all state laws that govern the grant applicant during the performance of the project.

6. The City of Lincoln will comply with the Federal disability access and use standards where they can be reasonably applied, in accord with the Americans with Disabilities Act of 1991.

7. The Mayor is hereby authorized to sign all documents necessary and required to make application to acquire said grant funds.

8. The City Clerk is directed to transmit a certified copy of this resolution to the Parks & Recreation Department for transmittal to the Nebraska Game and Parks Commission.

Introduced by Dan Marvin

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

AUTHORIZING AND SUPPORTING THE PARKS & RECREATION DEPARTMENT'S SUBMITTAL OF A GRANT APPLICATION TO THE STATE GAME & PARKS COMMISSION FOR A RECREATIONAL TRAIL PROGRAM GRANT TO ASSIST IN FUNDING THE RENOVATION OF THE BOOSALIS TRAIL ALONG HIGHWAY 2 FROM 17TH STREET TO 20TH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85049 WHEREAS, the City of Lincoln through its Parks & Recreation Department is applying to the Nebraska Game and Parks Commission for financial assistance from the Recreation Trails Program Grant funds for the purpose of renovating the Boosalis Trail along Highway 2 from 17th Street to 20th Street; and

WHEREAS, the total cost of the project will be \$118,900 of which the Great Plains Trails Network will provide \$25,000, and the Recreation Trail Program grant request will be \$91,000, and the City's cost will be \$2,900; and

WHEREAS, the City of Lincoln wishes to express its support for the project and its willingness to commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner for the public.

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

1. The City of Lincoln hereby expresses its support for the application being made by its Parks & Recreation Department to the Nebraska Game and Parks Commission for financial assistance from the Recreation Trails Program fund for the purpose of constructing and renovating the project described above and known as the Boosalis Trail and its commitment to the on-going maintenance of the trail.

2. The City of Lincoln currently has the commitment for \$2,900 or 20% local matching share for the project elements that are identified on the application form and the supplemental documents and will, as it becomes necessary, allocate the local funds for this project.

3. The City of Lincoln will commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner for public use.

4. The City of Lincoln will not discriminate against any person on the basis of race, color, age, religion, handicap, sex, or national origin in the use of the proposed project acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, and any of the regulations promulgated pursuant to such Act.

5. The City of Lincoln will comply with all rules and regulations of the Recreational Trails Program, applicable Executive Orders and all state laws that govern the grant applicant during the performance of the project.

6. The City of Lincoln will comply with the Federal disability access and use standards where they can be reasonably applied, in accord with the Americans with Disabilities Act of 1991.

7. The Mayor is hereby authorized to sign all documents necessary and required to make application to acquire said grant funds.

8. The City Clerk is directed to transmit a certified copy of this resolution to the Parks & Recreation Department for transmittal to the Nebraska Game and Parks Commission.

Introduced by Dan Marvin

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

APPROVING A LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN POLICE UNION TO BE EFFECTIVE AUGUST 21, 2008 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85050 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor contract between the City of Lincoln and the Lincoln Police Union, to be effective August 21, 2008, is hereby

approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Dan Marvin

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 1 - 15, 2008 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85051 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 September 16, 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>
Juan Lopez	\$1,320.84	Christine Lamberty \$1,224.43
A'kia Henley	80.00	Khalil Elias Kheder 1,215.00
Peter deBoer Martinson	100.00	Fahri Mehmeti 1,285.51
		Amber Bradshaw 7,231.59

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

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED) - NONE

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

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A PEROT SYSTEM REDEVELOPMENT PROJECT TAX ALLOCATION BOND, SERIES 2008, IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$3,750,000 - PRIOR to reading:

COOK Moved Motion to Amend #2 to accept the 2nd Substitute Ordinance for Bill No. 08-128 now Bill No. 08-128SS.

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

CLERK Read an ordinance, introduced by Jonathan Cook, authorizing the issuance of not to exceed \$3,750,000 Perot Systems Tax Allocation Bonds, Series 2008, for the purpose of (1) paying all or part of the costs of acquiring, constructing, equipping and furnishing certain improvements within the City's Perot Systems Redevelopment Project, including acquiring real estate and/or interests in real estate in connection therewith, (2) capitalizing the interest on the bonds, and (3) paying the costs of issuance thereof; prescribing the form and certain details of the bonds; pledging certain tax allocation and other tax revenues to payment of the principal of and interest on the bonds as the same become due; limiting payment of the bonds to such tax allocation and other tax revenues; creating and establishing funds and accounts; authorizing the sale and delivery of the bonds; delegating, authorizing and directing the finance director to exercise his own independent discretion and judgment in determining and finalizing the terms and provisions with respect to the bonds not specified herein; providing for application of the proceeds of the bonds; taking other action and making other covenants and agreements in connection with the foregoing; and related matters, the third time.

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

The ordinance, being numbered **#19151**, is recorded in Ordinance Book #26, Page

VACATION 08002 - REQUEST OF WHITEHEAD OIL COMPANY TO VACATE THE NORTH-SOUTH ALLEY BETWEEN CAPITOL PARKWAY AND VACATED CADWALLADER'S COURT BETWEEN SOUTH 21ST STREET AND VACATED SOUTH 22ND STREET. (RELATED ITEMS: 08-126, 08-127) - CLERK read an ordinance, introduced by Doug Emery, vacating the north-south alley between Capitol Parkway and vacated Cadwallader's Court between South 21st Street and vacated 22nd Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19152**, is recorded in Ordinance Book #26, Page

COMP. PLAN CONFORMITY 08015 - REQUEST OF WHITEHEAD OIL COMPANY TO DECLARE APPROXIMATELY 2,144.25 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 21ST STREET AND CAPITOL PARKWAY AS SURPLUS AND AUTHORIZING THE SALE THEREOF TO THE ABUTTING PROPERTY OWNER. (RELATED ITEMS: 08-126, 08-127) - PRIOR to reading:

COOK Moved motion to amend #1 to amend Bill No. 08-127 in the following manner:
1. On page 2, line 4, delete \$6,433.00 and insert \$5,853.00.
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, declaring 2,144.25 square feet of City-owned property generally located at the southeast corner of South 21st Street and Capitol Parkway as surplus and authorizing the sale thereof to the abutting property owner, the second 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 #19153, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Mike Morosin, 1500 N. 15th Street, came forward to make known the issues of him not receiving all of his business relocation monies, the house he was relocated to was and still is not in adequate condition, and the dissatisfaction of the moving company having lost, stolen or damaged his business and personal property in the process of moving. He stated he was coerced into signing the payment papers for some of the contractors that had not performed on these contracts and was not informed of his entitlements to relocation assistance and payments provided by the Uniform Act.

This matter was taken under advisement.

Ed Patterson, 700 N. 24th Street, expressed his thoughts of the City investing in the fringe of the city at the expense of the inner city referring to an article in the Journal Star written by Bill Austin.

This matter was taken under advisement.

Dale Gardner, 4415 Calvert Street, stated he appeared before Council one year ago asking his sidewalk be repaired which took over a year for this to be accomplished. He feels it is ridiculous to tell citizens what can be put in their front yards and backyards. He suggested putting money into sidewalks and curbs instead of offering \$1,000 to \$5,000 to new home owners.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

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. (6/23/08 - Placed on Pending Indefinitely, w/con't P.H.) - Deputy City Clerk requested a motion to remove Bill No. 08-73 from Pending to have 2nd reading with continued public hearing on October 13, 2008.

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

CAMP Moved to extend the Pending List to October 6, 2008.
Seconded by Cook & 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 October 6, 2008.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 6:50 P.M.

CAMP Moved to adjourn the City Council meeting of September 29, 2008.
Seconded by Cook & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
So ordered.

Teresa J. Meier, Deputy City Clerk

Judy Roscoe, Senior Office Assistant

