

THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 20, 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

SVOBODA Having been appointed to read the minutes of the City Council proceedings of October 13, 2008 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF RED9, LLC DBA RED9 FOR A CLASS I LIQUOR LICENSE AT 322 S. 9TH STREET;

MANAGER APPLICATION OF JILL S. COCKSON FOR RED9, LLC DBA RED9 AT 322 S. 9TH STREET;

APPLICATION OF RED9, LLC DBA RED9 FOR A CATERING LICENSE TO ITS PROPOSED CLASS I LIQUOR LICENSE AT 322 S. 9TH STREET - Jill Cockson, 2660 Park Avenue, took oath and came forward to answer questions. She stated the place of business was formerly P.O. Pears. They will have regular hours with three full bars with fulltime hours on a nightly basis each day of operation accommodating private events as they come up. She stated they may eventually serve lunches.

This matter was taken under advisement.

APPLICATION OF HERGERT OIL COMPANY DBA SUPER C #2 FOR A CLASS D LIQUOR LICENSE AT 3202 S. 10TH STREET;

MANAGER APPLICATION OF JOEL B. LARSON FOR HERGERT OIL COMPANY DBA SUPER C #2 AT 3202 S. 10TH STREET;

APPLICATION OF HERGERT OIL COMPANY DBA SUPER C #5 FOR A CLASS D LIQUOR LICENSE AT 3400 VILLAGE DRIVE;

MANAGER APPLICATION OF JOEL B. LARSON FOR HERGERT OIL COMPANY DBA SUPER C #5 AT 3400 VILLAGE DRIVE - John Hergert, President of Hergert Oil Company 2540 Stockwell Street, and Joel Larson, Corporate Manager of Hergert Oil Company, 2523 Arlene Avenue, took oath and came forward to answer questions.

John Hergert stated these businesses have Class B liquor licenses. The Williamsburg area has requested wine over the years therefore the request for a Class D liquor license.

This matter was taken under advisement.

AMENDING TITLE 10 OF THE LINCOLN MUNICIPAL CODE BY CREATING A NEW CHAPTER 10.55, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, TO DEFINE THE SAME, TO REGULATE THE USE THEREOF, AND TO PROVIDE PENALTIES FOR VIOLATIONS - John McQuinn, Assistant City Attorney, stated a constituent had requested the City take a look at whether the City could make their ordinance the same as the State Statute which allows these devices to be ridden on streets, sidewalks, other public ways, etc. The City used the State Statute as a template to draft this ordinance which was reviewed by the Mayor's Environmental Committee, Police Dept., Parks and Recreation Dept., and a couple other departments. These are not allowed on the bike trails because a number of the City's bike trails were partially funded with Federal dollars and the condition of those monies was no motorized vehicles be used with the exception of using it as a disability transportation device. These devices (Segway) are allowed in the downtown area on sidewalks, unlike the bicycle, and on streets and bicycle lanes. The segway goes 12.5 mph.

Terry Genrich, Parks and Recreation Dept., stated the Federal Highway is who administers the enhancement program that provides funds to build the trails so they are specific about not allowing motorized vehicles on the trails because the funding is coming for non-motorized types of transportation. They do allow a consideration if there is absolutely no other option then they allow the motorized vehicle to use the trail, but it has to go through a federal process. To allow a motorized vehicle for mobility reasons on the trails will be administered through the Parks and Recreation Dept.

Michael Hendel, 250 S. 28th Street, came forward to state his wife and he own two Segways. He has multiple sclerosis and this allows him mobility. He does not use it in the street unless a car blocks the sidewalk or needing to cross to the other sidewalk.

Cynthia Hendel, 250 S. 28th Street, stated she uses her Segway to go to work at the State Office Building and to the downtown library. She thinks it important to be able to use it in the downtown area.

Captain Doug Srb, Captain of the Northeast Team of the Lincoln Police Dept., came forward to state that LPD does not have a problem with this ordinance. He does not feel there will be a problem with people riding them in the streets, but is necessary this language be in the ordinance because of the need to be in the street at times. A Segway was donated by Wesleyan University to the Police Dept. to be used on the Wesleyan campus by off-duty police officers and there is a desire to be able to expand the use of the device to other areas in University Place such as University Park. There is no age to ride these. The cost is \$5,000 so probably won't be inundated with these any time soon. He is in favor of this ordinance.

Cecil Stewart, 125 N. 11th Street, came forward as a member of the Mayor's Environmental Advisory Task Force, a member of the Transportation Sub-Committee who have looked at the general conditions of potential operation, and Chair of Lincoln Green by Design Network. He feels they are much safer on sidewalks than bicycles and is in favor of this ordinance.

Terry Uland, Downtown Lincoln Assn., stated that a corporate funder is interested in purchasing a Segway for DLA maintenance Business Improvement District to use as a Supervisory vehicle and for B.I.D. activities because it is a greener and more convenient way to get people around downtown. The DLA does not have an official opinion on this as they have not voted on this at their board meeting yet.

Kevin Thomas, 201 N. 14th Street, Cornerstone Printing, came forward to state they have been wanting to get a Segway to use as a delivery vehicle in the downtown area. It would be extremely efficient and very green. He came forward in favor of this ordinance.

This matter was taken under advisement.

APPROVING THE PINE WOODS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND REALTY TRUST GROUP RELATING TO THE ANNEXATION OF APPROXIMATELY 4.87 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF SOUTH 70TH STREET AND SOUTH OF PINE LAKE ROAD. (RELATED ITEMS: 08-R-260, 08-145, 08-146) (ACTION DATE: 10/27/08);

ANNEXATION NO. 08006 - APPLICATION OF REALTY TRUST GROUP TO AMEND THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4.87 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND PINE LAKE ROAD. (RELATED ITEMS: 08-R-260, 08-145, 08-146);

CHANGE OF ZONE 08041 - APPLICATION OF REALTY TRUST GROUP FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PUD AND FOR APPROVAL OF A DEVELOPMENT PLAN FOR MODIFICATIONS TO THE ZONING AND LAND SUBDIVISION ORDINANCES TO DEVELOP APPROXIMATELY 11 DWELLING UNITS AND APPROXIMATELY 53,000 SQUARE FEET OF OFFICE, RETAIL AND/OR COMMERCIAL FLOOR AREA ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND PINE LAKE ROAD. (RELATED ITEMS: 08-R-260, 08-145, 08-146) -

Mike Marsh, Realty Trust Group, 2300 S. 48th Street, came forward representing Realty Trust Group stating this project will be mixed use which could be used for retail and medical use. A 53,000 sq. ft. office building is an option. He stated he likes the P.U.D. which is versatile and flexible.

Marvin Krout, Director of Planning Dept., stated the P.U.D. is twice as large as the annexation because some of the area has already been annexed. It is all zoned R-3 so will go to P.U.D. The temporary turn lanes will be a cost to the developer because these are roads not built to the standard at this time. When land to the south comes available for access then the proposed access on 70th Street will go away, the access will move to the south, that right turn will be in a location where it is available for reimbursement for impact fees. The City probably will end up building it as part of an improvement project and it may or not include impact fees at that point. Probably the developer will develop the property before the improvement to the streets which means he will make the improvements to the turn lanes to make it work.

This matter was taken under advisement.

APPROVING GUIDELINES REGARDING THE USE OF CITY FUNDS AS PART OF THE FY 2008-009 BUDGET FOR RESOURCE DEVELOPMENT AND CARE OF PARKS AND RECREATION FACILITIES - Lynn Johnson, Director of Parks & Recreation, came forward to express appreciation to be able to put these funds into resource development activities. There are five different areas in which they will use these funds and they are: to expand volunteerism programs, to expand the Plan Giving Program, promoting the Endowment and Memorial Programs, looking at a capitol campaign to raise funds with possibly an emphasis on the baseball facilities, and doing some exploration of grant funding sources. The focus for the grant funding sources might be alternative energy sources by investing in facilities such as establishing solar water heating at the municipal pools. They will

contract with Lincoln Parks Foundation for services and anticipate having contracts with a number of independent contractors to assist with these services. Lincoln Parks Foundation and The Great Plains Trails Network have been contacted to help frame some ideas presented.

This matter was taken under advisement.

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

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING SHERYL JORDAN, LEOLA BULLOCK, CORINE SIMON AND MARTHA BROWN TO THE LINCOLN AREA AGENCY ON AGING FOR THREE-YEAR TERMS EXPIRING JULY 1, 2011 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85082 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Sheryl Jordan, Leola Bullock, Corine Simon and Martha Brown to the Lincoln Area Agency on Aging for three-year terms expiring July 1, 2011, is hereby approved.

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 10, 2008, AT 5:30 P.M. FOR THE BOARD OF EQUALIZATION FOR THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY, AND DOWNTOWN MAINTENANCE DISTRICT - CLERK requested motion to approve the hearing date of Monday, November 10, 2008 at 5:30 p.m.:

CAMP So moved.

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 3, 2008 AT 1:30 P.M. FOR THE APPLICATION OF OLD FEDERAL PLACE, LLC DBA JASMINE ROOM INCLUDING AN OUTDOOR AREA 20' X 40' FOR A CLASS I LIQUOR LICENSE LOCATED AT 129 N. 10TH STREET, 1ST FLOOR - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85083 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 3, 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 Old Federal Place LLC dba Jasmine Room and an added outdoor area 20' x 40' for a Class I liquor license located at 129 N. 10th Street, 1st Floor.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 3, 2008 AT 1:30 P.M. FOR THE APPLICATION OF MARTINA ALVAREZ DBA LA HACIENDA DE FLORES FOR A CLASS I LIQUOR LICENSE LOCATED AT 100 N. 1ST STREET, SUITE 4 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85084 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 3, 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 Martina Alvarez dba La Hacienda De Flores for a Class I liquor license located at 100 N. 1st Street, Suite 4.

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

Introduced by Jonathan Cook

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

LIQUOR RESOLUTIONS

APPLICATION OF RED9, LLC DBA RED9 FOR A CLASS I LIQUOR LICENSE AT 322 S. 9TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85085 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 red9, LLC dba red9 for a Class "I" liquor license at 322 S. 9th 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 Jon Camp

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

MANAGER APPLICATION OF JILL S. COCKSON FOR RED9, LLC DBA RED9 AT 322 S. 9TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85086 WHEREAS, red9, LLC dba red9 located at 322 S. 9th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jill S. Cockson be named manager;

WHEREAS, Jill S. Cockson 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 Jill S. Cockson 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 Jon Camp

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

APPLICATION OF RED9, LLC DBA RED9 FOR A CATERING LICENSE TO ITS PROPOSED CLASS I LIQUOR LICENSE AT 322 S. 9TH STREET - CLERK read the following

resolution, introduced by Jon Camp, who moved its adoption for approval:
A-85087 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 ordinance, the City Council recommends that the application of red9, LLC dba red9 for the issuance of a Catering Permit to the existing liquor license, located at 322 S. 9th 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 a copy of this resolution be transmitted by the City Clerk 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 HERGERT OIL COMPANY DBA SUPER C #2 FOR A CLASS D LIQUOR LICENSE AT 3202 S. 10TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85088 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 Hergert Oil Company dba Super C #2 for a Class "D" liquor license at 3202 S. 10th 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 Jon Camp

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

MANAGER APPLICATION OF JOEL B. LARSON FOR HERGERT OIL COMPANY DBA SUPER C #2 AT 3202 S. 10TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85089 WHEREAS, Hergert Oil Company dba Super C #2 located at 3202 S. 10th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Joel B. Larson be named manager;
WHEREAS, Joel B. Larson 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 Joel B. Larson 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 Jon Camp

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

APPLICATION OF HERGERT OIL COMPANY DBA SUPER C #5 FOR A CLASS D LIQUOR LICENSE AT 3400 VILLAGE DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85090 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 Hergert Oil Company dba Super C #5 for a Class "D" liquor license at 3400 Village Drive, 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 Jon Camp

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

MANAGER APPLICATION OF JOEL B. LARSON FOR HERGERT OIL COMPANY DBA SUPER C #5 AT 3400 VILLAGE DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85091 WHEREAS, Hergert Oil Company dba Super C #5 located at 3400 Village Drive, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Joel B. Larson be named manager;

WHEREAS, Joel B. Larson 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 Joel B. Larson 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 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)

AMENDING ORDINANCE NO. 19143, PASSED BY THE CITY COUNCIL ON SEPTEMBER 22, 2008, TO CORRECT THE LEGAL DESCRIPTION FOR THE SURPLUS PROPERTY GENERALLY LOCATED AT SOUTH 46TH STREET AND O STREET (COMP. PLAN CONFORMANCE 07023) - CLERK read an ordinance, introduced by Jon Camp, amending Ordinance 19143 passed by the City Council of the City of Lincoln, Nebraska on September 22, 2008, declaring approximately 2,739 square feet of City-owned property generally located at South 46th Street and O Street as surplus, to correct the legal description of the surplus property, the second time.

AMENDING TITLE 10 OF THE LINCOLN MUNICIPAL CODE BY CREATING A NEW CHAPTER 10.55, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, TO DEFINE THE SAME, TO REGULATE THE USE THEREOF, AND TO PROVIDE PENALTIES FOR VIOLATIONS - CLERK read an ordinance, introduced by Jon Camp, creating Chapter 10.55 of the Lincoln Municipal Code, Electric Personal Assistive Mobility Devices, to define the same, to regulate the use thereof, and to provide penalties for violation, the second time.

APPROVING THE PINE WOODS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND REALTY TRUST GROUP RELATING TO THE ANNEXATION OF APPROXIMATELY 4.87 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF SOUTH 70TH STREET AND SOUTH OF PINE LAKE ROAD (RELATED ITEMS: 08-R-260, 08-145, 08-146) (ACTION DATE: 10/27/08)

ANNEXATION NO. 08006 - APPLICATION OF REALTY TRUST GROUP TO AMEND THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4.87 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND PINE LAKE ROAD (RELATED ITEMS: 08-R-260, 08-145, 08-146) - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 08041 - APPLICATION OF REALTY TRUST GROUP FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PUD AND FOR APPROVAL OF A DEVELOPMENT PLAN FOR MODIFICATIONS TO THE ZONING AND LAND SUBDIVISION ORDINANCES TO DEVELOP APPROXIMATELY 11 DWELLING UNITS AND APPROXIMATELY 53,000 SQUARE FEET OF OFFICE, RETAIL AND/OR COMMERCIAL FLOOR AREA ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND PINE LAKE ROAD (RELATED ITEMS: 08-R-260, 08-145, 08-146) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

PUBLIC HEARING RESOLUTIONS

APPROVING GUIDELINES REGARDING THE USE OF CITY FUNDS AS PART OF THE FY 2008-009 BUDGET FOR RESOURCE DEVELOPMENT AND CARE OF PARKS AND RECREATION FACILITIES - CLERK read the following resolution, introduced by Robin Eschliman passed the gavel to Vice Chair Doug Emery who moved its adoption:

A-85092 WHEREAS, the City of Lincoln frequently enters into public/private partnerships in activities which include the fundraising and securing of outside resources for City purposes which benefit the public; and

WHEREAS, such successful partnerships include, but are not limited to, efforts with the Downtown Lincoln Association, UpDowntowners, Lincoln Partnership for Economic Development, Safe Kids Campaign, various activities in the Aging Department, the Foundation for Lincoln City Libraries and the Lincoln Parks Foundation; and

WHEREAS, the City Council has appropriated \$100,000 in the City 2008-2009 operating budget for the purpose of resource development for the operation, maintenance and repair of existing and future parks and recreation facilities in Lincoln.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that utilization of funds provided for resource development for Parks and Recreation Department facilities should be guided by the following, to wit:

1. Utilization of these funds shall be guided by the goal of establishing programs and activities that are financially self-sustainable over time. The Parks and Recreation Department Director shall establish benchmarks for each of activity and program in order to measure the success of using the funds to leverage outside funding and resources, and provide a report to the City Council in June 2009.

2. The Parks and Recreation Department Director is encouraged to meet with representatives of the Lincoln Parks Foundation and the Great Plains Trails Network to establish a set of proposed fund development activities and programs. Fund development activities should be harmonious and complementary with the mission and activities of the Lincoln Parks Foundation and the Great Plains Trails Network.

3. Funds may be used to support employment of or contracting with one or more individuals by the City, contracting with the Lincoln Parks Foundation for services, or to contract with a private fundraising company.

4. Funds may be used for salary, benefits, overhead, marketing, contractual services, and as matching funds to support fund development

activities benefitting Parks and Recreation facilities.

5. Fund development efforts may include, but are not limited to, seeking donations for capital improvement projects and endowments, planned giving, sponsorships, grants from businesses, individuals, government, and volunteer programs for the operation, maintenance, and repair of existing parks, trails, and swimming pools.

6. Efforts should be made to establish endowment funds for the ongoing care of existing and new Parks and Recreation facilities including parks, trails, and swimming pools.

Introduced by Robin Eschliman

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

APPROVING A TWO-YEAR GRANT CONTRACT BETWEEN THE CITY OF LINCOLN AND MADONNA REHABILITATION HOSPITAL TO PROVIDE GRANT FUNDS IN THE AMOUNT OF \$26,000.00 PER YEAR FOR ITS COMMUNITY MEDICAL TRANSPORTATION PROGRAM -

CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85093 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached two-year Grant Contract between the City of Lincoln and the Madonna Rehabilitation Hospital to provide grant funds in the amount of \$26,000.00 per year for its Community Medical Transportation Program, upon the terms and conditions as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one fully executed original Contract to Madonna Rehabilitation Hospital, 5401 South Street, Lincoln, NE 68506-2134, and a copy of said Contract to the Finance Department.

Introduced by Jon Camp

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

APPROVING A TWO-YEAR GRANT CONTRACT BETWEEN THE CITY OF LINCOLN AND VOICES OF HOPE TO PROVIDE GRANT FUNDS IN THE AMOUNT OF \$22,500.00 PER YEAR FOR ITS CRISIS INTERVENTION PROGRAM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85094 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached two-year Grant Contract between the City of Lincoln and Voices of Hope to provide grant funds in the amount of \$22,500.00 per year for its Crisis Intervention Program, upon the terms and conditions as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one fully executed original Contract to Voices of Hope, 2545 N Street, Lincoln, NE 68510-1250, and a copy of said Contract to the Finance Department.

Introduced by Jon Camp

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

APPROVING A TWO-YEAR GRANT CONTRACT BETWEEN THE CITY OF LINCOLN AND MATT TALBOT KITCHEN TO PROVIDE GRANT FUNDS IN THE AMOUNT OF \$15,000.00 PER YEAR FOR ITS FOOD/SHELTER SECURITY PROGRAM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85095 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached two-year Grant Contract between the City of Lincoln and Matt Talbot Kitchen & Outreach to provide grant funds in the amount of \$15,000.00 per year for its Food/Shelter Security Program, upon the terms and conditions as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one fully executed original Contract to Matt Talbot Kitchen & Outreach, 1911 R Street, Lincoln, NE 68503, and a copy of said Contract to the Finance Department

Introduced by Jon Camp

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

APPROVING A TWO-YEAR GRANT CONTRACT BETWEEN THE CITY OF LINCOLN AND LIGHTHOUSE, INC. TO PROVIDE GRANT FUNDS IN THE AMOUNT OF \$25,000.00 PER YEAR FOR ITS LIGHTHOUSE AFTER-SCHOOL PROGRAM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85096 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached two-year Grant Contract between the City of Lincoln and Lighthouse, Inc. to provide grant funds in the amount of \$25,000.00 per year for its Lighthouse After-school Program, upon the terms and conditions as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one fully executed original Contract to Lighthouse, Inc., 2601 N Street, Lincoln, NE 68510, and a copy of said Contract to the Finance Department.

Introduced by Jon Camp

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)

AMENDING CHAPTER 27.35 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW FIGURE 27.35.070(A) TO REFLECT MAXIMUM HEIGHTS WITHIN THE B-4 DISTRICT AT THE END OF CHAPTER 27.35 AS PROVIDED FOR IN SECTION 27.35.070 - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 27.35 of the Lincoln Municipal Code relating to the B-4 Lincoln Center Business District by adding a new Figure 27.35.070(a) to reflect maximum heights within the B-4 district, the first time.

REQUEST FOR BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$932,000.00 CITY OF LINCOLN, NEBRASKA BLOCK 85 REDEVELOPMENT PROJECT TAX ALLOCATION BONDS. (RELATED ITEMS: 08-148, 08R-268, 08R-269) - CLERK read an ordinance, introduced by Jonathan Cook, authorizing and providing for the issuance of a City of Lincoln, Nebraska Tax Allocation Bond, Series 2008, in a principal amount not to exceed \$932,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the City's Block 85 Redevelopment Project Area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bond; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bond as the same become due; limiting payment of the bonds to such tax revenues; creating and establishing funds and accounts; delegating, authorizing

and directing the finance director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bond not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the first time.

APPROVING THE BLOCK 85 REDEVELOPMENT AGREEMENT BETWEEN HAYMARKET SOUTH, LLC, WRK, LLC, AIRSPACE, LLC, AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED ON BLOCK 85 FROM 8TH TO 9TH STREETS, AND M STREET TO ROSA PARKS WAY. (RELATED ITEMS: 08-148, 08R-268, 08R-269)
(ACTION DATE: 11/3/08)

AMENDING THE FY 08/09 CIP TO AUTHORIZE AND APPROPRIATE \$932,000 IN TIF FUNDS

FOR THE BLOCK 85 REDEVELOPMENT PROJECT GENERALLY LOCATED ON BLOCK 85 FROM 8TH TO 9TH STREETS AND M STREET TO ROSA PARKS WAY. (RELATED ITEMS: 08-148, 08R-268, 08R-269) (ACTION DATE: 11/3/08)

REQUEST FOR BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,800,000.00 CITY OF LINCOLN, NEBRASKA NORTH HAYMARKET ARTS AND HUMANITIES PHASE II REDEVELOPMENT PROJECT TAX ALLOCATION BONDS. (RELATED ITEMS: 08-149, 08R-270, 08R-271) - CLERK read an ordinance, introduced by Jonathan Cook, authorizing and providing for the issuance of a City of Lincoln, Nebraska Tax Allocation Bond, Series 2008, in a principal amount not to exceed \$2,800,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the City's North Haymarket Arts and Humanities Phase II Redevelopment Project Area. Including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bond; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bond as the same become due; limiting payment of the bonds to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the Finance Director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bond not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing, and related matters, the first time.

APPROVING THE NORTH HAYMARKET ARTS AND HUMANITIES PHASE II REDEVELOPMENT AGREEMENT BETWEEN BLOCK 21, LLC AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 8TH AND R STREETS. (RELATED ITEMS: 08-149, 08R-270, 08R-271) (ACTION DATE: 11/3/08)

AMENDING THE FY 08/09 CIP TO AUTHORIZE AND APPROPRIATE \$2.8 MILLION IN TIF FUNDS FOR THE NORTH HAYMARKET ARTS AND HUMANITIES PHASE II REDEVELOPMENT PROJECT GENERALLY LOCATED AT 8TH AND R STREETS. (RELATED ITEMS: 08-149, 08R-270, 08R-271) (ACTION DATE: 11/3/08)

CHANGE OF ZONE 08017 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTION 27.05.020 TO DELETE REFERENCES TO THE DATES OF THE LINCOLN AIRPORT ZONING MAP AND THE AIRPORT ENVIRONS NOISE DISTRICT MAP; BY AMENDING SECTIONS 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, AND 27.24.040, TO DELETE EXPANSION OF NONSTANDARD SINGLE AND TWO-FAMILY DWELLINGS INTO REQUIRED YARDS AS A PERMITTED SPECIAL USE IN THE R-1 THROUGH R-8 ZONING DISTRICTS; BY AMENDING SECTION 27.27.020 TO DELETE THE RESTRICTION THAT TECHNOLOGY TRANSFER INDUSTRIES OR APPLICATIONS MUST BE IN AN AREA DESIGNATED IN THE COMPREHENSIVE PLAN AS A TECHNOLOGY PARK; BY AMENDING SECTION 27.51.030 TO DELETE A REFERENCE TO EMPLOYMENT CENTER; BY AMENDING SECTION 27.61.090 TO DELETE A REFERENCE TO REPEALED SECTION 27.63.540; BY AMENDING SECTION 27.63.260 TO DELETE A REFERENCE TO COUNTY LAND USE MAP (FIGURE 17); BY AMENDING SECTIONS 27.63.380, 27.70.050, AND 27.80.105 RELATING TO SPECIAL PERMITS FOR FLOOD PLAIN CONSTRUCTION, REQUIREMENTS AFTER APPROVAL OF FINAL PLOT PLANS, AND FLOOD PLAIN DEVELOPMENT PERMITS, RESPECTIVELY, TO DELETE REFERENCES TO REPEALED CHAPTER 27.55 (FLOOD PLAIN DISTRICT) AND TO ADD CORRECT REFERENCES TO THE LINCOLN MUNICIPAL CODE; BY REPEALING SECTION 27.63.540 RELATING TO SPECIAL PERMITS FOR EXPANSION OF NONSTANDARD SINGLE AND TWO-FAMILY DWELLINGS INTO REQUIRED YARDS; BY AMENDING SECTION 27.83.020 TO CHANGE A REFERENCE FROM THE CITY OF LINCOLN'S 2025 COMPREHENSIVE PLAN TO THE LINCOLN-LANCASTER COUNTY 2030 COMPREHENSIVE PLAN; AND REPEALING SECTIONS 27.05.020, 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, 27.24.040, 27.27.020, 27.51.030, 27.61.090, 27.63.260, 27.63.380, 27.70.050, 27.80.105, AND 27.83.020 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 27 of the Lincoln Municipal Code relating to zoning by amending Section 27.05.020 to delete references to the dates of the Lincoln Airport Zoning map and the Airport Environs Noise District map; by amending Sections 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, and 27.24.040, to delete expansion of nonstandard single and two-family dwellings into required yards as a permitted special use in the R-1 through R-8 Zoning Districts; by amending Section 27.27.020 to delete the restriction that technology transfer industries or applications must be in an area designated in the Comprehensive Plan as a Technology Park; by amending Section 27.51.030 to delete a reference to Employment Center; by amending Section 27.61.090 to delete a reference to repealed Section 27.63.540; by amending Section 27.63.260 to delete a reference to County Land Use map (Figure 17); by amending Sections 27.63.380, 27.70.050, and 27.80.105 relating to Special Permits for flood plain construction, requirements after approval of final plot plans, and flood

plain development permits, respectively, to delete references to repealed Chapter 27.55 (Flood Plain District) and to add correct references to the Lincoln Municipal Code; by repealing Section 27.63.540 relating to Special Permits for expansion of nonstandard single and two-family dwellings into required yards; by amending Section 27.83.020 to change a reference from the City of Lincoln's 2025 Comprehensive Plan to the Lincoln-Lancaster County 2030 Comprehensive Plan; and repealing Sections 27.05.020, 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, 27.24.040, 27.27.020, 27.51.030, 27.61.090, 27.63.260, 27.63.380, 27.70.050, 27.80.105, and 27.83.020 of the Lincoln Municipal Code as hitherto existing, the first time.

MISC. 08011 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LAND SUBDIVISION ORDINANCE BY AMENDING SECTION 26.11.037 TO DELETE THE PROVISIONS REGARDING EXPIRATION OF AN APPLICATION FOR A PRELIMINARY PLAT WHICH HAS BEEN PLACED ON PENDING; BY AMENDING SECTION 26.11.060 TO DELETE PROVISIONS REGARDING THE EXPIRATION OF FINAL PLATS; BY AMENDING SECTION 26.19.010 TO DELETE THE REQUIREMENT THAT SIGNATURES BE IN BLACK OPAQUE INK; BY AMENDING SECTION 26.31.010 TO DELETE THE PROVISION REGARDING THE EXPIRATION OF EXISTING REQUESTS FOR MODIFICATION OF THE REQUIREMENTS OF TITLE 26; BY CREATING A NEW CHAPTER 26.35 ENTITLED GENERAL PROVISIONS BY ADDING A NEW SECTION NUMBERED 26.35.010 TO PROVIDE PROVISIONS FOR AMENDING TITLE 26 AND ADDING A NEW SECTION NUMBERED 26.35.020 TO PROVIDE PROVISIONS FOR EXPIRATION OF APPLICATIONS; AND REPEALING SECTIONS 26.11.037, 26.11.060, 26.19.010, AND 26.31.010 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jonathan Cook, Amending Title 26 of the Lincoln Municipal Code relating to the Land Subdivision ordinance by amending Section 26.11.037 to delete the provisions regarding expiration of an application for a Preliminary Plat which has been placed on pending; by amending section 26.11.060 to delete provisions regarding the expiration of Final Plats; by amending Section 26.19.010 to delete the requirement that signatures be in black opaque ink; by amending Section 26.31.010 to delete the provision regarding the expiration of existing requests for modification of the requirements of Title 26; by creating a new Chapter

26.35 entitled General Provisions by adding a new section numbered 26.35.010 to provide provisions for amending Title 26 and adding a new section numbered 26.35.020 to provide provisions for expiration of applications; and repealing Sections 26.11.037, 26.11.060, 26.19.010, and 26.31.010 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 08049 - REQUEST OF RJL DEVELOPMENT NORTH, LTD. FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON APPROXIMATELY 7.75 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 40TH STREET AND OLD CHENEY ROAD. (08-152, 08R-273) - CLERK read an ordinance, introduced by Jonathan Cook, 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.

USE PERMIT 58G - APPLICATION OF RJL DEVELOPMENT NORTH, LTD. TO AMEND THE WILLIAMSBURG VILLAGE USE PERMIT TO SHOW A CHANGE OF ZONE FROM O-3 TO B-2 TO ACCOMMODATE THE EXPANSION OF THE EXISTING HYVEE STORE AND TO UPDATE THE LAND USE TABLE AND SITE LAYOUT, INCLUDING A REQUEST TO REDUCE SETBACKS WITHIN THE DESIGNATED BUILDABLE AREA TO ZERO, ON PROPERTY GENERALLY LOCATED AT SOUTH 40TH STREET AND OLD CHENEY ROAD. (08-152, 08R-273) (ACTION DATE: 11/3/08)

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

AMENDING CHAPTER 2.62 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN A TO PROVIDE A 1.5% COLA AND A 4% INCREASE IN MEMBER CONTRIBUTIONS. (RELATED ITEMS: 08-133, 08-134, 08-135, 08R-240, 08R-241) PRIOR to reading:

SPATZ Moved to place Bill No. 08-133 on Pending Indefinitely.
Seconded by Svoboda & **LOST** by the following vote: AYES: Camp, Eschliman, Spatz; NAYS: Cook, Emery, Marvin, Svoboda.

Dan Marvin stating for the record, I agree with Jonathan, this was a compromise, definitional compromise, a settlement of differences where consent was reached by mutual concession. I think what the Mayor asked when he said, "I have a very tight budget. I'd like some give on the demands for increase," and I think what the firefighters wanted was to

make good on a promise that made 17 years ago to work towards some kind of COLA and between those two they reached a compromise. The City was granted 2.4% increase. People who get Social Security payments will be seeing a 5% increase here, so, and the firefighters got on their end of it the fulfillment of a promise that has taken 17 years which Mayor Johanns was the one who kind of initiated that program too by the way. And, I don't think there is a lot of wiggle room in the budget and I don't know what we'll get in Plan B. The Plan B without the COLA is likely, and I think Mr. Spatz has articulated that, is likely to be more money. Is it going to be hundreds of thousands dollars more? Is it going to be millions more? I don't know, but that is going to make it very difficult for taxpayers. People expect services from other departments. It's just going to be difficult for the City so I think that's a mistake to turn this down. I spoke to Mr. Cripe this morning, I said, "How often does it happen that Council members turn down a contract like this?" He said, "It doesn't happen." He didn't say, Oh it happens on occasion, he says it doesn't happen. So, what this Council is doing is not something that is, at the margin is kind of unusual, it's just something that doesn't happen. And, Jon talked about executive sessions, what was and wasn't said in there and I won't, I'm not going to characterize what was said in there, but Jon's interpretation was that we had executive sessions and that we didn't give direct..., or not enough direction was given to the Mayor. I don't share that opinion Jon. I sat in those executive session meetings and I believe that enough directions was given to the Mayor that was consistent with the contract that we have before use. So, I think it is unfortunate that we're going to vote this down. I think it is unusual and that's not me that's Mr. Cripe saying that. And, I think it's going to cost taxpayers either in services or else, otherwise turning this contract down. I think that's is a mistake.

CLERK Read an ordinance, introduced by Ken Svoboda, amending Chapter 2.62 of the Lincoln Municipal Code relating to the Police & Fire Pension, Plan A, by amending Section 2.62.020 to add a definition for "COLA (Cost of Living Adjustment) contribution"; amending Section 2.62.045 to require applicable members to make COLA contributions while enrolled in the DROP program; amending Section 2.62.070 to provide that members who terminate with less than ten years of service are not entitled to reimbursement of COLA contributions; amending Section 2.62.140 to clarify that members not entitled to COLA pursuant to Section 2.62.145 shall continue to receive lump sum payments (13th check); adding a new section numbered 2.62.145 to provide for an annual percentage increase as a cost of living adjustment for eligible members; amending Section 2.62.160 to establish the COLA contribution percentage from applicable members; and repealing Sections 2.62.020, 2.62.045, 2.62.070, 2.62.140, and 2.62.160 of the Lincoln Municipal Code as hitherto existing, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Emery & **LOST** by the following vote: AYES: Cook, Emery, Marvin; NAYS: Camp, Eschliman, Spatz, Svoboda.
The ordinance, having **LOST**, was assigned the File #38-4576 & was placed on file in the Office of the City Clerk.

AMENDING CHAPTER 2.65 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN B TO PROVIDE A 1.5% COLA AND A 4% INCREASE IN MEMBER CONTRIBUTIONS. (RELATED ITEMS: 08-133, 08-134, 08-135, 08R-240, 08R-241)
- CLERK read an ordinance, introduced by Ken Svoboda, amending Chapter 2.65 of the Lincoln Municipal Code relating to the Police & Fire Pension, Plan B, by amending Section 2.65.020 to add a definition for "COLA (Cost of Living Adjustment) contribution"; amending Section 2.65.045 to require applicable members to make COLA contributions while enrolled in the DROP program; amending Section 2.65.070 to provide that members who terminate with less than ten years of service are not entitled to reimbursement of COLA contributions; amending Section 2.65.140 to clarify that members not entitled to COLA pursuant to Section 2.65.145 shall continue to receive lump sum payments (13th check); adding a new section numbered 2.65.145 to provide for an annual percentage increase as a cost of living adjustment for eligible members; amending Section 2.65.160 to establish the COLA contribution percentage from applicable members; and repealing Sections 2.65.020, 2.65.045, 2.65.070, 2.65.140, and 2.65.160 of the Lincoln Municipal Code as hitherto existing, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Emery & **LOST** by the following vote: AYES: Cook, Emery, Marvin; NAYS: Camp, Eschliman, Spatz, Svoboda.
The ordinance, having **LOST**, was assigned the File #38-4577 & was placed on file in the Office of the City Clerk.

AMENDING CHAPTER 2.66 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN C TO PROVIDE A 1.5% COLA AND A 4% INCREASE IN MEMBER CONTRIBUTIONS. (RELATED ITEMS: 08-133, 08-134, 08-135, 08R-240, 08R-241)

- CLERK read an ordinance, introduced by Ken Svoboda, amending Chapter 2.66 of the Lincoln Municipal Code relating to the Police & Fire Pension, Plan B, by amending Section 2.66.020 to add a definition for "COLA (Cost of Living Adjustment) contribution"; amending Section 2.66.045 to require applicable members to make COLA contributions while enrolled in the DROP program; amending Section 2.66.070 to provide that members who terminate with less than ten years of service are not entitled to reimbursement of COLA contributions; amending Section 2.66.107 to clarify that members not entitled to COLA pursuant to Section 2.66.108 shall continue to receive lump sum payments (13th check); adding a new section numbered 2.66.108 to provide for an annual percentage increase as a cost of living adjustment for eligible members; amending Section 2.66.120 to establish the COLA contribution percentage from applicable members; and repealing Sections 2.66.020, 2.66.045, 2.66.070, 2.66.107, and 2.66.120 of the Lincoln Municipal Code as hitherto existing, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Emery & **LOST** by the following vote: AYES: Cook, Emery, Marvin; NAYS: Camp, Eschliman, Spatz, Svoboda.
The ordinance, having **LOST**, was assigned the File #38-4578 & was placed on file in the Office of the City Clerk.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND IAFF, LOCAL 644, EFFECTIVE AUGUST 21, 2008. (RELATED ITEMS: 08-133, 08-134, 08-135, 08R-240, 08R-241) (ACTION DELAYED 1 WK TO 10/20/08)- CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

Seconded by Emery & **LOST** by the following vote: AYES: Cook, Emery, Marvin NAYS: Camp, Eschliman, Spatz, Svoboda.
The resolution, having **LOST**, was assigned the File #38-4579 & was placed on file in the Office of the City Clerk.

APPROVING A TRANSFER OF APPROPRIATIONS AND CASH WITHIN THE 2008-2009 OPERATING BUDGET FROM THE FIRE & RESCUE GENERAL FUND, EMS ENTERPRISE FUND, GRANTS-IN-AID FUND, BUILDING & SAFETY FUND, SOCIAL SECURITY FUND AND POLICE GENERAL FUND FOR REALLOCATION TO THE POLICE AND FIRE PENSION FUND IN THE AMOUNT OF \$356,342.00. (RELATED ITEMS: 08-133, 08-134, 08-135, 08R-240, 08R-241) (ACTION DELAYED 1 WK TO 10/20/08) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

Seconded by Emery & **LOST** by the following vote: AYES: Cook, Emery, Marvin; NAYS: Camp, Eschliman, Spatz, Svoboda.
The resolution, having **LOST**, was assigned the File #38-4580 & was placed on file in the Office of the City Clerk.

APPROVING THE TRANSFER OF CASH AND APPROPRIATION OF UNSPENT FUND BALANCE IN THE AMOUNT OF \$750,000 IN FY 2008-09 FROM THE STREET CONSTRUCTION FUND BALANCE TO PROJECT NO. 070716 SIDEWALK MAINTENANCE AND REPAIR - CLERK read an ordinance, introduced by Ken Svoboda, approving the transfer of cash and appropriation of unspent fund balance from the Street Construction Fund Balance to Sidewalk Maintenance and Repair in accordance with Ordinance 18863 for the issuance of Highway Allocation Bonds, the third time.

SVOBODA 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 #19157, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 08040 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY ADDING A NEW SECTION NUMBERED 27.03.638 TO DEFINE WIND ENERGY CONVERSION SYSTEM (WECS); BY AMENDING SECTIONS 27.07.020, 27.09.020, 27.11.020, 27.13.020, 27.15.020, 27.17.020, 27.19.020, 27.21.020, 27.23.020, 27.24.020, 27.25.020, 27.26.020, 27.27.020, 27.29.020, 27.31.030, 27.33.020, 27.37.020, 27.39.020, 27.41.020, 27.43.020, 27.45.020 TO ADD WECS AS A PERMITTED USE IN THE AG, AGR, R-1 THROUGH R-8, O-1 THROUGH O-3, B-1, B-2, B-3, B-5 AND H-1 THROUGH H-4 ZONING DISTRICTS; BY AMENDING SECTIONS 27.07.030, AND 27.09.030 TO ADD WECS OVER THE DISTRICT HEIGHT AS A PERMITTED CONDITIONAL USE IN THE AG AND AGR DISTRICTS, AMENDING SECTIONS 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, 27.24.040, 27.25.030, 27.26.040, 27.27.030, 27.29.040, 27.31.050, 27.33.040, 27.35.030, 27.37.030, 27.45.030, 27.47.030, 27.49.040 AND 27.51.050 TO ADD WECS OVER THE DISTRICT HEIGHT AS A PERMITTED SPECIAL USE IN THE R-1 THROUGH R-8, O-1 THROUGH O-3, B-1 THROUGH B-5, H-1 THROUGH H-4, AND I-1 THROUGH I-3 ZONING DISTRICTS; AMENDING SECTION 27.63.420 TO AMEND THE SPECIAL PERMIT REQUIREMENTS FOR WECS; AMENDING SECTION 27.71.025 TO CLARIFY WECS MAY EXCEED THE HEIGHT OF THE DISTRICT IN WHICH THE WECS IS LOCATED; AND REPEALING SECTIONS 27.07.020, 27.07.030, 27.09.020, 27.09.030, 27.11.020, 27.11.040, 27.13.020, 27.13.040, 27.15.020, 27.15.040, 27.17.020, 27.17.040, 27.19.020, 27.19.040, 27.21.020, 27.21.040, 27.23.020, 27.23.040, 27.24.020, 27.24.040, 27.25.020, 27.25.030,

27.26.020, 27.26.040, 27.27.020, 27.27.030, 27.29.020, 27.29.040, 27.31.030, 27.31.050, 27.33.020, 27.33.040, 27.35.030, 27.37.020, 27.37.030, 27.39.020, 27.39.030, 27.41.020, 27.41.040, 27.43.020, 27.43.040, 27.45.020, 27.45.030, 27.47.030, 27.49.040, 27.51.050, 27.63.420, AND 27.71.025 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 27 of the Lincoln Municipal Code relating to zoning by adding a new Section numbered 27.03.638 to define Wind Energy Conversion System (WECS); by amending Sections 27.07.020, 27.09.020, 27.11.020, 27.13.020, 27.15.020, 27.17.020, 27.19.020, 27.21.020, 27.23.020, 27.24.020, 27.25.020, 27.26.020, 27.27.020, 27.29.020, 27.31.030, 27.33.020, 27.37.020, 27.39.020, 27.41.020, 27.43.020, 27.45.020 to add WECS as a permitted use in the AG, AGR, R-1 through R-8, O-1 through O-3, B-1, B-2, B-3, B-5 and H-1 through H-4 zoning districts; by amending Sections 27.07.030, and 27.09.030 to add WECS over the district height as a permitted conditional use in the AG and AGR Districts, amending Sections 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, 27.24.040, 27.25.030, 27.26.040, 27.27.030, 27.29.040, 27.31.050, 27.33.040, 27.35.030, 27.37.030, 27.45.030, 27.47.030, 27.49.040 and 27.51.050 to add WECS over the district height as a permitted special use in the R-1 through R-8, O-1 through O-3, B-1 through B-5, H-1 through H-4, and I-1 through I-3 zoning districts; amending Section 27.63.420 to amend the special permit requirements for WECS; amending Section 27.71.025 to clarify WECS may exceed the height of the district in which the WECS is located; and repealing Sections 27.07.020, 27.07.030, 27.09.020, 27.09.030, 27.11.020, 27.11.040, 27.13.020, 27.13.040, 27.15.020, 27.15.040, 27.17.020, 27.17.040, 27.19.020, 27.19.040, 27.21.020, 27.21.040, 27.23.020, 27.23.040, 27.24.020, 27.24.040, 27.25.020, 27.25.030, 27.26.020, 27.26.040, 27.27.020, 27.27.030, 27.29.020, 27.29.040, 27.31.030, 27.31.050, 27.33.020, 27.33.040, 27.35.030, 27.37.020, 27.37.030, 27.39.020, 27.39.030, 27.41.020, 27.41.040, 27.43.020, 27.43.040, 27.45.020, 27.45.030, 27.47.030, 27.49.040, 27.51.050, 27.63.420, and 27.71.025 of the Lincoln Municipal Code as hitherto existing, the third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19158**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 08043 - REQUEST OF WRK, LLC, ON BEHALF OF HAYMARKET SOUTH LLC AND INFINITY S DEVELOPMENT CO. FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON APPROXIMATELY 1.03 ACRES GENERALLY LOCATED AT S. 8TH STREET AND M STREET - CLERK read an ordinance, introduced by Ken Svoboda, 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 third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19159**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 08046 - REQUEST OF THE HISTORIC PRESERVATION COMMISSION, ON BEHALF OF AGINVEST, FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO R-3 RESIDENTIAL DISTRICT ON APPROXIMATELY 2.7 ACRES GENERALLY LOCATED AT N. 14TH STREET AND MORTON STREET. (RELATED ITEMS: 08-139, 08-73) - CLERK read an ordinance, introduced by Ken Svoboda,

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 third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19160**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 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.) (9/29/08 - REMOVED FROM PENDING TO HAVE 2ND READING WITH CONTINUED PUBLIC HEARING ON 10/13 WITH ACTION ON 10/20) (RELATED ITEMS: 08-139, 08-73) - 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 third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19161**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 08048 - REQUEST OF HARTLAND HOMES FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON APPROXIMATELY 8.500 SQ. FT. OF PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND W. ADAMS STREET - CLERK read an ordinance, introduced by Ken Svoboda, 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 third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19162**, is recorded in Ordinance Book #26, Page

VACATION 08005 - VACATING THE EAST-WEST ALLEY IN BLOCK 21, ORIGINAL PLAT, LINCOLN, GENERALLY LOCATED BETWEEN R AND S STREETS FROM N. 8TH STREET TO N. 9TH STREET - CLERK read an ordinance, introduced by Ken Svoboda, vacating the east-west alley between R Street and S Street from N. 8th Street to N. 9th Street, in Block 21, Original Plat, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19163**, is recorded in Ordinance Book #26, Page

APPROVING THE MASTER FIBER IRU CONVEYANCE AND CONDUIT SHARING AGREEMENT BETWEEN THE CITY AND UNITE PRIVATE NETWORKS FOR THE PLACEMENT AND SHARING OF NETWORK FACILITIES ON CITY EASEMENT AREAS FROM LINCOLN TO THE ASHLAND WATER TREATMENT FACILITIES - CLERK read an ordinance, introduced by Ken Svoboda, 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 certain City easement areas between Lincoln and the Ashland facilities and authorizing the Mayor to sign such Agreement on behalf of the City, the third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19164**, 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 October 27, 2008.

Seconded by Svoboda & 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 27, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 3:31 P.M.

CAMP Moved to adjourn the City Council meeting of October 20, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

